



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 5, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2023-10700357

(Associated Plan Amendment Case PA-2023-11600096)

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "IDZ-2 MLOD-2 MLR-2 AHOD" Medium Intensity Infill Development Zone Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for four (4) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 5, 2024. This item was continued from the February 20, 2024 hearing.

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** Salim Asis

**Applicant:** Global Asis

**Representative:** Global Asis

**Location:** 203 Drake Avenue

**Legal Description:** Lot 30, Block 19, NCB 6262

**Total Acreage:** 0.2984 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 38

**Registered Neighborhood Associations within 200 feet:** Collins Garden Neighborhood Association

**Applicable Agencies:** Lackland Air Force Base and Planning Department

**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. The property was then rezoned by Ordinance 76368, dated August 27, 1992, to "R-5" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-5" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

**Code & Permitting Details:**

N/A

**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-5"

**Current Land Uses:** Single-Family

**Direction:** South

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

**Current Land Uses:** Single-Family

**Direction:** East

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

**Current Land Uses:** Single-Family

**Direction:** West

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

**Current Land Uses:** Single-Family

**Overlay District Information:**

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. 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:**

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

**Transportation**

**Thoroughfare:** Drake Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Marlay Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Public Transit:** There are VIA transit options within a ½ mile of the subject property. 51, 251

**Traffic Impact:** A TIA study may be required based on the information provided at time of platting and/or permitting. The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502. A TIA Report is Not Required.

**Parking Information:** “IDZ” reduces the minimum parking requirement by fifty percent. The minimum parking requirement is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “R-5” Residential 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: “IDZ-2” Medium Intensity Infill Development allows rezoning requests up to 50 units per acre and uses permitted in “C-2” and “O-1.5”. All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

The proposed “IDZ-2” would allow four (4) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a ½ mile of a Regional Center or Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation for “R-5 CD” Residential Single-Family with a Conditional Use for two (2) 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 Nogalitos/South Zarzamora Community Plan adopted September 2004 and is currently designated as “Low-Density Residential” in the future land use component of the plan. The requested “IDZ-2” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Mixed Use-residential/Office/and Commercial”. Staff recommends Denial. Planning Commission recommendation pending the February 28, 2024, hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff finds 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. The surrounding properties are established “R-5” Residential Single-Family zoning districts and uses.
3. **Suitability as Presently Zoned:** The existing "R-5" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “IDZ-2” Medium Intensity Infill Development Zone with uses permitted for four (4) dwelling uses is not appropriate for the area. The proposed density is not consistent with the neighborhood and would introduce higher density that is not already established in the area. Most of the area is established as 5,000 square foot lots and consist of no more than two (2) units per lot. Thus, staff recommends an Alternate Recommendation of “R-5 CD” Residential Single-Family with Conditional Use for two (2) dwelling units. This maintains the base zoning district and allows for no more than two (2) units on the property. Amending the request to two (2) units also negates the need for a Plan Amendment.
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 appear to conflict with any public policy objective of the Nogalitos/South Zarzamora Community Plan. Conflicting goals include:
  - Goal 2 Community Character and the Environment: Preserve and enhance the walkable, neighborhood-friendly character of the neighborhoods in a way that incorporates the arts and improves the environment.
    - Objective 2.1 Neighborhood Character and Appearance Protect and preserve the character of the neighborhoods and commercial corridors while improving their physical appearance.

- Objective 2.2 Code Compliance Educate residents on the importance of keeping a clean and safe environment and complying with code regulations.
6. **Size of Tract:** The 0.2984-acre site is not of sufficient size to accommodate the proposed residential 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.

The property is proposed for development of "IDZ-2" Medium Intensity Infill Development Zone with uses permitted for four (4) dwelling units.

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.