



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 2, 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-2024-10700025 CD

**SUMMARY:**

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

**Requested Zoning:** "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 2, 2024. This item was continued at the March 19, 2024 hearing.

**Case Manager:** Samantha Benavides, Zoning Planner

**Property Owner:** Daniel Sowell

**Applicant:** Daniel Sowell

**Representative:** Daniel Sowell

**Location:** 311 East Hart Avenue

**Legal Description:** Lot 16, Lot 17 and Lot 18, Block 8, NCB 7768

**Total Acreage:** 0.5166 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 30

**Registered Neighborhood Associations within 200 feet:** St. Leo's Neighborhood Association

**Applicable Agencies:** Parks Department, Lackland, Planning Department

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 1391, dated September 23, 1944. The property was rezoned by Ordinance 83932, dated April 11, 1996, from "D" Apartment District to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

### **Code & Permitting Details:**

There is no relevant 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-6" and "R-4"

**Current Land Uses:** Single Family Dwellings

**Direction:** East

**Current Base Zoning:** "R-6" and "R-5"

**Current Land Uses:** Single Family Dwellings

**Direction:** South

**Current Base Zoning:** "R-6" and "RM-4"

**Current Land Uses:** Single Family Dwellings

**Direction:** West

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

**Current Land Uses:** Single Family Dwellings

### **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:**

None

**Transportation**

**Thoroughfare:** Hart Avenue

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** Candy Place

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** Sierra Street

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** Morrill Avenue

**Existing Character:** Local

**Proposed Changes:** None

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

**Routes Served:** 43, 243

**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 a single-family residential dwelling is 1 parking space per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-family District allows for a 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 allows for a 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 allow for three (3) dwelling units.

**FISCAL IMPACT:**

None

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

The property is not located within a Regional Center or within ½ a mile of a 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 South Central San Antonio Community Plan, adopted October 2005, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-6” base zoning district is consistent with the 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. Surrounding properties are zoned “R-6” Residential Single-Family.
3. **Suitability as Presently Zoned:** The current “R-6” Residential Single-Family District is appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with a Conditional Use for three (3) dwelling units is also appropriate. The three dwelling units are pre-existing and are suited to the 11,503 square foot lot. The applicant is requesting the change of zoning to bring the existing use of the property into compliance.
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 objective. Relevant Goals and Policies from the Comprehensive Plan may include:
  - H 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.

Relevant Goals and Policies from the South Central San Antonio Community Plan may include:

- Goal 1: Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations.

- Goal 2: Encourage patterns of development that provide the full range of housing choices and promote a sense of community, urban vitality, and the efficient provision of infrastructure.
6. **Size of Tract:** The subject property is 0.5166 acres, which could reasonably accommodate three dwelling units.
  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 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 applicant is rezoning for three (3) 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.