



City of San Antonio

Agenda Memorandum

Agenda Date: August 15, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:

ZONING CASE Z-2024-107000054 ERZD

SUMMARY:

Current Zoning: "R-6 PUD ERZD" Residential Single-Family Planned Unit Development Edwards Recharge Zone District with a Reduced Perimeter Setback of 10 Feet

Requested Zoning: "MF-18 PUD ERZD" Limited Density Multi-Family Planned Unit Development Edwards Recharge Zone District with a Reduced Perimeter Setback of 10 Feet

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: June 18, 2024

Case Manager: Alexa Retana, Zoning Planner

Property Owner: Namami Sai, LLC

Applicant: Namami Sai, LLC

Representative: Killen, Griffin & Farrimond, PLLC

Location: Generally located in the 12600 block of Bamberger Way

Legal Description: Lot P-33, NCB 15841

Total Acreage: 3.84 acres

Notices Mailed**Owners of Property within 200 feet:** 29**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Parks Department, Planning Department, SAWS**Property Details**

Property History: The subject property was annexed into the City of San Antonio by Ordinance 41426, dated December 26, 1972, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 88450, dated September 10, 1998, and zoned “B-2NA” Business Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “B-2NA” Business Non-Alcoholic Sales District converted to the “C-2NA” Commercial Non-Alcoholic Sales District. The property was rezoned by Ordinance 2021-06-17-0505, dated June 17, 2021, to the current “R-6 PUD” Residential Single-Family Planned Unit Development District.

Code & Permitting History:

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, MF-33**Current Land Uses:** Church, Vacant**Direction:** South**Current Base Zoning:** R-6, C-2NA**Current Land Uses:** Office, Residential Dwelling**Direction:** East**Current Base Zoning:** R-6**Current Land Uses:** Park**Direction:** West**Current Base Zoning:** R-6**Current Land Uses:** Residential Dwellings**Overlay District Information:**

The "ERZD" Edwards Recharge Zone District does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the “ERZD”.

Special District Information:

The Planned Unit Development special district provides flexibility in development projects by allowing a combination of uses developed in accordance with an approved plan that protects

adjacent properties; while preserving natural amenities and features of a site and providing for a minimum amount of open space. PUDs provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure; encourage infill projects and development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography. A site plan is required for a rezoning to “PUD” 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 plat and building permit.

Transportation

Thoroughfare: Bamberger Way

Existing Character: Secondary Arterial A

Proposed Changes: None Known

Thoroughfare: Babcock Road

Existing Character: Secondary Arterial A

Proposed Changes: None Known

Public Transit: There is no public transit 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 requirement for multi-family development is 1.5 spaces per unit. The maximum parking requirement for multi-family development is 2 spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “R-6” Single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

“PUD” Planned Unit Developments provide 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: “MF-18” Multi-family dwelling, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 18 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

“PUD” Planned Unit Developments provide 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.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not within a Regional Center or a ½ mile of a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval. SAWS recommends 65% impervious cover.

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 in 2010, and is currently designated as "Suburban Tier" in the future land use component of the plan. The requested " MF-18 PUD " base zoning district is consistent with the future land use designation.
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. Surrounding properties are "R-6" Residential Single-Family and "C-2NA" Commercial Non-Alcoholic Sales District.
3. **Suitability as Presently Zoned:** The existing " R-6 PUD " Residential Single-Family Planned Unit Development District is an appropriate zoning for the property and surrounding area. The proposed " MF-18 PUD " Limited density Multi-Family Planned Unit Development District is also an appropriate zoning. The proposed is a 32-unit development, seeking to maintain the current reduced perimeter setback of 10-feet and requires adherence to a site plan. It is located at the intersection of two Secondary Arterials, supporting the additional density. Additionally, the proposal 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. Relevant Goals and Policies of the Comprehensive Plan may include:
 - GCF P2: Identify and support catalyst projects which include a mix of housing types for a range of income levels and which attract additional employment.
 - 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.

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

- LU-1.3: Promote a variety of housing types, including apartments, lofts, condominiums, townhouses and single family attached and detached housing between Loop 1604 and Loop 410.
- LU-3.1: Set priority for pursuing a compatible and highest and best use for development of vacant infill and underutilized parcels between Loop 1604 and Loop 410 in a compatible manner as recommended in the Sector Land Use Plan.

6. **Size of Tract:** The subject property is 3.84 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The property is proposed for development of multifamily uses that shall not exceed 18 units per acre. At 3.84 acres, there could potentially be development of 69 units. The applicant is requesting to build 32 units.

Planned Unit Developments require a 20-foot perimeter setback. The applicant is requesting a decreased perimeter setback of 10 feet.

Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 2 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 65% on the approximately 3.84-acre portion of the site in the Edwards Aquifer Recharge Zone. Reference SAWS report dated May 7, 2024.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The site plan indicates the construction of thirty-two (32) dwelling units.

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 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.