



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** July 16, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**

ZONING CASE Z-2023-10700266 CD

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-5 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 three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 16, 2024. This case was continued from April 2, 2024, April 16, 2024, May 7, 2024, May 21, 2024, and June 4, 2024.

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** Gabriela Sanchez

**Applicant:** Guillermo Sanchez

**Representative:** Emily Delgado

**Location:** 5518 Ivanhoe Street

**Legal Description:** Lot 57, Block 4, NCB 13892

**Total Acreage:** 0.1439 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 44

**Registered Neighborhood Associations within 200 feet:** Culebra Park Neighborhood Association and Thunderbird Hills Neighborhood Association

**Applicable Agencies:** Planning Department and Lackland Air Force Base

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and zoned "A" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

**Code & Permitting Details:**

BOA-23-10300086: Parking Variance- Denied

INV-PBP-22-3100001039: PMT-Building Without a Permit

**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-5"

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

**Direction:** South

**Current Base Zoning:** "R-5"

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

**Direction:** East

**Current Base Zoning:** "R-5"

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

**Direction:** West

**Current Base Zoning:** "R-5"

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

**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.

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.

**Special District Information:**

There is no special district information.

**Transportation**

**Thoroughfare:** Ivanhoe Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Marshwood Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

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

**Routes Served:** 89, 289

**Traffic Impact:** A TIA study may be required based on the information provided at time of platting and/or permitting. The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502.

A TIA Report is Not Required.

**Parking Information:** The minimum parking requirements for "Dwelling- 3 Family" is 1.5 per unit. The maximum is 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-5" Residential Single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

Proposed Zoning: "R-5 CD" Residential Single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

The proposed "CD" Conditional Use would allow for three (3) 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 of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff Recommends Denial.

**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-5 CD” Residential Single-Family with a Conditional Use for three (3) dwelling units 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 not consistent with the established development pattern of the surrounding area. Surrounding zoning is “R-5” Residential Single-Family with no additional density.
3. **Suitability as Presently Zoned:** The existing “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-5 CD” Residential Single-Family with a Conditional Use for three (3) dwelling units is not appropriate. The additional dwelling units introduces a higher density that is inconsistent with the existing area. Surrounding properties are single unit homes and the proposed three (3) units are not characteristic of the area.
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 public policy objectives. Relevant Goals and Policies of the West/Southwest Sector Plan may include:  
  
Coal LU-1 Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses:
  - LU-1.3 Ensure that high density / intensity land uses are buffered and screened to reduce the impact on lower density / intensity land uses that are nearby
  - 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 0.1439-acre site is not 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 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 three (3) 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.