



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 3, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2022-10700069

(Associated Plan Amendment PA-2022-11600032)

**SUMMARY:**

**Current Zoning:** "R-5 RIO-4 MLOD-2 MLR-2 AHOD" Residential Single-Family River Improvement Overlay 4 Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "IDZ-2 RIO-4 MLOD-2 MLR-2 AHOD" Medium Intensity Infill Development Zone River Improvement Overlay 4 Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for eight (8) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 3, 2022

**Case Manager:** Despina Matzakos, Planner

**Property Owner:** Amibo Microestates LLC

**Applicant:** Benjamin Bowman, Architect, Assets & Architects

**Representative:** Benjamin Bowman, Architect, Assets & Architects

**Location:** 317 East Theo Avenue

**Legal Description:** Lot 7 & 8, Block 1, NCB 3848

**Total Acreage:** 0.3444 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** Lone Star

**Applicable Agencies:** Lackland Airforce Base, OHP, World Heritage Organization, Planning Department

**Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. The property was rezoned by Ordinance 61454, dated September 19, 1985 to the "R-5" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-5" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

**Topography:** The subject property is located within proximity to a FEMA 100-year flood plain. The subject property is also located within the Aquifer Artesian Zone and the Upper SAR Watershed.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-5

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

**Direction:** South

**Current Base Zoning:** R-5

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

**Direction:** East

**Current Base Zoning:** RIO-4

**Current Land Uses:** River

**Direction:** West

**Current Base Zoning:** R-5

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

**Overlay District Information:**

The "RIO-4" River Improvement Overlay District is an overlay district to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

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:** None.

**Transportation**

**Thoroughfare:** East Theo Avenue

**Existing Character:** Collector

**Proposed Changes:** None Known

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

**Routes Served:** 46 and 246

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking for 3 or more residential dwellings is 1.5 spaces per unit. "IDZ-2" waives the minimum parking requirement by 50%.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-5" Residential Single-Family Districts consist of a 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: "IDZ-2" Medium Intensity Infill Development Zone District allows rezoning requests up to 50 units per acre and uses permitted in "C-2" and "O-1.5". All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city. Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 5,000 square feet and a minimum lot width of 15 feet, public and private schools.

The "IDZ-2" proposes eight (8) dwelling units.

**FISCAL IMPACT:**

None.

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

The property is within the Downtown Regional Center and within 1/2 a mile of the 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 Downtown Area Regional Center Plan and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "IDZ-2" Medium Intensity Infill Development Zone base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Medium Density Residential". Staff recommends Denial. The Planning Commission recommendation is pending the April 27, 2022 hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff finds 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 properties are primarily zoned "R-5" Residential Single-Family District. The proposed rezoning does not fit with the density and the existing single-family character of the neighborhood.
3. **Suitability as Presently Zoned:** The existing "R-5" Residential Single-Family is an appropriate zoning for the property and surrounding area. The proposed "IDZ-2" Medium Intensity Infill Development Zone with uses permitted for eight (8) dwelling units introduces density not already established in the area. The higher density housing encroaches into the single-family character of the neighborhood.
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 any public policy objectives of the Downtown Area Regional Center Plan.

### **Relevant Goals and Policies of the Comprehensive Plan may include:**

GCF Goal 1: Higher-density uses are focused within the city's 13 regional centers and along its arterial and transit corridors.

GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

H P30: Ensure infill development is compatible with existing neighborhoods.

6. **Size of Tract:** The 0.3444 acre site is of sufficient size to accommodate the proposed Residential uses and development.
7. **Other Factors:** The applicant intends to construct eight (8) dwelling units to be oriented toward the San Antonio River.

The subject property is located within the Lackland Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard

and JBSA were notified of the proposed request. The Military has indicated that there are no objections to the request.

This property is located within RIO-4, the River Improvement Overlay. Any new construction will require approval from the Office of Historic Preservation. Approval of a site plan or materials submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for work on this property.