



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-7423

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 1/21/2021

**Title:** ZONING CASE Z-2020-10700245 CD (Council District 2): Ordinance amending the Zoning District Boundary from "R-5 MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District to "R-5 CD MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District with a Conditional Use for two (2) dwelling units on Lot 26 and the west 60.10 feet of Lot 25, Block 1, NCB 10733, located at 4427 North Hein Road. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2021-01-21-0037

Date	Ver.	Action By	Action	Result
1/21/2021	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2020-10700245 CD

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District

**Requested Zoning:** "R-5 CD MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District with a Conditional Use for two (2) dwelling units.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 1, 2020

**Case Manager:** Michael Pepe, Planner

**Property Owner:** John Hernden

**Applicant:** John Hernden

**Location:** 4427 North Hein

**Legal Description:** Lot 26 and the west 60.10 feet of Lot 25, Block 1, NCB 10733

**Total Acreage:** 0.5234

**Notices Mailed**

**Owners of Property within 200 feet:** 20

**Registered Neighborhood Associations within 200 feet:** Hein - Orchard Subdivision Association

**Applicable Agencies:** Martindale Air Force Base

**Property Details**

**Property History:** The property was annexed September 25, 1952 by Ordinance 18115 as "Temporary A" Residence District. The property was rezoned on February 14, 1957 to "A" Residence District by Ordinance 24417. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" converted to "R-5" 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-5"

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

**Direction:** East

**Current Base Zoning:** "R-5", "C-2", "C-3" and "C-3R"

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

**Direction:** South

**Current Base Zoning:** "R-5" and "MF-33"

**Current Land Uses:** Single-Family Dwelling and Apartments

**Direction:** West

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

**Current Land Uses:** Single-Family Dwelling and Fourplex

**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.

**Transportation**

**Thoroughfare:** North Hein Road

**Existing Character:** Local

**Proposed Changes:** None

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

**Routes Served:** 26, 28, 552

**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 multiple dwellings is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** “R-5” districts provide 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:** “R-5” districts provide 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 “CD” conditional use would allow continued use of an existing duplex.

**FISCAL IMPACT:**

None.

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

The property is not located within a Regional Center but it is within half a mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) 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 Eastern Triangle Community Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-5” 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. The requested zoning enables continued use of the property as it is developed.

**3. Suitability as Presently Zoned:**

The current “R-5” Residential Single Family is appropriate for the property. “R-5 CD” would also be appropriate for the property, which is currently used as a duplex. The base district will remain the same and the Conditional Use allows consideration of two (2) units on the property. The large size of the property

accommodates the existing two (2) units with on-site parking.

**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 Eastern Triangle Community Plan:

**Goals:**

OVERALL GOAL: A well maintained community with a diverse housing stock that meets the needs of current and future residents through all stages of life

Goal 12: Quality housing

Goal 13: Well-maintained neighborhoods and housing stock

Goal 16: Housing with access to transit and public amenities

**6. Size of Tract:**

The subject property is 0.5234 acres, which could reasonably accommodate the requested residential uses.

**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 Military has indicated that there are no objections to this request.

The applicant is requesting to rezone to “R-5 CD”, in order to comply with the current use of the property. One of the structures is less than 5 feet away from the side property line. Should the owner wish to add to the structure or renovate more than 50% of the value, a variance from the Board of Adjustment may be necessary to bring the structure into compliance.