

5. ZONING CASE Z-2024-10700145 CD (Council District 5): A request for a change in zoning from "O-2 MLOD-2 MLR-1 AHOD" High-Rise Office Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "MF-18 CD MLOD-2 MLR-1 AHOD" Limited Density Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Professional Office on the west 325.36 feet of Lot 23, Block 8 NCB 8992, located at 729 Southwest 34th Street. Staff recommends Approval. (Samantha Benavides, Zoning Planner, 210-207-6034, Samantha.Benavides@sanantonio.gov, Development Services Department)



City of San Antonio

Agenda Memorandum

Agenda Date: September 3, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:

ZONING CASE Z-2024-10700145 CD

SUMMARY:

Current Zoning: "O-2 MLOD-2 MLR-1 AHOD" High-Rise Office Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Requested Zoning: "MF-18 CD MLOD-2 MLR-1 AHOD" Limited Density Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Professional Office

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 3, 2024

Case Manager: Samantha Benavides, Zoning Planner

Property Owner: Severa C. Diaz

Applicant: Mendez Engineering PLLC

Representative: Tony Saucedo Jr.

Location: 729 Southwest 34th Street

Legal Description: the west 325.36 feet of Lot 23, Block 8, NCB 8992

Total Acreage: 0.9684 Acres

Notices Mailed

Owners of Property within 200 feet: 35

Registered Neighborhood Associations within 200 feet: Los Jardines Neighborhood Association

Applicable Agencies: Lackland AFB, Office of Historic Preservation, Planning Department

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 1258, dated June 21, 1944, and zoned "C" Apartment District. The property was rezoned by Ordinance 72510, dated October 18, 1990, to "R-1" Single-Family Residence District. A portion of the property was rezoned by Ordinance 88922, dated December 10, 1998, to "O-1" Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District and the property zoned "O-1" Office District converted to the current "O-2" High-Rise Office District.

Code & Permitting Details:

There is no 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 floodplain.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: "R-4"

Current Land Uses: Single Family Dwellings

Direction: East

Current Base Zoning: "R-6", "R-6 CD"

Current Land Uses: Single Family Dwellings, Duplex

Direction: South

Current Base Zoning: "R-6"

Current Land Uses: Single Family Dwellings

Direction: West

Current Base Zoning: "R-6"

Current Land Uses: Single Family Dwellings

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-2" Lackland 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:

N/A

Transportation

Thoroughfare: Southwest 34th Street

Existing Character: Local

Proposed Changes: None

Thoroughfare: Eldridge Avenue

Existing Character: Collector

Proposed Changes: None

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

Routes Served: None

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 Dwelling – Multi-Family (25 units maximum) is 1.5 spaces per unit. The minimum parking requirement for Professional Office is 1 space per 300 sf GFA.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "O-2" High-Rise Office District provides for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

"R-6" Residential Single-Family District permits a 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: "MF-18 CD" Limited Density Multi-Family District permits multi-family dwelling, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 18 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

The "CD" Conditional Use is for a Professional Office.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within a Regional Center or within ½ a mile from 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 West/Southwest Sector Plan, adopted in April 21, 2011, and is currently designated as "General Urban Tier" in the future land use component of the plan. The requested "MF-18" 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. Surrounding properties are zoned "R-4" Residential Single-Family and "R-6" Residential Single-Family.
- 3. Suitability as Presently Zoned:** The existing "R-6" Residential Single-Family District is an appropriate zoning for the property and the surrounding area. However, the existing "O-2" High-Rise Office District is not appropriate. The proposed "MF-18 CD" Limited Density Multi-Family District with a Conditional Use for a Professional Office is appropriate. The applicant is rezoning to permit a maximum of sixteen (16) dwelling units and a professional office to continue operating a business that currently takes place on the portion of the property zoned "O-2". The proposed density is consistent with existing density, ranging from two (2) dwelling units to apartments. The applicant will have to adhere to the prescribed site plan that regulates various development aspects such as unit layout, size, and the layout of the parking. Any deviation from the approved document could potentially warrant additional Council consideration. Furthermore, the proposal aligns with the goals of the Strategic Housing Implementation Plan (SHIP), which encourages the development of 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 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.
- 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 P11: Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.
- H P17: Encourage development projects to have a mixture of uses.

