



# 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 4

**SUBJECT:**  
ZONING CASE Z-2024-10700036 CD

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Requested Zoning:** "R-6 CD MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for four (4) dwelling units

**BACKGROUND INFORMATION:**

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

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

**Property Owner:** Juan and Maria Flores

**Applicant:** Serena Kennon

**Representative:** Serena Kennon

**Location:** 239 Peabody Avenue

**Legal Description:** Lot 29, Block 7, NCB 8748

**Total Acreage:** 0.1722 acres

## **Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Quintana Community

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

## **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 1259, dated August 2, 1944. The property was rezoned by Ordinance 47762, dated March 17, 1977, to "R-1" Single Family Residential District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "R-1" Single Family Residential District converted to the current "R-6" Residential Single-Family District.

## **Code & Permitting Details:**

INV-ZPS-24-3160000194 (UDC Setback and Land Use Investigation)- March 2024

**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-6", "C-3"

**Current Land Uses:** Residential dwellings, Salon, Activity Hall, Auto dealership

**Direction:** South

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential dwellings

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential dwellings

**Direction:** West

**Current Base Zoning:** "R-6", "C-3", "MF-33 S"

**Current Land Uses:** Residential dwellings, Boutique, Vacant lot, Nonprofit headquarters, Convenience store

## **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:**

No special district information.

**Transportation**

**Thoroughfare:** Peabody Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

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

**Routes Served:** 51, 515

**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 four residential units is 1.5 parking spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District permits 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: "R-6 CD" Residential Single-Family District permits 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.

The "CD" Conditional Use would permit four (4) residential dwelling units on the property.

**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 Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation for "R-6 CD" Residential Single-Family District 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 Kelly / South San Pueblo Community Plan, adopted February 2007, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-6 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, but the proposed density is out of character with the surrounding area. Surrounding properties are primarily zoned “R-6” Residential Single-Family District with a couple properties zoned “C-3” General Commercial District located along New Laredo Highway.
3. **Suitability as Presently Zoned:** The current “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 four (4) dwelling units is not appropriate. The subject property is situated midblock and amongst other single-family residential properties of similar size. The property fronts a local street with no alley access at the rear. The property is not placed or sized to adequately accommodate the proposed units and six (6) required parking spaces. Staff recommends Denial, with an Alternate Recommendation for “R-6 CD” Residential Single-Family District with a Conditional Use for two (2) dwelling units. The alternate recommendation supports additional housing stock and aligns with the goals of the Strategic Housing Implementation Plan (SHIP), but at a density more appropriate for the property and 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 request does not appear to conflict with any public policy. 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.
  - GCF Policy 14: Establish appropriate buffers and transitions (land use, form, and/or landscaping) between residential neighborhoods and surrounding higher-density development.
  - Housing 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.
  - Housing Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
  - Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals, Objectives and Action Steps of the Kelly/ South San PUEBLO Community Plan may include:

- Goal 1 (Housing): Improve the quality, appearance and variety of existing and new housing for people of all ages while increasing home ownership and investment area.
- Objective 1.2 (Diversity of housing): Provide a variety of housing types that sustain all ages and economic groups.
- Action Step 1.2.1: Encourage a variety of housing sizes and prices that facilitates connection between people.

6. **Size of Tract:** The subject property is 0.1722 acres, which can reasonably accommodate the proposed development.
7. **Other Factors:** The applicant intends to rezone to “R-6 CD” to utilize the existing structures on the property as four residential dwelling units.

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.

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 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.