



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-5231

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 7/16/2019

**Title:** ZONING CASE Z-2019-10700172 (Council District 2): A request for a change in zoning from "R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "MF-40 MLOD-3 MLR-2 AHOD" Multi-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 18, Block 6, NCB 1277, located at 1923 North Interstate 35. Staff recommends Approval, pending Plan Amendment. (Associated Plan Amendment PA-2019-10700172) (Patricia Franco, Planner (210) 207-5876, patricia.franco@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location map, 2. CCR Request, 3. Resolution 2019-06-06-0041R

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700172  
(Associated Plan Amendment Case PA-2019-11600047)

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "MF-40 MLOD-3 MLR-2 AHOD" Multi-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 16, 2019

**Case Manager:** Patricia Franco, Planner

**Property Owner:** Phyllis Ann Newman

**Applicant:** City of San Antonio

**Representative:** City of San Antonio

**Location:** 1923 North IH-35

**Legal Description:** Lot 18, Block 6, NCB 1277

**Total Acreage:** 0.207

**Notices Mailed**

**Owners of Property within 200 feet:** 24

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance Neighborhood Association

**Applicable Agencies:** Texas Department of Transportation

**Property Details**

**Property History:** The property was annexed by the City of San Antonio in 1905 and was part of the original 36 square miles of the 1936 City Limits and was originally zoned "D" Apartment District. The property converted to "MF-33" Multi-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. Later, the property was rezoned from "MF-33" Multi-Family District to "R-5" Residential Single-Family on November 4, 2019 by Ordinance 2010-11-04-0971.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

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

**Direction:** East

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

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

**Direction:** South

**Current Base Zoning:** TxDOT ROW

**Current Land Uses:** I-35 Frontage Road

**Direction:** West

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

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

**Overlay and Special District Information:**

"MLOD-3"

All surrounding properties carry the "MLOD-3" Military Lighting Overlay District, due to their proximity to Martindale Army Airfield. The "MLOD-3" 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.

"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:** N/A

**Existing Character:** N/A

**Proposed Changes:** N/A

**Public Transit:** VIA bus routes are not within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required for a City initiated case.

**Parking Information:** A minimum parking space requirement for multi-family is 1.5 per residential unit.

### **ISSUE:**

The property located at 1923 North Interstate 35 (1923 Pan Am Expressway) requires review and analysis of land use and zoning with respect to its existing use. The current base zoning district "R-5" Single Family Residential is not compatible with the existing use of the property, which is multi-family.

### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of "R-5". Low-Density Residential uses include single-family houses on individual lots. The "R-5" Residential Single-Family District allows for a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, nursery (1-acre minimum), public and private schools.

### **FISCAL IMPACT:**

None.

### **Proximity to Regional Center/Premium Transit Corridor**

The subject property is located within the Downtown Regional Center and is within a ½ a mile of a Premium Transit Corridor.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment

**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 Government Hill Neighborhood Plan and is currently designated as "Low Density Residential" in the future land use component of the plan. The requested "MF-40" base zoning district is not consistent with the future land use designation. The applicant is seeking a plan amendment to change to future land use designation to "High Density Residential." Staff recommends Approval. Planning Commission will consider the Plan Amendment on July 24, 2019.

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

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The use is consistent with the established development pattern of the surrounding area and adjacency to

a major highway.

### **3. Suitability as Presently Zoned:**

The existing “R-5” Single-Family Residential base zoning is an appropriate zoning district is appropriate for the surrounding area. The proposed “MF-40” is suitable to the area and provides the opportunity for additional density.

### **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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Government Hill Neighborhood Plan:

1. Housing
  - 1.1 Conserve, rehabilitate and/or replace (if necessary) housing stock
2. Land Use/Revitalization
  - 2.1 Redevelop and revitalize the neighborhood

### **6. Size of Tract:**

The subject property is 0.207 acres, which would adequately support multi-family use.

### **7. Other Factors:**

The subject property is located within the Martindale Army Air Field 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 property is zoned “R-5” as the result of a large area rezoning in 2010. The property was developed as a multi-family property and became non-conforming as a result of the rezoning, thereby making it difficult to pull permits for improvements to the structure. The existing residence is considered a nonconforming use and should it ever be damaged or destroyed, could be not be reconstructed again as a multi-family in its present base zoning district, “R-5” resulting in the loss of housing. The proposed rezoning request seeks to rezone the property and the land use as necessary to align the zoning with its existing use.

This property is located within the Government Hill Historic District. Approval of a zoning change does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. Any modifications or new construction will require written approval from the Office of Historic Preservation.