



City of San Antonio

Agenda Memorandum

Agenda Date: March 1, 2022

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2022-10700023 CD

SUMMARY:

Current Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units on Lot 18 and the west 4.5 feet of Lot 19, and "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on the east 45.5 feet of Lot 19

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 1, 2022

Case Manager: Roland Arsate, Planner

Property Owner: Patrick J. & Annie M. Walther

Applicant: Patrick J. & Annie M. Walther

Representative: Patrick J. & Annie M. Walther

Location: 517 East Mistletoe Avenue and 521 East Mistletoe Avenue

Legal Description: Lot 18 and the West 4.5 feet of Lot 19 and East 45.5 feet of Lot 19, NCB 863

Total Acreage: 0.2017 Acres and .1775 Acres

Notices Mailed**Owners of Property within 200 feet:** 38**Registered Neighborhood Associations within 200 feet:** Monte Vista Neighborhood Association**Applicable Agencies:** Fort Sam Houston**Property Details**

Property History: The property was part of the original 36 square miles of the City of San Antonio and zoned "B" Residence District. The property was rezoned to "R-1" Single-Family Residence District by Ordinance 83331, dated 14 December 1995. 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.

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:** "R-6"**Current Land Uses:** Single-Family Dwelling**Direction:** South**Current Base Zoning:** "R-6" "ROW"**Current Land Uses:** Single-Family Dwelling, ROW**Direction:** East**Current Base Zoning:** "R-6"**Current Land Uses:** Single Family Dwelling**Direction:** West**Current Base Zoning:** "R-6"**Current Land Uses:** Single Family 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.

Special District Information: None.**Transportation****Thoroughfare:** East Mistletoe Avenue**Existing Character:** Local**Proposed Changes:** None Known

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

Routes Served: 5, 8, 204

Traffic Impact: TIA not required. "Preliminary Review Only - Detailed technical review and compliance with the UDC code will be conducted at time of platting and/or permitting. The purpose of this TIA Threshold Worksheet review is solely to determine if a TIA study is required based on the preliminary information provided at time of this review. Turn lanes as part the TIA Threshold Worksheet will be assessed once more detail technical information is provided at the time of platting and/or permitting. A TIA study may be required based on the information provided at time of platting and/or permitting

Parking Information:

The minimum parking requirement for three (3) dwelling units is one (1.5) space per unit.

The minimum parking requirement for two (2) dwelling units is one (1) space per unit.

ISSUE: None.

ALTERNATIVES:

Current Zoning: "R-6" Residential Single-Family allows dwellings (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: "R-6" Residential Single-Family allows dwellings (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.

The "CD" Conditional Use would allow three (3) dwelling units

The "CD" Conditional Use would allow two (2) dwelling units.

FISCAL IMPACT: None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is within the Midtown Regional Center and is within 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 Midtown Regional Center Area Plan and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "R-6" Residential 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 “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with a Conditional Use for two (2) dwelling units is appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with a Conditional Use for three (3) dwelling units on the adjacent property is also appropriate zoning for the property and surrounding area. There are duplexes and triplexes near the subject sites as well as some existing “RM-4” Residential Mixed District zoning in the area.
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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Midtown Regional Center Neighborhood Plan:

Relevant Goals, Recommendations and Strategies of the Midtown Area Regional Center Plan may include:

Goal 5: Broaden Housing Choices

- Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.
- Conserve existing affordable housing and the existing diverse mix of housing types and expand affordable housing options.

Goal 11: Grow Unique Destinations

- Fortify Midtown destinations with complementary housing, education, employment, entertainment and transportation choices.

LU Recommendation #2: Encourage zoning that supports the maintenance of neighborhood character while encouraging affordable housing, housing for all stages of life, and housing that is accessible to people with mobility impairments.

LU Recommendation 3 Strategy #1

The conditional rezoning process should typically be used in residential neighborhoods instead of base zone rezoning, in order to provide relatively certain outcomes for new development and adaptive reuse of existing buildings.

H Recommendation #1: Ensure that zoning supports a context-sensitive supply of diverse housing to support the Midtown Area’s expected household growth.

H Recommendation #3: Maintain affordability and a diversity of housing options by accommodating additional housing in neighborhoods and transition areas through context-sensitive design and small-scale, infill housing.

6. **Size of Tract:** One property is a 0.2017 acre site and is of sufficient size to accommodate the proposed residential development. The other is a 0.1775 acre site is also of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** 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 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.

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.