



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 16, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700358 (Associated Plan Amendment PA-2023-11600094)

**SUMMARY:**

**Current Zoning:** "R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District and "R-4 NCD-8 MLOD-2 MLR-2 AHOD" Residential Single-Family Woodlawn Lake Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "RM-4 NCD-8 AHOD" Residential Mixed Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District and "RM-4 NCD-8 MLOD-2 MLR-2 AHOD" Residential Mixed Woodlawn Lake Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** January 16, 2024

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Brandon Lee Kingcaid

**Applicant:** Brandon Lee Kingcaid

**Representative:** Brandon Lee Kingcaid

**Location:** 1246 Waverly Avenue

**Legal Description:** Lots 14-15, Block 16, NCB 2056

**Total Acreage:** 0.3466 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 33

**Registered Neighborhood Associations within 200 feet:** Woodlawn Lake Neighborhood Association

**Applicable Agencies:** Planning Department, Lackland Airforce Base

**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned "B" Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.

Code & Permitting Details:

Minor Building Repair Application (REP-MBR-APP22-35009518)- August 2022

**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 Woodlawn Lake Neighborhood Conservation District (NCD-8) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

**Special District Information:**

No special district information.

**Transportation**

**Thoroughfare:** Waverly Avenue

**Existing Character:** Local Street

**Proposed Changes:** None known

**Thoroughfare:** Glenmore

**Existing Character:** Local Street

**Proposed Changes:** None known

**Public Transit:** There are VIA bus routes in proximity to the subject property.

**Routes Served:** 82, 88, 282, 288

**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:** 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:** Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is not located within a Regional Center but is within a ½ mile of the Bandera Metro Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation for “R-4 CD” Residential Single-Family District with a Conditional Use for three (3) dwelling units.

**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 Near Northwest Community Plan, adopted February 2002, and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “RM-4” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Medium Density Residential”. Staff recommends Denial, and the Planning Commission recommendation is pending the January 10, 2023 hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.
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 “RM-4” Residential Mixed District is not appropriate. While the property is placed and sized to adequately accommodate additional residential density, it is part of a well-established single-family neighborhood. The proposed development could be achieved with a “CD” Conditional Use for 3-4 dwelling units, which would require a prescribed site plan and regulate the permitted density. The alternate recommendation is consistent with the goals of the Strategic Housing Implementation Plan which encourages diverse housing options for all income levels.
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 Near Northwest Community Plan:
  - Goal 3 - Housing Preserve and revitalize the community’s unique mix of quality housing.
    - o Objective 3.3: Design Standards Protect and preserve the Near Northwest’s unique housing character.
    - o Objective 3.4: Housing Development Encourage new housing development that is compatible with the community’s character.
6. **Size of Tract:** The subject property is 0.3466 acres, which can reasonably accommodate the proposed residential development.

7. **Other Factors** The applicant intends to rezone to “RM-4” to allow for the renovation of an existing shed into a dwelling unit, and to permit the potential construction of a fourth dwelling unit.

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.

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.

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.