



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-1285

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 2/4/2021

**Title:** ZONING CASE Z-2020-10700122 (Council District 1): Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on the East 12.5 feet of Lot 11, Lot 12 and Lot 13, Block 2, NCB 6481, located at 1526 West Mistletoe Avenue. Staff recommends Denial, with Alternate Recommendation. Zoning Commission recommends Denial. (Continued from January 21, 2021)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Zoning Minutes, 3. Draft Ordinance

Date	Ver.	Action By	Action	Result
2/4/2021	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2020-10700122

**SUMMARY:**

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

**Requested Zoning:** "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 6, 2020. This case is continued from the July 7, 2020, August 4, 2020 and September 1, 2020.

**Case Manager:** Mercedes Rivas, Senior Planner

**Property Owner:** Charles Riley

**Applicant:** Charles Riley

**Representative:** Charles Riley

**Location:** 1526 West Mistletoe Avenue

**Legal Description:** East 12.5 feet of Lot 11, Lot 12 and Lot 13, Block 2, NCB 6481

**Total Acreage:** 0.201

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Jefferson Neighborhood Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The property was originally zoned "A" Single Family Residence District, due to it being in the Original 36 square miles. The subject property was rezoned by Ordinance 64079, dated November 20, 1986, from "A" Single Family Residence District to "R-1" One Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "R-1" One 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", "R-6 HL" and "R-6 CD"

**Current Land Uses:** Single-Family Residences and Duplexes

**Direction:** East

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

**Current Land Uses:** Single-Family Residences

**Direction:** South

**Current Base Zoning:** "R-6", "RM-4", "MF-18" and "MF-33"

**Current Land Uses:** Single-Family Residences and Multi-Family

**Direction:** West

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

**Current Land Uses:** Single-Family Residences and Duplexes

**Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Transportation**

**Thoroughfare:** West Mistletoe Avenue

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** 90 and 100

**Traffic Impact:** Traffic Impact Analysis (TIA) is not required.

**Parking Information:** The parking requirement for a single-family dwelling is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The current zoning district designation of “R-6” is designed to allow 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:** The proposed zoning district designation of “RM-4” is designed to allow for a single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

**FISCAL IMPACT:**

None.

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

The property is not within a Regional Center and is not within a premium transit corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-3) recommend Denial. Staff recommends an Alternate Recommendation of “R-6 CD” with a Conditional Use for two (2) dwelling units.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The subject property is located within the Near Northwest Community Plan and is currently designated as “Medium Density Residential” in the land use component of the plan. The requested “RM-4” base zoning district is consistent with the adopted land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested “RM-4” allows for development of fourplexes, which is not consistent with the established development pattern of the surrounding area.

**3. Suitability as Presently Zoned:**

The current “R-6” base zoning is consistent with the surrounding properties to the east, west and north of the subject property. It is also consistent with the Near Northwest Community Plan objective to encourage new housing development that is compatible with the community’s character. The current community’s character is a maximum of two (2) dwelling units per lot. Therefore, the alternate recommendation of “R-6 CD” with a Conditional Use for two (2) dwelling units is more appropriate for this area. The requested “RM-4” which

would introduce excessive density which is not currently established in the area, by allowing four (4) dwelling units.

**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 objective of the Near Northwest Community Plan, which encourages the following:

**Land Use Plan** - If a structure was built as a single-family use and currently is used as a multi-family structure, the neighborhoods' highest preference is for the house to return to a single-family use.

**Objective 3.4: Housing Development**

Encourage new housing development that is compatible with the community's character.

**3.4.1** - Encourage new developments to reflect the character of the surrounding areas.

**6. Size of Tract:**

The 0.201 acre site is of sufficient size to accommodate the proposed fourplex development.

**7. Other Factors:**

The applicant is requesting to rezone in order to develop a fourplex. Staff's recommendation of "R-6 CD" with a Conditional Use for two (2) dwelling units is a more appropriate alternative for the property and maintains community density and character.