



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 20, 2024

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2024-10700167

**SUMMARY:**

**Current Zoning:** “C-1” Light Commercial District, “C-2” Commercial District, “C-2NA” Commercial Nonalcoholic Sales District, “C-3” General Commercial District, “C-3NA” General Commercial Nonalcoholic Sales District, “I-1” General Industrial District, “I-2” Heavy Industrial District, “MF-33” Multi-Family District, “O-2” High-Rise Office District, “R-4” Residential Single-Family District.

**Requested Zoning:** “R-1” Single-Family Residential District, “R-2” Single-Family Residential District, “R-3” Single-Family Residential District, “R-3 CD” Single-Family Residential District with a Conditional Use for two dwelling units, “R-4” Residential Single-Family District, “R-4 CD” Residential Single-Family District with a Conditional Use for two, or four dwelling units, “R-5” Residential Single-Family District, “R-6” Residential Single-Family District, “R-6 CD” Residential Single-Family District with a Conditional Use for two dwelling units, “RM-4” Residential Mixed District, “RM-5” Residential Mixed District, “RM-6” Residential Mixed District, “MF-18” Limited Density Multi-Family District, “MF-25” Low Density Multi-Family District, “MF-33” Multi-Family District, “NC” Neighborhood Commercial District, “C-1” Light Commercial District, “C-2” Commercial District, “C-2NA” Commercial Nonalcoholic Sales District, “I-1” General Industrial District, “IDZ-1” Limited Intensity Infill Development Zone with uses permitted in C-1, and “IDZ-2” Medium Intensity Infill Development Zone with uses permitted in C-2, and with all overlay districts of “MLOD-3” Martindale Army Military Lighting Overlay, “EP-1” Facility Parking/Traffic Control District, “HL” Historic Landmark District, and “AHOD” Airport Hazard Overlay District remaining unchanged.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2024

**Case Manager:** Forrest Wilson, Principal Planner

**Property Owner:** Multiple Owners

**Applicant:** Development Services Department

**Representative:** Development Services Department

**Location:** Harvard Place Eastlawn Large Area Rezoning

**Legal Description:** NCB 1231, 1232, 1233, 1234, 1235, 1236, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1249, 1250, 1251, 1253, 1303, 1304, 1305, 1306, 1307, 1308, 1312, 1313, 1314, 1323, 1324, 1325, 1326, 1330, 1331, 1332, 1333, 1334, 1347, 1350, 1351, 1353, 1354, 1357, 1358, 1359, 1360, 1361, 1362, 1364, 1365, 1366, 1366, 2862, 6056, 6057, 6156, 6157, 6158, 6159, 6159, 6160, 6340, 6341, 6343, 6375, 6376, 6378, 6449, 6452, 6621, 6622, 6623, 6624, 6625, 6626, 6627, 6628, 6629, 6630, 6631, 6632, 6633, 6907, 6908, 9535, 9536, 9537, 9538, 9539, 9540, 9541, 9543, 9545, and 9550 generally bounded by East Houston Street to the South, North New Braunfels Avenue to the West, and the Union Pacific Railroad Tracks to the North and East.

**Total Acreage:** Approximately 427 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 2,053

**Registered Neighborhood Associations within 200 feet:** Harvard Place Eastlawn Neighborhood Association

**Applicable Agencies:** Martindale Army Airfield, Fort Sam Houston

**Property Details**

**Property History:** The subject properties were part of the original 36 square miles of the City of San Antonio and most of the area was originally zoned “C” Apartment District, “L” First Manufacturing District and “B” Residential District properties interspersed throughout the project area. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties zoned “C” Apartment District converted to “MF-33” Multi-Family District, properties zoned “L” First Manufacturing District converted to “I-2” Heavy Industrial District, and properties zoned “B” Residential District also converted to “R-4” Residential Single-Family District.

