



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 20, 2025

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 8

**SUBJECT:**

ZONING CASE Z-2024-10700295

(Associated Plan Amendment PA-2024-11600087)

**SUMMARY:**

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

**Requested Zoning:** "MXD AHOD" Mixed Use Airport Hazard Overlay District with a maximum density of 60 units per acre

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 18, 2025

**Case Manager:** Samantha Benavides, Zoning Planner

**Property Owner:** High Point Master SPE, LLC

**Applicant:** High Point Master SPE, LLC

**Representative:** Killen, Griffin & Farrimond, PLLC

**Location:** 8401 and 8415 Datapoint Drive

**Legal Description:** Lot 18 and Lot 39, NCB 13662

**Total Acreage:** 11.6982 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 239

**Registered Neighborhood Associations within 200 feet:** Riot Commons

**City-Wide Community Organizations:** Women in Film & Television San Antonio, Lifeline Overeaters Anonymous

**Applicable Agencies:** N/A

### **Property Details**

**Property History:** A portion of the property was annexed into the City of San Antonio by Ordinance 31907, dated November 20, 1963, and zoned Temporary "A" Single-Family Residence District and Temporary "R-1" Single-Family Residence District. Another portion of the property was annexed into the City of San Antonio by Ordinance 41427, dated December 26, 1972, and zoned Temporary "R-1" Single-Family Residence District. A portion of the property was rezoned by Ordinance 41873, dated February 22, 1973, from Temporary "R-1" Single-Family Residence District to "O-1" Office District. A portion of the property was rezoned by Ordinance 42062, dated April 5, 1973, from Temporary "A" Single-Family Residence District to "O-1" Office District and "B-3" Business District. A portion of the property was rezoned by Ordinance 42062, dated April 5, 1973, from Temporary "R-1" Single-Family Residential District to "R-3" Multiple-Family Residence District. A portion of the property was rezoned by Ordinance 44013, dated July 3, 1974, from "O-1" Office District, "B-3" Business District, and "R-3" Multiple-Family Residence District to "B-2" Business District and "B-3" Business District. A portion of the property was rezoned by Ordinance 51109, dated August 16, 1979, from "O-1" Office to "B-3" Business District. A portion of the property was rezoned by Ordinance 62731, dated April 17, 1986, from "B-2" Business District and "B-3" Business District to "B-3 PUD" Business District Planned Unit Development. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the properties zoned "B-3" Business District and "B-3 PUD" Business District Planned Unit Development converted to the current "C-3" General Commercial District and "PUD C-3" Planned Unit Development General Commercial District respectively.

### **Code & Permitting Details:**

Zoning Verification (ZONING-ZV-2019-13300116) March 2019

**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-6", "MF-33"

**Current Land Uses:** Vacant, Shopping Center, Condominiums

**Direction:** East

**Current Base Zoning:** "MF-33", "O-2", "C-1"

**Current Land Uses:** Condominiums, SAWS Utility

**Direction:** South

**Current Base Zoning:** "C-3NA", "I-1", "C-3"

**Current Land Uses:** Office Buildings

**Direction:** West

**Current Base Zoning:** "C-3", "C-2 S", "PUD C-3"

**Current Land Uses:** Church, Hotel, Food Service Establishments

**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:** Datapoint Drive

**Existing Character:** Collector

**Proposed Changes:** None Known

**Thoroughfare:** Fredericksburg Road

**Existing Character:** Principal Secondary Arterial A

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 501, 602

**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 parking minimum requirement for Dwelling – Multi-Family is 1.5 spaces per unit, and a maximum of 2 spaces per unit. The parking minimum requirements for commercial and office uses can be found at Unified Development Code, Table 526-3b.

**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.

The "PUD" Planned Unit Development District provides flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.

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

**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 Medical Center Regional Center and within ½ a mile from the Fredericksburg Metro Premium Plus Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation "MXD" Mixed Use District with a maximum density of 40 units per acre. Zoning Commission recommends 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 Medical Center Area Regional Center Plan, adopted in 2019, and is currently designated as "Urban Mixed Use" in the future land use component of the plan. The requested "MXD" base zoning district with a density of 60 units per acre is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Regional Mixed Use". Staff recommends Denial. Planning Commission recommends Approval.
- 2. Adverse Impacts on Neighboring Lands:** Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use and density is not consistent with the established development pattern of the surrounding area. Surrounding properties are zoned "MF-33" Multi-Family District, "R-6" Residential Single-Family District, and "C-3" General Commercial District.
- 3. Suitability as Presently Zoned:** The existing "C-3" General Commercial District is appropriate zoning districts for the property and surrounding area. The proposed "MXD" Mixed Use District with a maximum density of 60 units per acre is not appropriate. The request to rezone is to permit multi-family and office uses within the existing two office buildings on the property. Even though there are office and multi-family uses within proximity, the applicant's requested density exceeds the maximum permitted in the area. Staff recommends "MXD" Mixed Use Development with a lower density of 40 units per acre to stay compliant with the SA Tomorrow Plan's "Urban Mixed Use" land use classification and complement the abutting multi-family developments that have a density of 33 units per acre.

4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does appear to conflict with public policy objective. Relevant Goals and Objectives from the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF Goal 6: Growth and city form support community health and wellness.
  - H P30: Ensure infill development is compatible with existing neighborhoods.
6. **Size of Tract:** The 11.6982-acre site is of sufficient size to accommodate the proposed mixed use development.
7. **Other Factors:** The property is proposed for development of multifamily uses that shall not exceed 60 units per acre. At 11.6982 acres, there could potentially be development of 701 units. The applicant is requesting to build 675 units.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses.