



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: {{item.number}}

Agenda Date: November 30, 2023

In Control: City Council A Session

DEPARTMENT: Planning Department

DEPARTMENT HEAD: Rudy Nino

COUNCIL DISTRICTS IMPACTED: District 3, District 4, ETJ

SUBJECT:

Zoning Case Z2023-10700263 (Associated Plan Amendment PA2023-11600067)

SUMMARY:

Current Zoning: “OCL” Outside the City Limits, “RP” Resource Protection District, “MF-25” Low Density Multi-Family District, “C-2” Commercial District, “RD” Rural Development District, and “FR” Farm and Ranch District

Requested Zoning: “RP” Resource Protection District, “RP S” Resource Protection District with Specific Use Authorization for a HUD-Code Manufactured Home, “RP CD S” Resource Protection District with a Conditional Use for 2 Dwelling Units and a Specific Use Authorization for HUD-Code Manufactured Homes, “RE” Residential Estate District, “RE S” Residential Estate District with a Specific Use Authorization for a HUD-Code Manufactured Home, “RE CD S” Residential Estate District with a Conditional Use for 2 Dwelling Units and a Specific Use Authorization for HUD-Code Manufactured Homes, “R-20” Residential Single-Family District, “NP-8” Neighborhood Preservation District, “NP-8 CD” Neighborhood Preservation District with a Conditional Use for 2 Dwelling Units, “NP-8 CD S” Neighborhood Preservation District with a Conditional Use for 2 Dwelling Units and a Specific Use Authorization for HUD-Code Manufactured Homes, “R-5” Residential Single-Family District, “R-4” Residential Single-Family District, “R-4 CD” Residential Single-Family District with a Conditional Use for 2 Dwelling Units,

“C-2” Commercial District, “C-3” General Commercial District, “L” Light Industrial District, “BP” Business Park District, and “FR” Farm and Ranch District; also applying zoning overlay districts “AHOD” Airport Hazard Overlay District, “MLOD-2” Lackland Military Lighting Overlay District, “MLR-2” Lackland Military Lighting Region-2, “MPOD-4” Mission Protection Overlay District, and World Heritage Buffer Zone as applicable

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: November 7, 2023

Case Manager: Clinton Eliason, Planning Coordinator

Property Owner: Multiple Property Owners

Applicant: City of San Antonio

Representative: Clinton Eliason, Planning Coordinator

Location: Multiple addresses generally located south of Loop 410 between Pearsall Road and US Highway 181 South

Legal Description: Approximately 4,205.72 acres out of CB 4002-1, CB 4007, CB 4007-5, CB 4007-6, CB 4007-9, CB 4010, CB 4014, CB 4069, CB 4069B, CB 4069-B, CB 4136, CB 4167, CB 4167-1, CB 4167-2, CB 4167-3, CB 4167A, CB 4187, CB 4188, CB 4204, CB 4283, CB 4283B, CB 4295, CB 4296, CB 4297, CB 4298, CB 4298D, CB 4300, CB 4301, CB 4310A, CB 5722, NCB 14493, NCB 14568, NCB 14569, NCB 16622, NCB 16627, and ANCEL 69

Total Acreage: approximately 4,205.72 acres

Notices Mailed

Owners of Property within 200 feet: 875 Owners of Property within 200 feet

Registered Neighborhood Associations within 200 feet: Southton Community Neighborhood Association

Applicable Agencies: None

Property Details

Property History: Notices Mailed

Area 1:

Subject Property Owners: 8

Owners of Property within 200 feet: 34

Registered Neighborhood Associations: People Active in Community Effort

Applicable Agencies: None

Area 2:

Subject Property Owners: 22

Owners of Property within 200 feet: 73
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 3:

Subject Property Owners: 11
Owners of Property within 200 feet: 60
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 4:

Subject Property Owners: 22
Owners of Property within 200 feet: 262
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 5:

Subject Property Owners: 5
Owners of Property within 200 feet: 39
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 6:

Subject Property Owners: 5
Owners of Property within 200 feet: 15
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 7:

Subject Property Owners: 24
Owners of Property within 200 feet: 53
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 8:

Subject Property Owners: 6
Owners of Property within 200 feet: 77
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 9:

Subject Property Owners: 5
Owners of Property within 200 feet: 29
Registered Neighborhood Associations: N/A
Applicable Agencies: None

Area 10:

Subject Property Owners: 6

Owners of Property within 200 feet: 7

Registered Neighborhood Associations: N/A

Applicable Agencies: None

Area 11:

Subject Property Owners: 15

Owners of Property within 200 feet: 159

Registered Neighborhood Associations: Southton Community Neighborhood Association

Applicable Agencies: None

Area 12:

Subject Property Owners: 6

Owners of Property within 200 feet: 67

Registered Neighborhood Associations: N/A

Applicable Agencies: None

Property History

The City of San Antonio (City) completed limited purpose annexation of the south side area with the dissolution of the City South Management Authority in 2014, and then completed Full Purpose Annexation of the area in 2016. As part of both annexation processes, the Texas Local Government Code (LGC) required cities to offer Development Agreements to owners of properties which were appraised for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land (“agricultural”) as designated by the Bexar Appraisal District (BCAD). Prior to the annexations, the owners of agricultural properties entered into Development Agreements with the City. These Agreements allowed their continued agricultural use, or other use as specified by the LGC, and guaranteed the extraterritorial status for the property if the property owner continued the use as described in the terms of the agreement.

