



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 16, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**

ZONING CASE Z-2024-10700017 CD

**SUMMARY:**

**Current Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 16, 2024. This item was continued at the March 5th, March 19th, and April 2, 2024 hearings.

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

**Property Owner:** Taboada Real Estate, LLC

**Applicant:** Olga Tabadoa

**Representative:** Estela Andonie

**Location:** 530 East Sunshine Drive

**Legal Description:** Lot 1, Block 29, NCB 8111

**Total Acreage:** 0.228 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 12

**Registered Neighborhood Associations within 200 feet:** Donaldson Terrace Neighborhood Association and Sunshine Estates Neighborhood Association

**Applicable Agencies:** Planning Department

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 1450 dated October 11, 1944, and was originally zoned "A" Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "A" Residence District converted to the current "R-5" Residential Single-Family District.

**Code & Permitting Details:**

No code or permitting details.

**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" "MF-33"

**Current Land Uses:** Residential dwelling, Apartments

**Direction:** South

**Current Base Zoning:** "R-5", "R-5 CD"

**Current Land Uses:** Residential dwelling

**Direction:** East

**Current Base Zoning:** "R-5"

**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.

**Special District Information:**

There is no special district information.

**Transportation**

**Thoroughfare:** East Sunshine Drive

**Existing Character:** Local street

**Proposed Changes:** None Known

**Thoroughfare:** Tillman

**Existing Character:** Local street

**Proposed Changes:** None Known

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

**Routes Served:** 509, 524

**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 a triplex is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-5" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

Proposed Zoning: "R-5 CD" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

If approved, the Conditional Use would permit three (3) dwelling units.

**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 General McMullen-Babcock Metro 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 Near Northwest Community Plan, adopted February 2002, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-5 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, which is predominately low-density residential.
3. **Suitability as Presently Zoned:** The current “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-5” Residential Single-Family District with a Conditional Use for three (3) dwelling units is also appropriate. The property is situated on a corner lot, in a low-density residential neighborhood. The proposal would retain the single-family base zoning, while allowing for the consideration of two additional units. The density proposed aligns with the existing context, and the structure that will accommodate the three units is already existing. The prescribed site plan would prevent expansion of the building footprint and would ensure adequate parking is available for the three dwelling units. Deviation from the approved document could potentially warrant additional council consideration. Furthermore, the request aligns with the goals of the Strategic Housing Implementation Plan (SHIP) which supports the development of additional and alternate housing types to accommodate the City’s growing population, at 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.
  - Objective 3.1: Rental Housing Provide well-maintained housing for a mix of incomes.
  - Objective 3.4: Housing Development Encourage new housing development that is compatible with the community’s character.
    - 3.4.1 Promote development sites available for a mix of housing types.
6. **Size of Tract:** The subject property is 0.228 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The applicant intends to rezone to “R-5 CD” to allow for the subdivide the existing residential structure to accommodate three (3) dwelling 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 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.