



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 16, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700061

(Associated Plan Amendment PA-2023-11600016)

**SUMMARY:**

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

**Requested Zoning:** "IDZ-2 H AHOD" Medium Intensity Infill Development Zone Historic Airport Hazard Overlay District with uses permitted for "MF-25" Low Density Multi-Family

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 16, 2023. This item was continued from the April 18, 2023 hearing.

**Case Manager:** Adolfo Gonzalez, Planner

**Property Owner:** GMAM LLC

**Applicant:** Gladys Margarita Ayanagoitia Moreno

**Representative:** Gladys Margarita Ayanagoitia Moreno

**Location:** 411 East Evergreen

**Legal Description:** Lot 9 and the west 14 feet of Lot 10, Block 29, NCB 396

**Total Acreage:** 0.2634

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Neighborhood Association

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "D" Apartment District. The property was rezoned by Ordinance 83331, dated December 14, 1995 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.

**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:** "MF-33"

**Current Land Uses:** Apartment Complex

**Direction:** East

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

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Residential Dwelling

**Overlay District Information:**

The Historic District, is an overlay district which was adopted in 2008. This district 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 "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:**

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 Evergreen

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Paschal Street

**Existing Character:** Local

**Proposed Changes:** None known.

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

**Routes Served:** 5, 204

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** “IDZ-2” waives the minimum parking requirement by 50%. The minimum parking requirements for multifamily dwelling is 1.5 spaces per unit. The maximum parking requirement for multifamily dwelling is 2 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “R-6” Residential Single-Family District permits 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-2” Medium Intensity Infill Development Zone allows rezoning requests up to 50 units per acre, and uses permitted in “C-2” and “O-1.5”. 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.

**FISCAL IMPACT:**

None.

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

The subject property is located with the Midtown Regional Center and within ½ a mile from the New Braunfels Avenue and San Pedro Premium Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation for “IDZ-1” Limited Intensity Infill Development with uses permitted for five (5) 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 Midtown Area Regional Center Plan and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "IDZ-2" base zoning district is not consistent with the future land use designation. The applicant withdrew their Plan Amendment. They will be amending their request to “IDZ-1” Limited Intensity Infill Development with uses permitted for five (5) dwelling units.
- 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 in terms of residential development. However, the intensity of the “IDZ-2” Medium Intensity Infill is not appropriate.
- 3. Suitability as Presently Zoned:** The existing "R-6" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "IDZ-2" Medium Intensity Infill Development Zone uses permitted for "MF-25" Low Density Multi-Family is not an appropriate zoning for the property. The property does abut other properties zoned "R-6" Residential Single-Family and "MF-33" Multi-Family zoning, but the intensity of the “IDZ-2” is slightly too much. Therefore, staff recommends “IDZ-1” Limited Intensity Infill Development with uses permitted for five (5) dwelling units as opposed to the seven (7) dwelling units the "IDZ-2" would permit. The applicant has indicated they will be amending their request to staff’s recommendation. The applicant also intends on utilizing the existing structures on the property and is providing on-site parking for residents. The project is bound to the prescribed site plan where major site plan changes cannot be made without requesting another rezoning. The rezoning supports the City’s Strategic Housing Implementation Plan for diverse housing options for growing population needs.
- 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 of the Midtown Area Regional Center Plan.

Goals and objectives of the Midtown Area Regional Center Plan include:

Goal 1: Preserve Midtown’s Distinct Character

Objective 1.1: Preserve Midtown’s essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.

Goal 4: Support Unique, Mixed Activity Areas

Objective 4.2: Accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses.

Goal 5: Broaden Housing Choices

Objective 5.1: Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.

Objective 5.2: Conserve existing affordable housing and the existing diverse mix of housing types, and expand affordable housing options.

Objective 5.3: Rehabilitate or redevelop housing that is in poor condition.

6. **Size of Tract:** The 0.2634 acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The applicant is amending the request to utilize existing structures for development of five (5) dwelling units.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. A revised site plan is required to indicate the amendment to “IDZ-1” with uses permitted for five (5) dwelling units.