



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 25, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**  
ZONING CASE Z-2023-10700297

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-2 MLR-1 AHOD WQ" Residential Single-Family Lackland Military Lighting Region 1 Airport Hazard Overlay West Side Creeks Water Quality Protection Area District

**Requested Zoning:** "R-4 MLOD-2 MLR-1 AHOD WQ" Residential Single-Family Lackland Military Lighting Region 1 Airport Hazard Overlay West Side Creeks Water Quality Protection Area District.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 19, 2023

**Case Manager:** Alfonso Camacho, Senior Planner

**Property Owner:** SAN-TEX LUMBER CO LTD

**Applicant:** Habitat for Humanity

**Representative:** Michael Taylor

**Location:** Generally located in the 4000 block of Fortuna Street

**Legal Description:** 4.653 acres out of NCB 8243

**Total Acreage:** 4.653

### **Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** Los Puentes

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

### **Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “C” Apartment District converted to the “R-6” Residential Single-Family District. On April 6, 2023, City Council approved Ordinance 2023-04-06-0218 amending the official zoning map to apply the West Side Creeks Water Quality Protection Area Overlay to existing base zoning districts.

**Topography:** The property is relatively flat and a small portion of the subject property appears to be within the 100 year floodplain.

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

**Direction:** North

**Current Base Zoning:** R-5

**Current Land Uses:** Single Family Dwelling

**Direction:** East

**Current Base Zoning:** MF-33

**Current Land Uses:** Apartments

**Direction:** South

**Current Base Zoning:** MF-33

**Current Land Uses:** Vacant

**Direction:** West

**Current Base Zoning:** R-6

**Current Land Uses:** Monterrey Park

### **Overlay District Information:**

In the West Side Creeks Water Quality Protection Area “WQ”, water run-off from some land uses may be hazardous to the water quality of the West Side Creeks and its ecosystem. Thus, the Protection Area is designed to ensure adequate treatment of storm water runoff that may potentially produce toxic, corrosive, polluted, poisonous, radioactive, unpalatable, or otherwise dangerous substances injurious to the public health or which could otherwise adversely affect the water quality or supply, and thereby minimizing the risk of potential occurrences wherein such substances could enter the water of the West Side Creeks.

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.

**Transportation**

**Thoroughfare:** N W 36<sup>th</sup> Street

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None Known

**Thoroughfare:** W Commerce Street

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes Served:** 75, 275

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. A Traffic Impact Analysis study may be required based on the information provided at time of platting and/or permitting.

**Parking Information:** Minimum Parking requirement: 1 per residential single-family dwelling unit. Maximum Parking Requirement: N/A.

**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: "R-4" Single-Family Dwelling District permits a 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.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center, but it is within the Commerce-Houston premium transit corridor.

**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 West/Southwest Sector Plan, adopted April 2011, and is currently designated as “General Urban Tier” in the Future Land Use Plan. The requested “R-4” Residential Single-Family 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.
3. **Suitability as Presently Zoned:** The existing "R-6" Residential District is an appropriate zoning for the property and surrounding area. The proposed “R-4” Residential Single-Family District is also appropriate. The rezoning to “R-4” Residential Single-Family District maintains the residential development pattern of the surrounding area. The change in zoning will allow more density. The “R-6” allows up to 34 units and “R-4” allows 51 units. The request also supports the Strategic Housing Implementation Plan (SHIP) for diverse housing options for growing population needs.
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 is consistent with the adopted Sector Plan and does not appear to conflict with any other public policy objective.

Relevant Goals and Policies of the West/Southwest Sector Plan may include:

- Housing Goal 1 – Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan.
- Housing Objective 1.1: Promote quality design and construction for new housing.
- Housing Objective 1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood.
- Goal 2: New housing developments locate near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

- 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 Policy 3 - Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.

6. **Size of Tract:** The 4.7443 acre site is of sufficient size to accommodate a 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, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The property is proposed for development of a residential subdivision with lot sizes of 4,000 square feet. At 4.7443 acres, there could potentially be development of 51 lots.

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.

The subject site is within the Westside Creeks Water Quality Protection Area, mandatory low impact development best management practices or other water quality features will be required for this property. Coordination with Public Works Department and San Antonio River Authority will be required prior to any plat or permit applications. Additionally, the site on the south and west boundaries is within the FEMA 100-year floodplain of Zarzamora Creek. Any work within this floodplain will require a separate Floodplain Development Permit (FPDP) through Public Works Department. Coordination with Public Works Department on what can or cannot be done within the FEMA floodplain shall occur prior to platting/permitting. Lastly, based on recent topography, it appears the tract to the east of the subject site drains through the site in question. Drainage easements will be required to convey this offsite runoff through the subject site and shall be dedicated via the platting process.