



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 20, 2025

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2024-10700320

**SUMMARY:**

**Current Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District

**Requested Zoning:** "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 18, 2025

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

**Property Owner:** Scott Tolan and Mike Ward

**Applicant:** Law Office of Rene Ruiz, PC

**Representative:** Law Office of Rene Ruiz, PC

**Location:** 741 East Myrtle Street

**Legal Description:** Lots 47 and 48, Block 5, NCB 6793

**Total Acreage:** 0.1377 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 48

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Neighborhood Associations, San Antonio Texas District 1 Resident 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:** Fort Sam Houston

### **Property Details**

**Property History:** The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "D" Apartment District. The property was rezoned by Ordinance 83331, dated December 14, 1995, from "D" Apartment District to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

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

Short Term Rental (STR) Permit (STR-20-13500040) January 2020

Short Term Rental (STR) Permit Renewal (STR-22-13600459) December 2022

Short Term Rental (STR) Permit Application (STR-24-13401080) September 2024

**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", "IDZ-2", "C-3NA"

**Current Land Uses:** Vacant, Single-Family Dwellings, Multi-Family, Office, Retail

**Direction:** East

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

**Current Land Uses:** Single Family Dwellings

**Direction:** South

**Current Base Zoning:** "R-6", "IDZ-1", "RM-4"

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

**Direction:** West

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

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

### **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:**

N/A

**Transportation**

**Thoroughfare:** East Myrtle Street

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 8

**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 DWELLING - 2 FAMILY cluster parking allowed is 1 space per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District permits a 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: "RM-6" Residential Mixed Use District permits a single-family dwelling (detached, attached or townhouse), two-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 6,000 square feet and a minimum lot width of 15 feet, foster family home, public and private schools.

**FISCAL IMPACT:**

None

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

The subject property is located within the Midtown Regional Center, and within ½ a mile from the New Braunfels Ave and Austin Highway Metro Premium Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 Midtown Area Regional Center Plan, adopted in 2019, and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "RM-6" 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. Surrounding properties are zoned "IDZ" Infill Development Zone, "C-3NA" General Commercial Nonalcoholic Sales District, "R-6" Residential Single-Family District, "RM-4" Residential Mixed Use District and "IDZ-1" Limited Intensity Infill Development Zone.
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 "RM-6" Residential Mixed District is also appropriate. The request to rezone is to permit the use of the two existing dwelling units on the property. The surrounding area is comprised of a mix of densities, making the proposal consistent with what is currently present in the area. Additionally, the proposed zoning is also consistent with the goals of the Strategic Housing Implementation Plan which encourages the development of alternate housing types to accommodate the city's growing 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 not appear to conflict with any public policy objectives. Relevant Goals and Policies of the Midtown Area Regional Center Plan may include:
  - Goal 1: Preserve the Midtown Area's Distinct Character
  - Goal 4: Support Unique, Mixed Activity Areas
  - Goal 5: Broaden Housing Choices
  - Goal 11: Grow Unique Destinations
6. **Size of Tract:** The 0.1377-acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

For properties zoned "RM" or "MF" that abut lots zoned residential or are developed with a single-family use, the height is restricted to the maximum height of the single family district within 50 feet of the property line.

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