



City of San Antonio

Agenda Memorandum

Agenda Date: November 2, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 3

SUBJECT:

ZONING CASE Z-2023-10700105 CD

SUMMARY:

Current Zoning: "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "R-4 CD MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: July 18, 2023. This case was continued at the June 6, 2023 and the June 20, 2023 hearings.

Case Manager: Ann Benavidez, Zoning Planner

Property Owner: Bronson Caddell

Applicant: Bronson Caddell

Representative: Bronson Caddell

Location: 1203 Kayton Avenue

Legal Description: Lot 12, Block 54, NCB 3322

Total Acreage: 0.223 acres

Notices Mailed

Owners of Property within 200 feet: 32

Registered Neighborhood Associations within 200 feet: Highland Park Neighborhood Association

Applicable Agencies: Martindale Army Airfield

Property Details

Property History: The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family 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: "R-4"

Current Land Uses: Residential Dwelling

Direction: South

Current Base Zoning: "R-4"

Current Land Uses: Residential Dwelling

Direction: East

Current Base Zoning: "R-4"

Current Land Uses: Residential Dwelling

Direction: West

Current Base Zoning: "R-4"

Current Land Uses: Residential Dwelling

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 "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.

Special District Information:

No special district information.

Transportation

Thoroughfare: Kayton Avenue

Existing Character: Local Street

Proposed Changes: None Known

Thoroughfare: Adele Street

Existing Character: Local Street

Proposed Changes: None Known

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

Routes Served: 30, 230

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 development is 1.5 spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “R-4” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: “R-4” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

If approved, the “CD” Conditional Use would permit three (3) residential units on the property.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not within a Regional Center and is also not within a ½ mile of a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend 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 Southeast Community Area Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “R-4 CD” 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. Most of the properties in the area are zoned “R-4” Residential Single-Family District.
3. **Suitability as Presently Zoned:** The current “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-4 CD” Residential Single-Family District with a Conditional Use for three (3) dwelling units proposes compatible residential uses at a density compatible with the established development pattern. The property is at the intersection of two local streets, with alley access to the rear property line. The property is situated in an area where properties are permitted duplexes by right despite the single-family zoning, by means of the “B” to “R-4” conversion exception, and the property is sized appropriately to accommodate some additional density. The “CD” Conditional use will permit the three units and require a site plan, which will address and regulate various development aspects, and that will prevent expansion of the use.
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 SATomorrow Southeast Community Area Plan:
 - Goal 3: Neighborhoods
 - o 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
 - o 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 0.223 Acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The applicant intends to rezone to “R-4 CD” to permit three (3) dwelling units on the subject property.

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 JB SA were notified of the proposed request. The Military has indicated that there are no objections to this request.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to utilize three existing units on the property.

The subject property is permitted a Duplex by Section 35-D101(j) Duplexes in former 1938 "B" Zoning District. Notwithstanding any provision of this chapter to the contrary, two-family (duplex) residences are a permitted use for any tract or parcel zoned under the 1938 districts as "B" prior to the adoption date of this chapter so long as such tract is in the same configuration and so long as such tract is not the subject of rezoning in accordance with the provisions of this chapter and remains with the 2001 "R-4" zoning district. Pursuant to this subsection, two-family residences may be developed in accordance with the dimensional standards of table 310-1 and section 35-516 except as otherwise provided below:

- (1) Minimum front setback of twenty (20) feet.
- (2) Minimum side setback of five (5) feet.
- (3) Minimum rear setback of twenty (20) percent of the lot depth or twenty (20) feet, whichever is less.
- (4) Minimum lot size of six thousand (6,000) square feet.

The proposed rezoning maintains the residential base district but 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.