



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 19, 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-2024-10700008 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 two (2) dwelling units.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 19, 2024

**Case Manager:** Vincent Trevino, Senior Planner

**Property Owner:** Onesimo & Maria Castillo

**Applicant:** Onesimo & Maria Castillo

**Representative:** Hugo Castillo

**Location:** 1226 Northwest 36th Street

**Legal Description:** Lot 7, Block 12, NCB 10396

**Total Acreage:** 0.1832

**Notices Mailed****Owners of Property within 200 feet:** 27**Registered Neighborhood Associations within 200 feet:** NA**Applicable Agencies:** Lackland AFB, Planning Department**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 2590, dated September 5, 1945, and zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to "MF-33" Multi-Family District. The property was then rezoned by Ordinance 98691, dated January 8, 2004, to the current "R-6" Residential Single-Family District.

**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-6**Current Land Uses:** Residential Single-Family**Direction:** South**Current Base Zoning:** R-6**Current Land Uses:** Residential Single-Family**Direction:** East**Current Base Zoning:** R-6**Current Land Uses:** Residential Single-Family**Direction:** West**Current Base Zoning:** R-6**Current Land Uses:** Residential Single-Family with a Conditional Use for two (2) dwelling units**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:**

NA

**Transportation**

**Thoroughfare:** Northwest 36<sup>th</sup> Street

**Existing Character:** Minor Secondary Arterial B

**Proposed Changes:** None Known

**Thoroughfare:** Ellor Drive

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 82, 282

**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 Dwelling-2 Family is 1.5 per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: “R-6” Residential Single-Family District allows single-family dwellings (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 single-family dwellings (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 proposed “CD” Conditional Use would allow two (2) dwelling units.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center and not within ½ a mile from 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 West/Southwest Sector Plan, adopted in 2011, and is currently designated as General Urban Tier in the future land use component of the plan. The requested “R-6” 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. Surrounding properties are zoned “R-6” Residential Single-Family.
- 3. Suitability as Presently Zoned:** The existing “R-6” Residential Single-Family is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family with Conditional Use for two (2) dwelling units is also appropriate. The density is appropriate for the area and the required site plan will hold the applicant to the proposed layout of the development. Any major changes to the site plan will require additional rezoning consideration.
- 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 of the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - 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.
  - H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
  - H P30: Ensure infill development is compatible with existing neighborhoods.
  - H P18: Encourage housing to be built with, near or adjacent to retail uses.Relevant Goals and Strategies of the West/Southwest Sector Plan may include:
  - Goal LU-1 - Land use pattern emphasizes compatibility and appropriateness between uses and protects neighborhoods and businesses from incompatible land uses.
  - Goal HOU-1 Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan.
  - HOU-1.2 Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood.
  - HOU-3.1 Re-invest in existing residential neighborhoods.
- 6. Size of Tract:** The 0.1832 acre site is of sufficient size to accommodate the proposed two (2) dwelling development.

7. **Other Factors:** 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 intends to rezone to “R-6 CD” to develop two (2) dwelling units.

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

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.