City of San Antonio

Agenda Memorandum

Agenda Date: December 19, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:
ZONING CASE Z-2023-10700321 CD

SUMMARY:
Current Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for four (4) dwelling units

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: December 19, 2023. This item is continued from the December 5, 2023 meeting.

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: Van and Vivian Phan

Applicant: Van and Vivian Phan

Representative: Ortiz McKnight, PLLC

Location: 834 Leal Street

Legal Description: Lot 5, Block 4, NCB 2209

Total Acreage: 0.1873

Notices Mailed
Owners of Property within 200 feet: 34
Registered Neighborhood Associations within 200 feet: Prospect Hill and West End Hope in Action
Applicable Agencies: Planning Department

Property Details
Property History: The subject property was located within the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to "MF-33" Multi-Family District. The property was rezoned by Ordinance 2023-05-04-0286, dated May 4, 2023, to the current "R-6" Residential Single-Family District.

Code & Permitting Details:
There is no relevant code enforcement or permitting history for the subject property.

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

Adjacent Base Zoning and Land Uses
Direction: North
Current Base Zoning: R-6
Current Land Uses: Residential Dwelling

Direction: East
Current Base Zoning: R-6
Current Land Uses: Residential Dwelling

Direction: South
Current Base Zoning: R-6
Current Land Uses: Residential Dwelling

Direction: West
Current Base Zoning: R-6 CD
Current Land Uses: Residential Dwelling

Overlay District Information:
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:
None.

<u>**Transportation**</u>
Thoroughfare: Leal Street
Existing Character: Local
Proposed Changes: None known.

Thoroughfare: North San Jacinto Street
Existing Character: Local
Proposed Changes: None known.

Public Transit: There is public transportation within walking distance of the subect property.
Routes Served: 77, 79, 277

Traffic Impact: A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

Parking Information: The minimum parking requirement for 4-family dwelling is 1.5 spaces per unit. The maximum parking requirement for 4-family dwelling is 2 spaces per unit.

ISSUE:
None.

ALTERNATIVES:
Current Zoning: "R-6" Residential Single-Family District permits dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

Proposed Zoning: "R-6 CD" Residential Single-Family District permits dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

The conditional use would permit four (4) dwelling units.

FISCAL IMPACT:
None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:
The subject property is not located within a Regional Center but within ½ a mile from the Fredericksburg Premium Transit Corridor.

RECOMMENDATION:
Staff Analysis and Recommendation: Staff recommends Denial, with an Alternate Recommendation of "R-6 CD" Residential Single-Family District with a Conditional Use for three (3) dwelling units.

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

1. **Consistency:** The subject property is not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.

2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area.

3. **Suitability as Presently Zoned:** The existing "R-6" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "R-6 CD" Residential Single-Family District with a Conditional Use for four (4) dwelling units is not an appropriate zoning for the property and surrounding area. There are zoning districts on the block face that permit two or three dwelling units, thus staff recommends an alternate of three (3) dwelling units to allow additional units but stay consistent with established uses. The request allows additional density which is consistent with the Strategic Housing Implementation Plan which encourages diverse housing options for 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 not appear to conflict with any public policy objective.

   Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:
   - GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
   - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
   - GCF Policy 14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
   - Housing 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.
   - Housing Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
   - Housing Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
   - Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

6. **Size of Tract:** The 0.1873 acre site is 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 develop four (4) dwelling units.

The proposed rezoning maintains the residential base district but is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100.   Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.