**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:** Multiple Zoning Districts

**Current Land Uses:** Single-Family, Multi-Family, Commercial, Industrial

**Direction:** East

**Current Base Zoning:** Multiple Zoning Districts

**Current Land Uses:** Single-Family, Multi-Family, Commercial, Industrial

**Direction:** South

**Current Base Zoning:** Multiple Zoning Districts

**Current Land Uses:** Single-Family, Multi-Family, Commercial, Industrial

**Direction:** West

**Current Base Zoning:** Multiple Zoning Districts

**Current Land Uses:** Single-Family, Multi-Family, Commercial, Industrial

**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.

The "MLOD-3" Military Lighting Overlay District is an overlay zoning district that establishes regulations for outdoor lighting impacting military operations within five (5) miles of the perimeter of Camp Bullis/Camp Stanley, Randolph Air Force Base, Lackland Air Force Base, and Martindale Army Air Field. Projects within the overlay boundary may require additional review.

The "EP-1" Overlay district is intended to regulate parking of vehicles in and around large facilities that attract large amounts of vehicular traffic.

The "HL" Historic Landmark, "HS" Historic Significant or "HE" Historic Exceptional overlay district designation signifies the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

**Special District Information:**

None.

**Transportation**

**Thoroughfare:** North New Braunfels, East Houston Street and North Walters Street

**Existing Character:** Principal (North New Braunfels), Local (all others)

**Proposed Changes:** None Known

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

**Traffic Impact:** TIA report is not required.

**Parking Information:** There is no parking requirement.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current Zoning:** “C-1” Light Commercial District, “C-2” Commercial District, “C-2NA” Commercial Nonalcoholic Sales District, “C-3” General Commercial District, “C-3NA” General Commercial Nonalcoholic Sales District, “I-1” General Industrial District, “I-2” Heavy Industrial District, “MF-33” Multi-Family District, “O-2” High-Rise Office District, “R-4” Residential Single-Family District.

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**FISCAL IMPACT:**

There is no fiscal impact.

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

The subject property is not located within a Regional Center but is within ½ a mile from the New Braunfels Avenue and the Commerce - Houston Premium Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval.

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

1. **Consistency:** Subject properties are located within the Eastside Community Area Plan, adopted June 20, 2024. The requested base zoning district changes are consistent with the adopted future land use designations.

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 uses are consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The properties in the subject area currently have a mix of residential, industrial, and commercial zoning. Many of these properties are zoned as “MF-33” Multi-Family District and “I-2” Heavy Industrial District, although they have been used as single-family homes since before zoning districts were established. When the Unified Development Code was adopted in 2001, it converted the 1938 and 1965 zoning districts to the current ones, leading to non-conforming uses. The rezoning strategy involves fieldwork and data analysis by staff to recommend appropriate zoning based on the current use of the properties. Properties already zoned correctly for their current use were excluded from this strategy.
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 large area rezoning does not conflict with the following goals and strategies of the Eastside Community Area Plan.

Goal 1: Community Stability and Inclusion

- Diverse housing options will be available for current and future generations.
- Residents will feel comfortable and able to afford to remain in their neighborhoods throughout all stages of life.
- Residents and businesses will maintain and enhance neighborhood character in order to provide stability to the area.
- Neighbors will feel safe and secure in their homes and out in the community.

Goal 2: Employment and Opportunity

- There will be more employment and entrepreneurial opportunities easily accessible by local residents in the Eastside Community Area.
- Negative side effects of economic growth, such as rental housing affordability issues, will be proactively minimized and mitigated.

Goal 3: History, Culture, and Art

- The cultural landscape, comprised of buildings, businesses, public spaces, and natural features will be valued and preserved.

6. **Size of Tract:** Approximately 427 acres
7. **Other Factors:** City Council approved a resolution on July 6, 2023 (2023-08-17-0030R), directing the Development Services Department to initiate a large area rezoning to appropriate zoning districts for property located in the Harvard Place Eastlawn Neighborhood. The goal is to align zoning with the current use of properties in the area. Throughout the past few decades many areas of the center city have had ongoing concerns regarding zoning inconsistencies. These inconsistencies were the result of the code conversion from the “old” zoning code, which

utilized an A-J tiered system of zoning, to the new system we use today. This Large Area Rezoning project is meant to correct these nonconforming issues. Staff is recommending a change of zoning on 1,195 properties.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

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.