



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 19, 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 ZONING-Z-2023-10700211

(Associated Plan Amendment PA-2023-11600061)

**SUMMARY:**

**Current Zoning:** "R-6 UC-4 AHOD" Residential Single-Family North St. Mary's Urban Corridor Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "IDZ-2 UC-4 AHOD" Medium Intensity Infill Development North St. Mary's Urban Corridor Airport Hazard Overlay District with uses permitted for three (3) units and "IDZ-2 AHOD" Medium Intensity Infill Development Airport Hazard Overlay District with uses permitted for three (3) units

**BACKGROUND INFORMATION:**

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

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Slate Creek Ranch, LLC

**Applicant:** Roland Garcia

**Representative:** Slate Creek Ranch, LLC

**Location:** 724 East Myrtle Street

**Legal Description:** Lots 7 and 8, Block 6, NCB 6794

**Total Acreage:** 0.1331 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Association

**Applicable Agencies:** Fort Sam Houston

**Property Details**

**Property History:** The subject property was located within 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, to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

**Code & Permitting Details:**

There is no relevant code enforcement or permitting history for the subject property.

**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:** “R-6”

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** “C-3NA”

**Current Land Uses:** Wholesale Florist

**Direction:** East

**Current Base Zoning:** “R-6”

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** “C-3NA”

**Current Land Uses:** Architecture firm

**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 “UC-4” North St. Mary’s 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.

**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:** East Myrtle Street

**Existing Character:** Local Street

**Proposed Changes:** None known

**Thoroughfare:** East Park Avenue

**Existing Character:** Local Street

**Proposed Changes:** None known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 8, 20

**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 requirement for 3 family dwelling is 1.5 spaces per unit. The maximum parking requirement for 3 family dwelling is 2 spaces per unit. The “IDZ-2” base zoning district would waive the parking requirement by 50%.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current Zoning:** “R-6” Residential Single-Family District permits 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.

The proposed “IDZ-2” would allow for three (3) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Midtown Regional Center and is within a ½ mile of the New Braunfels Premium Transit Corridor and the Austin Highway Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment.

**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 SA Tomorrow Midtown 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” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Employment/Flex Mixed Use”. Staff recommends Approval. The Planning Commission recommendation is pending the September 27, 2023, hearing.
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 aligns with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The current “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “IDZ-2” Medium Intensity Infill Development Zone District with uses permitted for three (3) residential dwelling units is also appropriate. The property has the potential for ingress/egress at both the front property line as well as the rear, as both sides front local streets. The Midtown area recommends infill housing at a scale appropriate to the surrounding development pattern. There are a mix of commercial and residential land uses proximate to the subject property. The “IDZ-2” Medium Intensity Infill Development base zoning district requires a prescribed site plan to address various development aspects such as parking, unit height, building square footage, and impervious cover. Deviation from the approved document would require another public process and consideration by Council.
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 of the SA Tomorrow Midtown Area Regional Center Plan:
  - Goal 5: Broaden Housing Choices
    - o Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.
    - o Conserve existing affordable housing and the existing diverse mix of housing types and expand affordable housing options.

- Focus most new housing development closer to multimodal transportation corridors.
6. **Size of Tract:** The 0.1331 acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The applicant intends to rezone to “IDZ-2” Medium Intensity Infill Development Zone to utilize the additional residential structure as a single unit, and to construct a duplex behind the existing structure, with ingress/egress off of East Park Avenue.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses, with a proposed three units total on the property.

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 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.