



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 20, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2022-10700278

(Associated Plan Amendment Case PA-2022-11600098)

**SUMMARY:**

**Current Zoning:** "R-6 H RIO-6 AHOD" Residential Single-Family Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District

**Requested Zoning:** "IDZ-1 H RIO-6 AHOD" Limited Intensity Infill Development Zone Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District with uses permitted for five (5) dwelling units and Food Service Establishment

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 20, 2022. This item was continued from the November 1, 2022 and November 15, 2022 hearings.

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Chris and Raquel Kangur

**Applicant:** Chris and Raquel Kangur

**Representative:** Chris and Raquel Kangur

**Location:** 9446 Espada Road

**Legal Description:** 1.823 acres out of NCB 11173

**Total Acreage:** 1.823 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 12

**Registered Neighborhood Associations within 200 feet:** Villa Coronado

**Applicable Agencies:** Office of Historic Preservation, Stinson Airport, World Heritage Organization

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and originally zoned “B” Residence District. The property was rezoned by Ordinance 62153 dated January 9, 1986, to “R-1” Single Family Residence District. With adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

**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”

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** “R-6”

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** “RM-4” and “I-1”

**Current Land Uses:** Park, Vacant

**Direction:** West

**Current Base Zoning:** “NP-10”

**Current Land Uses:** Vacant, Concrete Product Supplier

**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 Mission Historic District is an overlay district which does not regulate use of the property but does enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject

to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

The "RIO-6" River Improvement Overlay District is an overlay district to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

**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.

If approved, the uses permitted would be 5 residential dwelling units and a food service establishment.

**Transportation**

**Thoroughfare:** Espada Road

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** There are no VIA bus routes in proximity to the subject site.

**Routes Served:** NA

**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 multi-family properties is 1.5 parking spaces per unit. The minimum parking requirement for a food service establishment is 1 parking space per 100 square feet of gross floor area.

The "IDZ-1" base zoning district waives the parking requirements.

**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: "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 allow five (5) dwelling units and a food service establishment.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

**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 Stinson Airport Vicinity Land Use Plan and is currently designated as "Low Density Residential" in the future land use component of the plan. The requested "Community Commercial" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Community Commercial". Staff recommends Denial. The Planning Commission recommendation is pending the November 16, 2022 hearing.
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. The property sits in a neighborhood consisting of large lot single-family properties. The introduction of commercial land use is out of character and inappropriate given the historically established development pattern. While the lot is large enough to accommodate residential infill, the proposed five units is too dense and also out of character with the surrounding area.
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 “IDZ-1” Limited Infill Development Zone with uses permitted for five (5) residential units and Food Service Establishment is not appropriate. The property is in a neighborhood with low intensity land uses, and directly abuts large lot single-family zoning to the north, south, and east.

While the properties to the west are zoned “RM-4” Residential Mixed District and “I-1” General Industrial District, they were zoned by the same Ordinance that rezoned the subject property and surrounding area. Likely to match the use of the property at the time. The properties with industrial zoning and land uses are screened by a solid screen fence, and do not appear to detract from the low intensity characteristic of the neighborhood.

The proposed “IDZ-1” introduces commercial activity via development of a food service establishment and the increased density proposed of five (5) dwelling units is uncharacteristic of the 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 appear to conflict with any public policy objectives of the Stinson Airport Vicinity Land Use Plan:
  - Goal I: Protect the quality of life of residents including health, safety and welfare
    - o Objective 1.1 Protect integrity of exiting residential neighborhoods
    - o Objective 1.2 Discourage developments of incompatible uses on vacant land
  - Goal II: Encourage economic growth that enhances airport operations and surrounding development
    - o Objective 2.2 Encourage commercial development that respects the integrity of existing residential development
6. **Size of Tract:** The subject property is 1.823 acres, which could reasonably accommodate the mixed use development.
7. **Other Factors:** The applicant intends to rezone to “IDZ-1” to develop a food service establishment, as well as to add four additional dwelling units to the one (1) unit already on the property.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses. There is one existing unit on the property, and the four units proposed equal a total of five units.

Please note that the applicant was advised that staff does support some additional density, which could be accomplished with an “R-6 CD” Residential Single-Family with a Conditional Use for four (4) dwelling units. However, this would require restarting the zoning process if the applicant were to change their request.

This property is located within the Mission Historic District. Any exterior modifications and new construction will require approval from the Office of Historic Preservation. A request for demolition of properties on site require a 60 day hold and a review by the Historic & Design Review Commission. Approval of a site plan or materials submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, the Office of Historic Preservation has communicated with the owner the demolition process; no application has been made to the Office of Historic Preservation for the additional site elements and new construction.