



City of San Antonio

Agenda Memorandum

Agenda Date: September 5, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 10

SUBJECT:

ZONING CASE Z-2024-10700047

(Associated Plan Amendment Case PA-2024-11600016)

SUMMARY:

Current Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto, Boat, and Recreational Vehicle Storage (Outdoor/Covered)

Requested Zoning: "MXD AHOD" Mixed Use Airport Hazard Overlay District with a maximum density of 25 units per acre

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: August 6, 2024

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: Nacogdoches One, LLC

Applicant: SA Vista Park, LP

Representative: Ortiz McKnight, PLLC

Location: Generally located in 14000 block of Nacogdoches Road

Legal Description: Lot P-5, NCB 15831

Total Acreage: 4.4626 acres

Notices Mailed**Owners of Property within 200 feet:** 47**Registered Neighborhood Associations within 200 feet:** Northeast Neighborhood Alliance
Community Organization**Applicable Agencies:** Planning Department, TxDOT**Property Details**

Property History: The subject property was annexed into the City of San Antonio by Ordinance 42200, dated June 14, 1973, and zoned Temporary "R-1" Temporary Single Family Residential District. The property was rezoned by Ordinance 49828, dated September 21, 1978, to "B-1" Business District, "B-2" Business District, and "B-3R" Restrictive Business District. A portion of the property zoned "B-1" Business District was rezoned by Ordinance 65287, dated July 2, 1987, to "B-2" Business District. Upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "B-2" Business District and the portion zoned "B-3R" Restrictive Business District converted to "C-2" Commercial District and "C-3R" General Commercial Restrictive Alcoholic Sales District respectively. The property was rezoned by Ordinance 2021-10-07-0766, dated October 7, 2021, to the current "C-2 CD" Commercial District with a Conditional Use for Auto, Boat, and Recreational Vehicle Storage (Outdoor/Covered).

Code & Permitting Details:

There is no code enforcement or permitting history for the subject property.

Topography: The property does not include any abnormal physical features such as slope or incursion in a floodplain.

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** R-6, RM-4 PUD**Current Land Uses:** Single-Family Residential**Direction:** South**Current Base Zoning:** C-2, C-3**Current Land Uses:** Multi-Family Developments, Commercial Strip Mall**Direction:** East**Current Base Zoning:** C-2 CD, C-2**Current Land Uses:** Vet Clinic, Commercial Strip Mall**Direction:** West**Current Base Zoning:** C-1**Current Land Uses:** Day Care Center, Assisted Living Facility, Restaurant**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:

The Mixed Use District is a special district designed to provide a concentrated mix of residential, retail, service, and office uses. A site plan is required for a rezoning to “MXD” that will include the location of the uses. A zoning review is performed by the Zoning Section of the Development Services Department during the review of the building permit.

Transportation

Thoroughfare: Nacogdoches Road

Existing Character: Secondary Arterial Type A

Proposed Changes: None known

Public Transit: There is no public transit within walking distance of the subject property.

Routes Served: N/A

Traffic Impact: A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

Parking Information: The minimum parking requirement for Dwelling – Multi-Family is 1.5 spaces per unit, and the maximum parking requirement is 2 spaces per unit. The minimum parking requirement for Day Care Center – child and/or adult care is 1 spaces per 375 square feet gross floor area, and the maximum parking requirement is 1.5 spaces per 375 square feet gross floor area.

ISSUE:

None

ALTERNATIVES:

Current Zoning: “C-2 CD” Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The Conditional Use is for Auto, Boat, and Recreational Vehicle Storage (Outdoor/Covered).

Proposed Zoning: “MXD” Mixed Use District provides a concentrated mix of residential, retail, service, and office uses.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within an Area Regional Center but is within ½ a mile from the Austin Highway Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval.

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 5, 2010, and is currently designated as "Suburban Tier" in the future land use component of the plan. The requested "MXD" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "General Urban Tier". Staff and Planning Commission recommend Approval.
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 proposed use is consistent with the established development pattern of the surrounding area. Properties along Nacogdoches Road include a mix of "C-1" Light Commercial, "C-2" Commercial, and "C-3" General Commercial Districts.
3. **Suitability as Presently Zoned:** The existing "C-2 CD" Commercial District with a Conditional Use for Auto, Boat, and Recreational Vehicle Storage (Outdoor/Covered) is an appropriate zoning for the property and surrounding area. The proposed "MXD" Mixed Use District with a maximum density of 25 units per acre is also appropriate zoning for the property and surrounding area. Along the Nacogdoches Road corridor, there are existing multi-family developments at a higher density than the proposed density of the mixed-use development, along with a mix of commercial uses, varying in intensity. The "MXD" plan illustrates a "C-1" Light Commercial District area, a zoning district that permits lighter commercial uses which better service residential neighborhoods. Plus, the proposed density of multi-family aligns with the goals of Strategic Housing Implementation Plan (SHIP), introducing diverse housing stock to accommodate the City's population.
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 request does not appear to conflict with any public policy objective. Relevant Goals and Policies of the Comprehensive Plan may include:
 - H Goal 1: Housing for lower-income residents is available throughout the community with the greatest proportion in priority growth areas with high levels of connectivity and amenities.
 - H Goal 2: A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.

- H Goal 5: High-density housing choices are available within the city's 13 regional centers and along its arterial and transit corridors.

Relevant Goals and Policies of the North Sector Plan may include:

- Goal HOU-1: Continued support for development of diverse housing stock using infill housing development between Loop 1604 and Loop 410.
- Strategy HOU 1.1: Consider innovative allowances in zoning amendments that promote a variety of housing types in the North Sector and embrace flexible standards, including, but not limited to: zero lot lines, clustering of development, and density bonuses as per the Sector Land Use Plan.
- Strategy 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.
- Goal HOU-2: High density housing is developed near post secondary education facilities, principal and arterial transportation routes, and major employment areas.
- Strategy 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 4.4626 acre site is of sufficient size to accommodate the proposed commercial and residential development.
- 7. Other Factors:** The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates both residential and commercial uses with a density of 25 units per acre.

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.