



City of San Antonio

Agenda Memorandum

File Number:20-1907

Agenda Item Number: 1.

Agenda Date: 2/17/2020

In Control: Board of Adjustment

Case Number:	BOA-20-10300001
Applicant:	Carlos Franco
Owner:	Carlos Franco
Council District:	6
Location:	2411 Pinn Road
Legal Description:	The South 94.47 FT of Lot 29, Block 1, NCB 15600
Zoning:	“MF-33 MLOD-2 MLR-1 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a special exception to allow two (2) Type 2 short term rental units per the UDC Section 35-482(i).

Executive Summary

The subject property is located at 2411 Pinn Road, off of U.S. Highway 90 and a short drive away from Lackland Air Force Base. The zoning of the property is “MF-33” Multi-Family District and currently has a multi-family complex with eight (8) attached units constructed on the property. The subject property is surrounded by a mixture of commercial and residential uses, including a grocery store to the north, single-family residential to the west, and an auto repair shop to the south. The applicant currently holds one Type 2 STR Permit for the subject property.

The applicant is seeking a special exception to allow for two (2) additional Type 2 STRs for a total of three (3) at a property with a total of eight (8) dwelling units. A unit is defined as having its own distinct sleeping area, kitchen, and bathroom. Type-2 indicates that the owner/operator of the property does not occupy the site as their permanent legal residence.

Per the recently adopted code, Type 2 Short Term Rentals shall be limited to no more than one-eighth (12.5 percent) of the total number of units on the multi-family property. No more than 50% of the total number of

units in a multi-family development would be allowed to be short term rental units, as this would constitute a change of use to a hotel. At least one (1) Type 2 Short Term Rental shall be permitted per multi-family development, regardless of the total number of units in the development.

In this case, the multi-family development contains eight (8) dwelling units, so the applicant is only allowed one (1) STR Permit by-right which has already been approved. Additionally, the applicant is allowed to have up to three (3) Type 2 STRs before being considered a hotel per the UDC.

Code Enforcement History

The applicant has received a handful of code violations pertaining to property maintenance, and has complied with every one, therefore the complaints have been closed by code enforcement.

Zoning History

The subject property was annexed into the City Limits in 1972 and was zoned “B-3” Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning districts converted to “C-3” General Commercial District. The current “MF-33” base zoning district changed from the previous “C-3” on January 19, 2017, established by Ordinance 2017-01-19-0044.

Permit History

The applicant applied for a Type 2 STR Permit in January of 2020. The permit was approved and active on January 27, 2020 and is due to expire on January 27, 2023.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Multi-Family Dwelling Units

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Grocery Store
South	“C-3R MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Auto Repair Shop

East	“MF-33” and “C-2 MLOD-2 MLR-2 AHOD” Multi-Family and Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	VFW Post, Residential
West	“MF-33 MLOD-2 MLR-2 AHOD” Multi- Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the West/Southwest Sector Plan and currently designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the boundaries of the Cable-Westwood neighborhood association.

Street Classification

Pinn Road is classified as a Collector.

Criteria for Review

According to Section 35-374.01 of the UDC, in order for a special exception to be granted, the applicant must demonstrate all of the following:

A. The special exception will not materially endanger the public health or safety.

The applicant is requesting the special exception to obtain two (2) Type 2 STR Permits in addition to one (1) active Type 2 STR Permit. The subject property appears to be well-kept and has a wrought iron fence and gate to access the property. Surrounding uses include commercial to the north and south and residential to the west.

B. The special exception does not create a public nuisance.

Approval of the special exception would permit a total of three (3) Type 2 STRs operating in a multi-family structure of eight (8) units. The applicant has received a handful of code violations pertaining to property maintenance, and has complied with every one causing them to be closed by code enforcement. The granting of a special exception allows an additional two (2) Type 2 STRs, which may have the effect of saturating the development which may create a public nuisance. The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood will not be impacted which could mitigate this finding.

C. The neighboring property will not be substantially injured by such proposed use.

The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood and property valuations for the neighborhood will not be negatively impacted by the request, which could mitigate this finding.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.

There are about twelve (12) parking spaces provided at the subject property which is required by a multi-family complex. The subject property appeared to have adequate utilities, access, and open space.

E. The applicant or owner for the special exception does not have any previously revoked short term rental

licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant currently has one Short Term Rental Permit and does not have any history of revocation, citations, or convictions for violations of Chapter 16.

F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The multi-family development of eight (8) units has been constructed on the property since 1968 and has been improved through property maintenance, displayed through Google Street View. While there is single-family residential abutting to the west, there does seem to be landscaping which may potentially serve as a buffer for the single-family residence. With access being limited off of Pinn Road, the special exception does not appear to alter the essential character of the district and location in which the property is seeking the special exception. However, essential character of the neighborhood may include potential impacts to occupancy rates and property valuations. The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood and property valuations for the neighborhood will not be negatively impacted by the request, which could mitigate this finding.

Alternative to Applicant's Request

Denial of the request would result in the applicant operating his current Type 2 Short Term Rental, which is the only one permitted by right, per the UDC.

Staff Recommendation

Staff recommends **DENIAL of BOA-20-10300001** based on the following findings of fact:

1. The applicant currently holds one (1) active STR Permit, granted January 27, 2020;