



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 2, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2023-10700248

**SUMMARY:**

**Current Zoning:** "C-2 EP-1 MLOD-3 MLR-2 AHOD" Commercial Facility Parking/Traffic Control Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "RM-6 EP-1 MLOD-3 MLR-2 AHOD" Residential Mixed Facility Parking/Traffic Control Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 17, 2023

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** Chapawu Properties LLC

**Applicant:** Richard Gonzalez

**Representative:** Alejandro Cruz

**Location:** 2344 East Houston Street

**Legal Description:** Lot 25B and Lot 26A, Block 10, NCB 6344

**Total Acreage:** 0.1435

**Notices Mailed**

**Owners of Property within 200 feet:** 36

**Registered Neighborhood Associations within 200 feet:** Jefferson Heights and Harvard Place Eastlawn

**Applicable Agencies:** Martindale Army Airfield, Fort Sam Houston, Planning Department

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "F" Local Retail District converted to the current "C-2" Commercial District.

**Code and Permitting History:**

Nonconforming Use Registration for Single-Family Residence – ZONING-NCU-REG-2023-11300107 – August 2023

Short Term Rental Permit for Type 2 STR – STR-23-13400992 – August 2023

Foundation Repair Permit – REP-FND-PMT23-35101819 – July 2023

Residential Repair Permit for existing house – REP-RRP-PMT-23-35302919 – July 2023

Residential Repair Permit for existing addition – REP-RRP-PMT-23-35303482 – August 2023

Plumbing Sewer Permit – MEP-SEW-PMT23-34823235 – August 2023

Electrical General Permit – MEP-ELE-PMT23-33321577 – September 2023

Residential Fence Permit – RES-FEN-PMT23-31901088 – September 2023

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-2" and "R-4"

**Current Land Uses:** Single-Family Residential, Vacant Commercial Building

**Direction:** South

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

**Current Land Uses:** Single-Family Residential, Duplex

**Direction:** East

**Current Base Zoning:** "C-2"

**Current Land Uses:** Single-Family Residential

**Direction:** West

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

**Current Land Uses:** Single-Family Residential

**Overlay District Information:**

The "EP" Facility Parking/Traffic Control District establishes regulations for parking and traffic around large facilities that attract large amounts of vehicle traffic. The overlay district is meant to regulate parking of vehicles in areas not properly zoned for commercial parking; to reduce aesthetic and traffic problems for persons and businesses in these areas; to reduce visual blight,

congestion, and wear and tear on city streets; and to increase access for emergency vehicles in these areas. 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:**

N/A

**Transportation**

**Thoroughfare:** East Houston Street

**Existing Character:** Secondary Arterial

**Proposed Changes:** None known

**Thoroughfare:** North Gevers Street

**Existing Character:** Collector

**Proposed Changes:** None known

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

**Routes Served:** 20, 24, 222

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for Dwelling – 2 Family is 1 per unit. The maximum parking requirement for Dwelling – 2 Family is 2 per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "C-2" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

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:**

Subject property is not located within a Regional Center but is within ½ a mile from the Commerce-Houston and New Braunfels Avenue Premium Transit Corridors.

**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 Arena District/Eastside Community Plan and is currently designated as "Medium 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 existing "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The proposed "RM-6" Residential Mixed District is also an appropriate zoning for the property and surrounding area. The neighborhood is largely single-family residential, with a couple duplexes or two dwelling unit developments within proximity. Staff finds the proposed "RM-6" Residential Mixed District, which permits two (2) dwelling units, aligns with the applicant's proposed use for the property, and is consistent with the residential community.
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 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.
  - 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 Vision: Existing neighborhoods are conserved and protected by appropriate adjacent and internal uses.
- Land Use Guiding Principles 2.1: Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations
- 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 0.1435 acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The applicant intends to rezone to “RM-6” to develop two dwelling units on the subject 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 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.

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 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.