



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7291

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 10/1/2019

**Title:** ZONING CASE Z-2019-10700161 (Council District 3): A request for a change in zoning from "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Manufactured Home Park to "MF-33 AHOD" Multi-Family Airport Hazard Overlay District on Lot 9, Lot 10, Lot 11 and the East 25 feet of Lot 8, Block 8, NCB 7610, located at 138 Hermitage Court. Staff recommends Denial, with Alternate Recommendation. (Associated Plan Amendment PA2019-11600042) (Michael Pepe, Planner, (210) 207-8208, Michael.Pepe@SanAntonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**

Zoning Case Z-2019-10700161  
(Associated Plan Amendment PA2019-11600042)

**SUMMARY:**

**Current Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Uses Permitted for Manufactured Home Park

**Requested Zoning:** "MF-33 AHOD" Multi-Family Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 3, 2019

**Case Manager:** Michael Pepe, Planner

**Property Owner:** SRM Capital

**Applicant:** Project Permitting of Texas

**Representative:** Melissa Gonzales

**Location:** 138 Hermitage Court

**Legal Description:** Lot 9, Lot 10, Lot 11 and the East 25 feet of Lot 8, Block 8, NCB 7610

**Total Acreage:** 0.5624 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 39

**Registered Neighborhood Associations within 200 feet:** Hot Wells Mission Reach Neighborhood Association

**Applicable Agencies:** World Heritage Office

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1256 dated August 3, 1944. The property was assigned zoning to "D" Apartment in 1948. Property was then converted to "MF-33" Multifamily in 2001 with the adoption of the 2001 UDC. In 2016, the property was rezoned "R-4 CD" Residential Single-Family with a Conditional use for a Manufactured Home Park by Ordinance 2016-06160493.

**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-4"

**Current Land Uses:** Single Family Dwelling

**Direction:** East

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single Family Dwelling

**Direction:** West

**Current Base Zoning:** "R-4 CD"

**Current Land Uses:** Duplex

**Direction:** South

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single Family Dwelling

**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:** Hermitage Court

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Merrimac Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Lennon Avenue

**Existing Character:** Local

**Proposed Changes:** None Known

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

Routes Served: 36, 242, 515

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** The parking minimum for a multifamily dwelling is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

**Proposed:**The “R-4” Residential Single Family District allows a Single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

**Current:**The requested zoning change would result in the subject property changing to the zoning district designation of “MF-33” Multifamily. Multi-family dwelling, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 33 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

**FISCAL IMPACT:**

None.

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

The property is located within the Brooks Regional Center. The property is also within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with Alternate Recommendation.

**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 Brooks Regional Center Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “M-33” base zoning district is not consistent with the future land use designation. The Applicant requested a Plan Amendment to the

Brooks Regional Center Plan from “Urban Low Density Residential” to “Medium Density Residential”. Staff and Planning Commission recommend Denial.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested “MF-33” proposes more density than desired in this area.

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

The current “R-4 CD” zoning is appropriate for the property and surrounding area.

The proposed “MF-33” would not be appropriate for the lot or the surrounding area. A zoning consistent with the land use of “Urban Low Density Residential” such as “MF-18” Limited Multi-Family District would be more suited to the area. The difference in density is 18 units for “MF-33” versus the 10 units allowed in “MF-18.” Thus, staff recommends Denial with an Alternate Recommendation of “MF-18.”

## **4. Health, Safety and Welfare:**

Staff has found indication of likely adverse effects on the public health, safety, or welfare. The proposed rezoning creates undesired density and potential increased traffic to the area.

## **5. Public Policy:**

The subject property is located within the SA Tomorrow Brooks Area Regional Center and the SA Corridors Rockport Subdivision and the New Braunfels half-mile buffer. The lot is approximately half an acre and is zoned R-4 with a conditional use for a mobile home park but is currently vacant and has a future land use of Urban Low Density Residential. The applicant has requested MF-33 zoning and a future land use of Medium Density Residential. The neighboring parcels are zoned R-4 with a future land use of Urban Low Density Residential.

The Urban Low Density Residential future land use category supports zoning of up to 18 units per acre. The 16 townhomes proposed for this site would require a plan amendment to change the future land use to Medium Density Residential. The Brooks Area Regional Center Plan would not support a plan amendment based on the following goals and policies recommended in the plan:

- The land use plan designates these areas as either Low Density Residential or Urban Low Density Residential and intends that these areas generally retain their current character in the future, with any added density coming primarily in the form of Accessory Dwelling Units (ADUs) or “missing middle” housing such as duplexes, triplexes, quadplexes, and bungalow courts as appropriate and as allowed by zoning (page 15).
- *Housing Recommendation #1*: Support neighborhood stability and a balance of homeownership and rental opportunities (page 42).
- *Housing Recommendation #2*: Increase the diversity of housing options within the Brooks Area Regional Center in order to support and attract residents at all stages of life and income levels.
  - The Brooks Area community welcomes this growth on the south side and the increased shopping, hospitality, and transit amenities it can attract and support. However, area residents have also expressed a desire to respect and maintain the character of traditionally single family, residential-focused neighborhoods. While all neighborhoods will change over time, this evolution can be managed by directing much of the anticipated growth to the Regional Center’s designated focus areas, mixed-use corridors, and VIA transit stations.
  - New development and infill projects in neighborhoods should be more incremental, and at a scale that does not conflict sharply with the existing character. Accessory Dwelling Units (see Recommendation #1), duplexes, and triplexes are examples of housing types that can add additional ownership or rental housing supply to neighborhoods at a scale that creates little or no

disruption to neighborhood character, parking, or traffic (page 43).

Given the recommendations from the Brooks Area Regional Center Plan, the proposed plan amendment and rezoning do not fit with the vision and goals of the community. While a variety of housing is needed in the Regional Center, the density proposed for this specific site and location do not substantially advance the Plan.

Section 35-421 of the UDC states “Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.” The proposed “MF-33” would allow for intense, but fragmented development within the interior of a block that would be inconsistent with low density residential character of the neighborhood.

**6. Size of Tract:**

The subject property is 0.5624 acres, which could reasonably accommodate limited density multifamily uses.

**7. Other Factors:**

None.