



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 3, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**  
ZONING CASE Z-2023-10700218

**SUMMARY:**

**Current Zoning:** "RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "IDZ-2 MLOD-3 MLR-2 AHOD" Medium Intensity Infill Development Zone Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for twenty-eight (28) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 3, 2023. This item was continued from the September 19, 2023 meeting.

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

**Property Owner:** Gerardo Ituarte

**Applicant:** Gerardo Ituarte

**Representative:** Gerardo Ituarte

**Location:** 223 and 226 Toledo Street, and 1517 Wyoming Street

**Legal Description:** Lot 27, Lot 33, Lot 34, and Lot 41, NCB 1393

**Total Acreage:** 0.3182 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 38

**Registered Neighborhood Associations within 200 feet:** Denver Heights Neighborhood Association

**Applicable Agencies:** Parks and Recreation, Martindale Army Airfield, Office of Historic Preservation, Planning Department

### **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 "C" Apartment District. The property was rezoned by Ordinance 79329, dated December 16, 1993, 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 Residence District converted to the current "RM-4" Residential Mixed District.

### **Code & Permitting Details**

There is no relevant code enforcement 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:** "RM-4"

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** "RM-4", "R-4 S"

**Current Land Uses:** Residential Dwelling, Museum

**Direction:** East

**Current Base Zoning:** "RM-4 S"

**Current Land Uses:** Cemetery

**Direction:** West

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Residential Dwelling

### **Overlay District Information:**

The "MLOD-3" Martindale Army Airfield 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:**

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:** Toledo Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Wyoming Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

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

**Routes Served:** 20, 225

**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 Multi-Family Dwelling is 1.5 per unit. The maximum parking requirement for Multi-Family Dwelling is 2 per unit. "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 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.

If approved, the "IDZ-2" would permit up to twenty-eight (28) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within a ½ mile of the New Braunfels Avenue Premium Transit Corridor and Austin Highway 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 Arena District/Eastside Community Plan and is currently designated as “Medium 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 “High Density Residential”. Staff and Planning Commission recommend Approval.
- 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 “RM-4” Residential Mixed 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 twenty-eight (28) residential dwelling units is also appropriate. The subject property is situated between a large cemetery development to the east, and a residential mixed development pattern to the north, south and west. The proposed multi-family development is at the corner of two local streets, which is ideal for residential infill. The subject area has a total square footage of 28,791 sq/ft. Under the current “RM-4” base zoning, the property could be subdivided into a total of approximately seven lots. At four units permitted per lot, a total of twenty-eight (28) units could potentially be permitted. The IDZ-2 base zoning will provide flexible setback regulations to provide the development with more buildable area than the “RM-4” would allow, at a scale appropriate to the surrounding area. Additionally, the proposal aligns with the goals of the Strategic Housing Implementation Plan (SHIP) to provide diverse housing stock to accommodate the growing population of the City.
- 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 Arena District/Eastside Community Plan.

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 8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.

- 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 Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
- Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Principles and Goals of the Arena District/Eastside Community Plan may include:

- Land Use Guiding Principles 2.2: Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment.
- Land Use Plan Goal 4.1: Conserve existing neighborhoods.

6. **Size of Tract:** The 0.3182 acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses, with twenty-eight (28) proposed units total on the property.

When “IDZ” development abuts a single-family use or zone then the structure shall not exceed two and one-half (2.5) stories or thirty-five (35) feet in height, if the structure is fifty (50) feet or less from the single-family use or zone.

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation. There are historic age structures present on these properties. A 30-day review period is required for demolition.

The subject property is located within the Martindale Army Airfield 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 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.