



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 1, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**  
ZONING CASE Z-2023-10700137

**SUMMARY:**

**Current Zoning:** “RM-4 UC-4 AHOD” Residential Mixed North St. Mary's Street Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** “IDZ-2 UC-4 AHOD” Medium Intensity Infill Development Zone North St. Mary's Street Urban Corridor Airport Hazard Overlay District with uses permitted for eight (8) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 1, 2023. This case was continued from the July 18, 2023 hearing.

**Case Manager:** Mark Chavez, Planner

**Property Owner:** Kindle Back LLC

**Applicant:** Carlos Garza

**Representative:** Carlos Garza

**Location:** 314 and 316 McLane Street

**Legal Description:** The north 60 feet of the south 114.6 feet of Lots 1 and 2, the south 54.6 feet of Lots 1 and 2, and the north 7.9 feet of Lots 7 and 8, Block 5, NCB 831

**Total Acreage:** 0.3134

**Notices Mailed****Owners of Property within 200 feet:** 13**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community**Applicable Agencies:** Fort Sam Houston**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the city and was originally zoned "D" Apartment District. The subject property was rezoned by Ordinance 83331, dated December 14, 1995, to "R-2" Two Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two Family Residential converted to the current "RM-4" Residential Mixed District.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain

**Adjacent Base Zoning and Land Uses****Direction:** North**Current Base Zoning:** "RM-4"**Current Land Uses:** Single Family Residential**Direction:** East**Current Base Zoning:** "MF-33"**Current Land Uses:** Apartments**Direction:** South**Current Base Zoning:** "MF-33"**Current Land Uses:** Apartments**Direction:** West**Current Base Zoning:** "C-3NA"**Current Land Uses:** Financial Institution**Overlay District Information:**

The "UC-4" North St. Mary's Street Urban Corridor overlay was established because there are many roadway corridors which have been and/or will continue to be very significant to the city. The corridors are important because they have shaped the sense of what individual neighborhoods are in their role as historic entrances to the city. Other corridors are significant because they serve as gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. The establishment of "UC" serves to preserve, enhance, and perpetuate the value of specific roadway corridors.

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:**

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks

**Transportation**

**Thoroughfare:** McLane Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** East Elmira Steet

**Existing Character:** Local

**Proposed Changes:** None known.

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

**Routes Served:** 8

**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 requirements for single-family dwelling is 1 per unit. There is no maximum parking requirement for single-family dwelling.

“IDZ-2” waives the minimum parking requirement by 50%.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “RM-4” Residential Mixed District permits single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

Proposed Zoning: “IDZ-2” Medium Intensity Infill Development Zone 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.

The proposed “IDZ-2” would allow eight (8) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is within the Midtown Area Regional Center and located within ½ a mile of the New Braunfels Avenue 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 Midtown Area Regional Center Plan and is currently designated as “Urban Mixed” in the future land use component of the plan. The requested “IDZ-2” 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.
3. **Suitability as Presently Zoned:** The existing “RM-4” 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 is also an appropriate zoning for the property and surrounding area. The proposed density is consistent with the surrounding property, situated on a residential block that accommodates a mix of single-family and a townhome development with approximately twenty-six (26) units. The request also aligns with the goals of the Strategic Housing Implementation Plan (SHIP) to increase housing stock to meet the 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 does not appear to conflict with any public policy objective.

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

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF Policy 14: Establish appropriate buffers and transitions (land use, form, and/or landscaping) between residential neighborhoods and surrounding higher-density development.
- 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 Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
- Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals from the Midtown Area Regional Center Plan may include:

- Goal 1.1- Preserve Midtown's essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
- Goal 4.2- Accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses.
- Goal 5.1- Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.

**6. Size of Tract:** The 0.3134 acre site is of sufficient size to accommodate the future infill development for 8 dwelling units.

**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, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses, proposing eight (8) dwelling units.

The proposed rezoning 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.