



City of San Antonio

Agenda Memorandum

Agenda Date: March 5, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:
ZONING CASE Z-2023-10700332

SUMMARY:

Current Zoning: "C-2NA EP-1 MLOD-3 MLR-2" Commercial Nonalcoholic Sales Facility Parking/Traffic Control Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District and "R-4 EP-1 MLOD-3 MLR-2" Residential Single-Family Facility Parking/Traffic Control Martindale Army Military Lighting Overlay Military Lighting Region 2 District

Requested Zoning: "IDZ-1 EP-1 MLOD-3 MLR-2" Limited Intensity Infill Development Zone Facility Parking/Traffic Control Martindale Army Military Lighting Overlay Military Lighting Region 2 District with uses permitted for one (1) dwelling unit and "C-1" Light Commercial District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 5, 2024

Case Manager: Samantha Benavides, Zoning Planner

Property Owner: Salimeh Lebig

Applicant: Salimeh Lebig

Representative: Salimeh Lebig

Location: 2815 East Houston Street

Legal Description: Lot 29 and Lot 30, NCB 6908

Total Acreage: 0.1435 acres

Notices Mailed

Owners of Property within 200 feet: 33

Registered Neighborhood Associations within 200 feet: Harvard Place Eastlawn & Jefferson Heights Neighborhood Associations

Applicable Agencies: Martindale/Fort Sam Houston, Planning Department

Property Details

Property History: The subject property was located within the original 36 square miles of the City of San Antonio and was zoned “F” Local Retail District and “B” Residence District. A portion of the property was rezoned by Ordinance 81710, dated February 23, 1995, to “B-2NA” Business, Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-2NA” Business, Non-Alcoholic Sales District and “B” Residence District were converted to the current “C-2NA” Commercial Nonalcoholic Sales District and “R-4” Residential Single-Family District respectively.

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 Dwelling

Direction: East

Current Base Zoning: “R-4”

Current Land Uses: Vacant Residential

Direction: South

Current Base Zoning: “C-2” and “R-4”

Current Land Uses: Single-Family Dwelling

Direction: West

Current Base Zoning: “C-2NA”

Current Land Uses: Convenience Store

Overlay District Information:

The” EP-1” Facility Parking/Traffic Control District establishes regulations for parking and traffic around large facilities that attract large amounts of vehicle traffic. The overlay district is meant to regulate parking of vehicles in areas not properly zoned for commercial parking; to reduce aesthetic and traffic problems for persons and businesses in these areas; to reduce visual blight,

congestion, and wear and tear on city streets; and to increase access for emergency vehicles in these areas.

The "MLOD-3" Martindale Army Airfield 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:

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: East Houston

Existing Character: Minor Secondary Arterial Type B

Proposed Changes: None

Thoroughfare: North Mel Walters Way

Existing Character: Minor Secondary Arterial Type B

Proposed Changes: None

Public Transit: There is public transit within walking distance of the subject property.

Routes Served: 24, 25

Traffic Impact: 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: The minimum parking requirement for single-family development is one parking space per unit.

The IDZ-1 base zoning district waives the parking requirement.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "C-2NA" Commercial Non-Alcoholic Sales Districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

"R-4" Residential Single-Family District permits a single 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: “IDZ-1” Limited Intensity Infill Development Zone District allows rezoning requests up to 18 units per acre and uses permitted in “C-1” and “O-1”. 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-1” would includes uses in “C-1” Light Commercial and one (1) dwelling unit.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within a Regional Center but is within ½ a mile from the Commerce – Houston Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial, with an Alternate Recommendation of “IDZ-1” with uses permitted for one (1) dwelling unit (without any commercial use zoning districts).

The applicant has indicated that they are amending the request to “IDZ-1” with uses permitted for one (1) dwelling unit.

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 Arena District/ Eastside Community Plan and is currently designated as “Medium Density Residential” in the future land use component of the plan. The requested “IDZ-1” base zoning district is consistent with the future land use designation for a dwelling unit but not for “C-1” Light Commercial uses. If the applicant is seeking commercial use of the property, they will need “Mixed Use” land use. Staff recommends Denial of “Mixed Use” land use.
- 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. Surrounding properties are “R-4” Residential Single-Family with “C-2NA” Commercial Nonalcoholic Sales at street corners and at intersections of corridors.
- 3. Suitability as Presently Zoned:** The current “C-2NA” Commercial Nonalcoholic Sales District and “R-4” Residential Single-Family District are appropriate zoning districts for the property and surrounding area. The proposed “IDZ-1” with uses permitted for one (1) dwelling unit is appropriate zoning for the property but the proposed “C-1” Light Commercial does not fit with the current land use classification. Therefore, staff recommends an Alternate Recommendation to allow a dwelling unit but remove the request for the proposed “C-1” Light Commercial uses. and creating a transition from the commercial use to the west from the single-family residences to the east.

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 Arena District/Eastside Community Plan:
Relevant Goals, Policies and Actions of the Comprehensive Plan may include:
 - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
 - GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in closer proximity to housing and where appropriate.Relevant Goals and Objectives of the Arena District/ Eastside Community Plan may include:
 - Land Use and Community Facilities 2.2 - Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment.
 - Land Use and Community Facilities 4.3 -Reinforce Neighborhood Commercial nodes at cross streets.
6. **Size of Tract:** The subject property is 0.1435 acres, which can reasonably accommodate the proposed commercial and residential development.
7. **Other Factors:** The applicant intends to rezone to “IDZ-1” to develop (1) residential dwelling unit and uses permitted in “C-1” Light Commercial District.

The subject property is located within the Martindale Army Airfield Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JB SA were notified of the proposed request. The Military has indicated that there are no objections to this request.

The applicant has submitted a site plan in accordance with the requirements of the code.

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.