



City of San Antonio

Agenda Memorandum

Agenda Date: September 5, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:
ZONING CASE Z-2023-10700201

SUMMARY:

Current Zoning: "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Requested Zoning: "RM-6 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "RM-6 MLOD-3 MLR-2" Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 19, 2023

Case Manager: Ann Benavidez, Zoning Planner

Property Owner: Celerr

Applicant: P.W. Christensen, P.C.

Representative: P.W. Christensen, P.C.

Location: 226 Beethoven Avenue

Legal Description: 3.713 acres out of NCB 7534

Total Acreage: 3.713 Acres

Notices Mailed

Owners of Property within 200 feet: 48

Registered Neighborhood Associations within 200 feet: Pasadena Heights Neighborhood Association

Applicable Agencies: Martindale Army Airfield

Property Details

Property History: The subject property was annexed into the City of San Antonio by Ordinance 1256, dated August 2, 1944, and zoned "A" Single-Family Residence District. It was rezoned by Ordinance 11760, dated April 27, 1950, to "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District was converted to "MF-33" Multi-Family District. It was rezoned by Ordinance 2009-12-03-0993, dated December 3, 2009, 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: "R-6", "MF-33"

Current Land Uses: Residential Dwelling, Multi-Family Dwelling

Direction: East

Current Base Zoning: "R-6"

Current Land Uses: Residential Dwelling

Direction: West

Current Base Zoning: "R-6", "MF-33"

Current Land Uses: Residential Dwelling, Multi-Family 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:

There is no special district information.

Transportation

Thoroughfare: Beethoven Street

Existing Character: Local Street

Proposed Changes: None Known

Thoroughfare: Schley Avenue

Existing Character: Local Street

Proposed Changes: None Known

Public Transit: There is no public transit within walking distance of the subject property.

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 2 Family Dwelling is 1 per unit. The maximum parking requirement for 2 Family Dwelling is 2 per unit.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "R-6" Residential Single-Family District allows 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: "RM-6" Residential Mixed District permits single-family dwelling (detached, attached or townhouse), two-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 6,000 square feet and a minimum lot width of 15 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 or within a ½ mile of a 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 SATomorrow Southeast Community Area Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “RM-6” 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 current “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “RM-6” Residential Mixed District is also appropriate. The subject property is in a residential area comprised predominantly of large lot single-family properties, with some multi-family development also in proximity. The proposed “RM-6” will provide an alternative housing type to the area at a density consistent with the surrounding development pattern. Additionally, the proposal aligns with the goals of the Strategic Housing Implementation Plan by providing additional housing stock to accommodate the City’s growing population.
- 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. Relevant Goals and Policies of the Comprehensive Plan may include:
 - H 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.
 - H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.

Relevant Principles and Goals of the SA Tomorrow Southeast Community Area Plan may include:

- Goal 1: Land Use - Implement land use policies that promote compatible adjacency, mixed-use opportunities, and commercial centers that provide a variety of uses.
- Goal 3: Neighborhoods - Maintain and improve the characteristics that make the neighborhoods of the Southeast Community Plan an enjoyable place to live, with special attention to walkability, open spaces, and sense of neighborhood identity.
- Goal 4: Housing - Provide a variety of high-quality, mixed-income housing options that are well-maintained, complementary to the character of existing neighborhoods, and accommodating to all stages of life.

6. **Size of Tract:** The subject property is 3.713 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The applicant intends to rezone to “RM-6” to develop a duplex subdivision on the subject property.

For properties zoned “RM” or “MF” that abut lots zoned residential or are developed with a single-family use, the height is restricted to the maximum height of the single-family district within 50 feet of the property line.

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.