Relevant Goals and Policies of the West/Southwest Sector Plan may include:

- Goal HOU-1: Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan
- HOU-1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood
- Goal HOU-2: New housing developments locate near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments
- HOU-3.1: Re-invest in existing residential neighborhoods
- Goal ED-1: The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities.
- ED-1.1: Locate business offices near existing residential areas within the Sector.
- ED-1.2: Provide Opportunities for live/work locations.
- Goal ED-3: The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods.
- Goal LU-1: Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses.

6. **Size of Tract:** The 0.9684-acre site is of sufficient size to accommodate the proposed residential and commercial development.
7. **Other Factors:** The subject property is located within the Lackland AFB 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.

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 has been submitted for review to the Office of Historic Preservation.

The property is proposed for development of multifamily uses that shall not exceed 18 units per acre. At 0.9684 acres, there could potentially be development of n seventeen (17) units. The applicant is requesting to build sixteen (16) units.

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 develop sixteen (16) dwelling units and a professional office.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses. The applicant is proposing 16 dwelling units.

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 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.

Edgewood Fine Arts
S.T.E.A.M. Academy

Airport Hazard
Overlay District

MLOD-2 / MLR-1
Overlay District

ELDRIDGE

35TH

34TH

AKRON

Airport Hazard
Overlay District

MLOD-2 / MLR-1
Overlay District



Location Map

Zoning Case Notification Plan

Case Z-2024-10700145

Council District: 5
School District: Edgewood I.S.D.
Scale: 1" = 120 Feet

Legend

- | | | | |
|-----------------------------------|--|---------------------------|--|
| Subject Property(ies)..... | | Creek / River Region..... | |
| 200 Ft. Notification Area..... | | City Limits..... | |
| Single Family Residential..... | | Corridor Overlay..... | |
| Current Land Use Description..... | | ERZD Region..... | |
| Current Zoning..... | | MLOD Region..... | |
| Requested Zoning Change..... | | AHOD Region..... | |



Note: All Current and Requested Zoning include: AHOD / MLOD-2 / MLR-1 Overlay Districts





**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



22 August 2024

MEMORANDUM FOR CITY OF SAN ANTONIO

FROM: 502 ABW/CMI

JBSA Installation Mission Sustainment

2080 Wilson Way

Fort Sam Houston, TX 78234

SUBJECT: Joint Base San Antonio review of Zoning Case Z-2024-10700145 CD

1. Zoning Case Z-2024-10700145 CD has been reviewed by JBSA- LAK organizations. JBSA does not object with this request; however, there are additional comments for consideration in planning and development.
 - a. Subject property is within City of San Antonio Lackland Military Lighting Overlay District (MLOD) and will be required to comply with MLOD lighting standards at: https://library.municode.com/tx/san_antonio/codes/unified_development_code?nodeId=ARTIIIZO_DIV4OVDI_S35-339.04MILIOVDI, or most current City of San Antonio MLOD ordinance, related to development within 5-miles of a military installation.
 - b. Any proposed exterior construction plans, construction or alteration projects which include vertical elements (equipment: cranes, towers: communication or water) may require FAA review to verify no hazard to flight navigation prior to issuance of any construction permits.

FAA CFR Title 14 Part 77 Notice Criteria Tool that can be utilized to aid in FAA notification requirements can be found here:
<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToForm>

Further FAA guidance is also available here:
https://www.faa.gov/documentLibrary/media/Form/FAA_Form_7460-1_042023.pdf
 - c. To mitigate potential interference with existing JBSA operational systems, please coordinate with 502 CS Spectrum Manager prior to use of any Spectrum dependent systems (i.e.: two-way radio communications, or any type of wireless technologies) during construction. If applicable, coordination requested by facility user prior to installation/use of any Spectrum dependent commercial or manufacturing equipment.

- d. The FAA recommends criteria of land-use practices in their Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants on or Near Airports, which is applicable to properties within five miles of JBSA-Kelly Field. To reduce the exposure to aircraft-wildlife strikes, please use the link below to access this publication and use the information to help reduce wildlife-attractant features near airports. Unwavering consideration for this aviation safety hazard is vital.

https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5200-33

2. Point of contact for this action is Sean R. Greszler, AICP, 502 ABW/CMI. He can be reached at 210-808- 7549 or by email at sean.greszler.1@us.af.mil or through the 502d ABW Community Initiatives organization email box at 502ABW.ABW.Community_initiative@us.af.mil

JOHN H. ANDERSON, GS-14, USAF
Executive Director, Community and
Mission Integration, JBSA & 502 ABW