



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 16, 2025

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**

ZONING CASE Z-2024-10700274 CD

**SUMMARY:**

**Current Zoning:** "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** to "R-4 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for four (4) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 3, 2024.

**Case Manager:** Bronte Frere, Zoning Planner

**Property Owner:** Hector M. Acosta and Orphalinda G. Acosta

**Applicant:** Hector Acosta

**Representative:** Hector Acosta

**Location:** 2607 Waverly Avenue

**Legal Description:** Lot 36, Block 21, NCB 9241

**Total Acreage:** 1.653 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 30

**Registered Neighborhood Associations within 200 feet:** University Park Neighborhood Association

**City-Wide Community Organizations:** T.H.U.G.G.I.N. for Christ, Women in Film & Television San Antonio, NES Foundation, Lifeline Overeaters Anonymous

**Applicable Agencies:** Lackland AFB, Planning Department

### **Property Details**

**Property History:** The properties were annexed into the City of San Antonio by Ordinance 5745, dated August 20, 1947, and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.

### **Code & Permitting Details:**

INV-ZRD-22-3170000981- Zoning UDC Investigation- No Violation- April 2022

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a floodplain.

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single-Family Dwellings

**Direction:** South

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single-Family Dwellings

**Direction:** East

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single-Family Dwellings

**Direction:** West

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single-Family Dwellings

### **Overlay District Information:**

The "MLOD-2" Lackland Military Lighting Overlay District does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** Waverly Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Hanover Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Texas Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 82, 89, 282, 289, 524

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for 4 dwelling units is 1.5 spaces per unit and the maximum parking requirement is 2 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family Districts permit single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: "R-4" Residential Single-Family Districts permit single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

The "CD" Conditional use is to permit four (4) dwelling units.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

Subject property is not located within a Regional Center and is within ½ a mile from the General McMullen-Babcock and Bandera Premium Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial with an Alternate Recommendation. Zoning Commission recommends Approval.

**Criteria for Review: According to Section 35-421, zoning amendments shall be based on approval criteria below.**

1. **Consistency:** The subject property is located within the West/Southwest Sector Plan amended April 2011, and is currently designated as “General urban Tier” in the future land use component of the plan. The requested “R-4” base zoning district is consistent with the future land use designation.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is inconsistent with the established development pattern of the surrounding area. Surrounding properties are “R-4” single-family dwellings.
3. **Suitability as Presently Zoned:** The existing “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-4 CD” Residential Single-Family District is not an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” preserves the single-family base zoning district but permits an increased density of four (4) dwelling units on the property, which is uncharacteristic of the surrounding single family uses in the area. Staff’s alternate recommendation to a Conditional use for two (2) dwelling units limits the request but allows for density that is more appropriate to the area. The property is currently permitted a duplex by right, which aligns with staff’s recommendation. The proposed rezoning supports the Strategic Housing Implementation Plan which encourages additional housing for the growing San Antonio population at all income levels.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does appear to conflict with any public policy. Relevant Goals, Objectives and Action Steps of the SA Comprehensive Master Plan may include:
  - **GCF Goal 5:** Growth and city form support improved livability in existing and future neighborhoods.
  - **H Goal 2:** A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.
  - **H Policy 11:** Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.

Relevant Goals, Objectives and Action Steps of the West/Southwest Sector Plan may include:

- Goal HOU-3 Housing is well maintained to help ensure the long-term viability of neighborhoods.

- Goal LU-1 Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses

- 6. Size of Tract:** The 1.653-acre site is not of sufficient size to accommodate the proposed residential development.
- 7. Other Factors:** The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to allow four (4) dwelling units on the property.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses.

The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.