



City of San Antonio

Agenda Memorandum

Agenda Date: November 21, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:

ZONING CASE Z-2024-10700232

(Associated Plan Amendment Case PA-2024-11600071)

SUMMARY:

Current Zoning: "C-3 MLOD-3 MLR-1 AHOD" General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "RM-4 MLOD-3 MLR-1 AHOD" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 15, 2024

Case Manager: Eradio Gomez, Senior Planner

Property Owner: S A Partners Investment LLC

Applicant: S A Partners Investment LLC

Representative: Killen, Griffin & Farrimond, PLLC

Location: 6135 FM 78

Legal Description: Lot 5-8, Block 2, NCB 17630

Total Acreage: 3.976

Notices Mailed

Owners of Property within 200 feet: 21

Registered Neighborhood Associations within 200 feet: N/A

Applicable Agencies: Martindale Army Air Field, Planning Department, Texas Department of Transportation

Property Details

Property History: The property was annexed into the of City of San Antonio by Ordinance 72640, dated December 30, 1990, and zoned Temporary "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 02, 2001, the property zoned "B-3" was converted into the current "C-3" General Commercial District.

Code & Permitting Details:

None.

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

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: "R-4", "I-1"

Current Land Uses: Pallet Supplier, Vacant Land

Direction: South

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

Current Land Uses: Vacant Land, Single Family Residential

Direction: East

Current Base Zoning: "C-3", "C-2"

Current Land Uses: Vacant Property, Auto Repair, Food Service Establishment

Direction: West

Current Base Zoning: "C-3", "MH"

Current Land Uses: Day Care Center, Church

Overlay District Information:

The "MLOD-3" Martindale Army Airfield Military Lighting Overlay District 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.

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:

None.

Transportation

Thoroughfare: FM 78

Existing Character: Primary Arterial Type A

Proposed Changes: None known.

Public Transit: There is public transit within walking distance of the subject property.

Routes Served: 21

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 “RM-4” is 1.5 spaces per unit.

ISSUE:

None

ALTERNATIVES:

Current Zoning: “C-3” General Commercial District 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: “RM-4” Residential Mixed District permits single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within a Regional Center but is within ½ a mile from the FM 78 Metro Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval, pending Plan Amendment.

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 I-10 East Corridor Perimeter Plan, adopted in 2001, and is currently designated as "Community Commercial" in the future land use component of the plan. The requested "RM-4" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Medium Density Residential". 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.
3. **Suitability as Presently Zoned:** The existing "C-3" General Commercial District is an appropriate zoning for the property and surrounding area. The proposed "RM-4" Residential Mixed District is also appropriate. There is existing single-family residential to the south and northeast of the subject property. The "RM-4" would help create a buffer between the "C-3" General Commercial District and the existing single-family uses. Furthermore, the proposed zoning is consistent with the goals of the Strategic Housing Implementation Plan which encourages the development of alternate housing types to accommodate the city's growing population at all income levels.
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 from the Comprehensive Plan may include:
 - GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
 - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
 - GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.
 - 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 P10: Ensure land use designations and other policies allow for and encourage a mixture of housing types and densities of housing within development projects.
 - H P18: Encourage housing to be built with, near or adjacent to retail uses.
 - H P30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals and objectives from the I-10 East Corridor Perimeter Plan may include:

- Goal 3: Compatibility of Land Uses. Improve the quality of life and safety of residents of the IH 10 East Perimeter Planning area by addressing incompatible land uses.

6. **Size of Tract:** The 3.976-acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The subject property is located within the Martindale Army Airfield 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 maximum number of dwellings is limited to 4 units for “RM-4”. Multi-unit construction on lots one-third of an acre in size or small, shall be within a single structure. Construction of two (2) to four (4) units on lots one-third ($\frac{1}{3}$) of an acre in size or smaller, shall have a front entry oriented to the primary street in which the lot is addressed on. A front walkway from the door shall also be provided. These provisions shall only apply to the primary structure that abuts the primary street.

For properties zoned “RM” or “MF” that abut lots zoned residential or are developed with a single family use, the height is restricted to the maximum height of the single family district within 50 feet of the property line.

The proposed rezoning maintains the residential base district but 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.