



City of San Antonio

Agenda Memorandum

Agenda Date: February 4, 2025

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

COUNCIL DISTRICTS IMPACTED: District 10

SUBJECT:
ZONING CASE Z-2024-10700306

SUMMARY:

Current Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District

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

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: February 4, 2025

Case Manager: Bronte Frere, Zoning Planner

Property Owner: Rolling Oaks Mall Realty Holding LLC

Applicant: AMTEX Multi-Housing LLC

Representative: AMTEX Multi-Housing LLC, LJA Engineering

Location: 6909 North Loop 1604 East

Legal Description: Lots 18 and 19, Block 1, NCB 17658

Total Acreage: 15.7432 acres

Notices Mailed

Owners of Property within 200 feet: 15

Registered Neighborhood Associations within 200 feet: N/A

City-Wide Community Organizations: T.H.U.G.G.I.N. for Christ, Women in Film & Television San Antonio, NES Foundation, Lifeline Overeaters Anonymous

Applicable Agencies: Planning Department, TxDOT

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 56133, dated December 21, 1982, and zoned "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" Business District converted to the current "C-3" General Commercial District.

Code & Permitting Details:

INV-FLS-INV25-24400028 – Fire Life Safety Periodic – Pending Investigation – January 2025

INV-YEL-INV25-24600063 – Yellow Tag Investigation – Pending Inspection – January 2025

Topography: A portion of the property is located within the 100 year Floodplain.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: "I-1," "I-1 S"

Current Land Uses: Vacant Land, Gun Shop

Direction: South

Current Base Zoning: "C-3"

Current Land Uses: Mall, Vacant Land

Direction: East

Current Base Zoning: "L"

Current Land Uses: Vacant Land

Direction: West

Current Base Zoning: "C-3," "C-3R," UZROW

Current Land Uses: Apartments, Corporate Office, Warehouse, Loop 1604

Overlay District Information:

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Special District Information:

N/A

Transportation

Thoroughfare: North Loop 1604 East

Existing Character: Interstate Highway

Proposed Changes: None known.

Thoroughfare: Nacogdoches Road

Existing Character: Secondary Arterial Type A

Proposed Changes: None known.

Public Transit: There are no VIA bus routes within a ½ mile of the subject property.

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: The minimum parking requirements for multi-family dwellings is 1.5 spaces per unit, and the maximum is 2 spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "C-3" General Commercial Districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

Proposed Zoning: "MF-33" Multi-Family District permits any uses permitted in MF-33 with a maximum density of 33 units per acre."

FISCAL IMPACT:

None.

PROXIMITY TO CURRENT AND/OR PLANNED REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR AS IDENTIFIED IN THE SA TOMORROW COMPREHENSIVE PLAN:

Subject property is located within the Rolling Oaks Regional Center and is within ½ a mile from the Austin Highway Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on approval criteria below.

- 1. Consistency:** The subject property is located within the North Sector Plan, adopted August 2010, and is currently designated as “Regional Center” in the future land use component of the plan. The requested “MF-33” base zoning district is consistent with the future land use designation.
- 2. Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is inconsistent with the established development pattern of the surrounding area. Surrounding properties are “I-1” General Industrial District, “L” Light Industrial District, “C-3” General Commercial District, and “C-3R” General Commercial Restrictive Alcoholic Sales District.
- 3. Suitability as Presently Zoned:** The existing “C-3” General Commercial District is an appropriate zoning for the property and surrounding area. The proposed “MF-33” Multi-Family District is not appropriate. The subject property abuts existing “I-1,” “L,” and “C-3” zoning districts and would introduce residential dwellings in between industrial and commercial zoned properties. This is inconsistent with zoning patterns that promote incremental change in intensity of land uses and discourage proposed residential dwellings next to existing industrial and more intense commercial uses.
- 4. Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The activities of the industrial and more intense commercial uses could create nuisances to the proposed residential development.
- 5. Public Policy:** The request does appear to conflict with any public policy. Relevant Goals and Policies of the North Sector Plan may include:
 - **HOU-1.2** Encourage compatible growth patterns and transitions of higher density residential along principal arterials and transit corridors that fit in with the existing residential character of the North Sector.
 - **HOU-2.3** Utilize High Density Residential as a buffer between principal and arterial roadways / non-residential (i.e. office, retail, commercial uses) and lower density residential housing.
- 6. Size of Tract:** The 15.7432 acre site is of sufficient size to accommodate the proposed residential development.
- 7. Other Factors:** The proposed zoning is to allow for the development of apartments.

The property is proposed for development of multifamily uses that shall not exceed 33 units per acre. At 15.7432 acres, there could potentially be development of 520 units. The applicant is requesting to build 381 units.

Per the Texas Department of Transportation (TXDOT), zero access may be allowed onto Loop 1604 due to access coming from adjacent mall internal driveway. TXDOT coordination will be required.

The proposed rezoning is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100. Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.