



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3966

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/6/2020

**Title:** ZONING CASE Z-2020-10700080 CD (Council District 5): Ordinance amending the Zoning District Boundary from "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-4 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for four (4) dwelling units, on Lot 30 and Lot 31, Block 12, NCB 6070, located at 139 Surrey Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2020-08-06-0496

Date	Ver.	Action By	Action	Result
8/6/2020	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:** Zoning Case Z2020-10700080 CD

### SUMMARY:

**Current Zoning:** "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for four (4) dwelling units

### BACKGROUND INFORMATION:

**Zoning Commission Hearing Date:** June 2, 2020

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Summit SCC1, LLC

**Applicant:** Victor Garcia

**Representative:** Victor Garcia

**Location:** 139 Surrey Avenue

**Legal Description:** Lot 30 & Lot 31, Block 12, NCB 6070

**Total Acreage:** 0.1618 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 32

**Registered Neighborhood Associations within 200 feet:** Palm Heights Neighborhood Association

**Applicable Agencies:** Lackland Air Force Base

**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the city and was originally zoned "C" Apartment District. The property was rezoned to "R-7" SUP for a duplex and a single-family residence by Ordinance 76368, dated August 27, 1992. The current "R-4" General Commercial District was converted from the previous "R-7" Small Lot Residence District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001.

**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 dwellings

**Direction:** East

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

**Current Land Uses:** Single-family dwellings, duplex

**Direction:** South

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

**Current Land Uses:** Single-family dwellings

**Direction:** West

**Current Base Zoning:** "C-3R"

**Current Land Uses:** Grocery store

**Overlay and Special District Information:**

"MLOD-2"

All surrounding properties carry the "MLOD-2" Military Lighting Overlay District, due to their proximity to Lackland Air Force Base. The "MLOD-2" 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:** Surrey Avenue

**Existing Character:** Local

**Proposed Changes:** None

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

**Routes:** 51, 251

**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 minimum parking requirement for 4 dwelling units is 1.5 spaces per unit.

**ISSUE:** None.

### **ALTERNATIVES:**

**Current:** The current “R-4” Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character.

**Proposed:** The proposed “R-4” Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character. The proposed “CD” would allow for consideration of four (4) dwelling units.

**FISCAL IMPACT:** None.

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

The property is not within a regional center but is within a premium transit corridor.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) recommend Approval.

**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 Nogalitos/South Zarzamora Community Plan and is currently designated as “Low Density Residential.” The requested “R-4” base zoning district is consistent with the future land use designation.

#### **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.

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

The current "R-4" Residential Single-Family is an appropriate zoning for the property and surrounding area. The proposed rezoning maintains the base "R-4". The "CD" Conditional Use allows for consideration of additional density of four (4) dwelling units. The density appears appropriate at this since there is a considerable "C-3" development and an alley way to the west of the subject property, and density of at least two (2) units across Surrey Avenue.

### **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 Nogalitos/South Zarzamora Community Plan:

Goal 1- Improve the quality, appearance, and variety of existing and new housing for people of all ages while preserving the character of the neighborhoods.

Objective 1.2- Provide a variety of housing types that sustain all ages and economic groups.

Objective 2.1- Protect and preserve the character of the neighborhoods and commercial corridors while improving their physical appearance.

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

The subject property is 0.1618 acres, which could reasonably accommodate four (4) dwelling units.

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

The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to the request.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

According to Bexar County Appraisal District, the main structure was built as a triplex in 1950, and the rear structure was built for residential use in 1954. The applicant seeks rezoning to make the zoning consistent with the current use of the property, with four (4) dwelling units.

The applicant will need to meet the minimum required off street parking. There are options including a cooperative parking agreement or a Board of Adjustment waiver of the minimum required parking.