



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 17, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2024-10700288 CD

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-6 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 two (2) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 17, 2024

**Case Manager:** Samantha Benavides, Zoning Planner

**Property Owner:** Maria de Lourdes Vasquez

**Applicant:** Maria de Lourdes Vasquez

**Representative:** Jose J. Vasquez

**Location:** 1202 Northwest 36th Street

**Legal Description:** Lot 1, Block 12, NCB 10396

**Total Acreage:** 0.1901 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 32

**Registered Neighborhood Associations within 200 feet:** N/A

**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 property was annexed into the City of San Antonio by Ordinance 2590, dated September 6, 1945, 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 98691, dated January 8, 2004 to the current "R-6" Residential Single-Family District.

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

There is no code enforcement or permitting history for the subject property.

**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-6"

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

**Direction:** East

**Current Base Zoning:** "R-6"

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

**Direction:** South

**Current Base Zoning:** "R-6"

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

**Direction:** West

**Current Base Zoning:** "R-6"

**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:** Northwest 36<sup>th</sup> Street

**Existing Character:** Minor Secondary Arterial B

**Proposed Changes:** None Known

**Thoroughfare:** Plainview Drive

**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, 282

**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 two dwelling units is 1 space per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District allows single-family 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 allows single-family 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 "CD" Conditional Use is for two (2) dwelling units.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center or within ½ a mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff 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, adopted in 2011, and is currently designated as "General Urban Tier" in the future land use component of the plan. The requested "R-6 CD" base zoning district is consistent with the future land use designation.
- 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. The surrounding properties are zoned "R-6" Residential Single-Family District.
- 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 two (2) dwelling units is also appropriate. The request to rezone is to permit the use of a second dwelling unit within an existing accessory dwelling unit on the property. The applicant and property owner live on the abutting property at the rear, prompting the request to rezone. Given that the second unit is already existing on the property, staff finds that the request to rezone is appropriate to accommodate the proposed use. Additionally, the applicant will have to adhere to the prescribed site plan required for Conditional Use zoning, and any deviation from the approved document could potentially warrant additional council consideration.
- 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 objectives. Relevant Goals and Policies of the West/Southwest Sector Plan may include:
  - Goal HOU-1: Housing stock is diverse, and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan.
  - HOU-1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood.
  - LU-1.4: Allow for greater densities in neighborhoods adjacent or proximate to existing and planned activity centers and pedestrian oriented commercial nodes. Density should decrease as the distance from the activity center increases.
- 6. Size of Tract:** The 0.1901-acre site is of sufficient size to accommodate the proposed residential development.
- 7. Other Factors:** 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.

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 two (2) dwelling units.

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

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.