These agricultural Agreements expire on January 19, 2024. Currently, there are 135 properties, totaling approximately 4,205.72 acres or 6.571 square miles, have these Agreements. Proposed zoning for the properties aligns with the future land uses within the Heritage South Sector Plan and the current use of each property. Portions of parcels in Areas 1, 2, 11, and 12 are inside city limits and currently assigned zoning. These portions are part of larger parcels subject to expiring development agreements, and will be rezoned as applicable to ensure the entire parcel is uniformly zoned. Of the annexation properties, 43 properties totaling approximately 1510.721 acres are proposed for plan amendments to ensure the future land use aligns with the Heritage South Sector Plan and current use.

After annexation is completed, the landowners will gain the advantages of being within the City, such as, police and fire services, and other City services which already benefit surrounding properties. The annexation area meets the statutory requirements for full purpose annexation by the City, as since it: (1) is within the City's ETJ; and (2) is adjacent and contiguous to the City's corporate limits. The subject properties will be located in City Council Districts 3 and 4.

Approximately 36 parcels of land have a dwelling unit. The estimated population for the annexation area is about 97 people.

Property History for Portions of Parcels Inside City Limits

Area 1: The subject area consists of 8 properties, all of which are outside city limits with the exception of a portion of NCB 14493 and CB 4301, which was annexed into the City by Limited Purpose Annexation (LPA) by Ordinance 2014-01-09-0001 on January 9, 2014, and zoned “C-3 CD” General Commercial District with a Conditional Use for a Flea Market - Outdoor. The portion of land was then annexed into the City by Full Purpose Annexation (FPA) by Ordinance 2016-11-10-0881 on November 10, 2016.

Area 2: The subject area consists of 19 properties, all of which are outside city limits with the exception of the portions of CB/NCB within 500 feet of Loop 410, which was annexed into the City by Ordinance 68300 on December 15, 1988, and zoned “UD” Urban Development District. The portion of land was then rezoned by Ordinance 2014-08-07-0557 on August 7, 2014, from “UD” Urban Development District to “FR” Farm and Ranch District.

Area 11: The subject area consists of 16 properties, all of which are outside city limits with the exception of a portion of NCB 16622 and CB 4007-6, which was annexed into the City by Ordinance 66019 on December 10, 1987, and zoned “NP-10” Neighborhood Preserve District and “DR” Development Reserve District. The portion of land inside city limits that was zoned “NP-10” Neighborhood Preserve District and a portion of the land zoned “DR” Development Reserve District was then rezoned to “MF-25” Low Density Multi-Family District by Ordinance 98298 on October 9, 2003. The remaining portion of CB 4007-6 zoned “DR” Development Reserve District was then rezoned to “RD” Rural Development District by Ordinance 98491 on December 4, 2003. A portion of NCB 16627 and CB 4007-5 was annexed into the City by Ordinance 66019 on December 10, 1987, and zoned “NP-10” Neighborhood Preserve District and “DR” Development Reserve District. The portion of land was then rezoned “FR” Farm and Ranch District by Ordinance 98228 on September 25, 2003.

Area 12: The subject area consists of 6 properties, all of which are outside city limits with the exception of a portion of CB 4002-1, which was annexed into the City by Limited Purpose Annexation (LPA) by Ordinance 2014-01-09-0001 on January 9, 2014, and zoned “FR” Farm and Ranch District. The portion of land was then annexed into the City by Full Purpose Annexation (FPA) by Ordinance 2016-11-10-0881 on November 10, 2016. The portion of land was then rezoned by Ordinance 2018-08-02-0582 on August 2, 2018, to “FR” Farm and Ranch District.

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

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: There are multiple zoning districts surrounding the subject properties such as RP, RE, R-20, NP-8, NP-10, NP-15, R-4, R-5, R-6, MF-18, MF-25, MF-33, C-1, C-2, C-3, UD, MHC, MHP, MXD, BP, L, MI-1, I-1, I-2, FR

Current Land Uses: There are a variety of land uses surrounding the subject properties including

residential, commercial, and industrial, as well as undeveloped land.

Direction: East

Current Base Zoning: There are multiple zoning districts surrounding the subject properties such as RP, RE, R-20, NP-8, NP-10, NP-15, R-4, R-5, R-6, MF-18, MF-25, MF-33, C-1, C-2, C-3, UD, MHC, MHP, MXD, BP, L, MI-1, I-1, I-2, FR

Current Land Uses: There are a variety of land uses surrounding the subject properties including residential, commercial, and industrial, as well as undeveloped land.

Direction: South

Current Base Zoning: There are multiple zoning districts surrounding the subject properties such as RP, RE, R-20, NP-8, NP-10, NP-15, R-4, R-5, R-6, MF-18, MF-25, MF-33, C-1, C-2, C-3, UD, MHC, MHP, MXD, BP, L, MI-1, I-1, I-2, FR

Current Land Uses: There are a variety of land uses surrounding the subject properties including residential, commercial, and industrial, as well as undeveloped land.

Direction: West

Current Base Zoning: There are multiple zoning districts surrounding the subject properties such as RP, RE, R-20, NP-8, NP-10, NP-15, R-4, R-5, R-6, MF-18, MF-25, MF-33, C-1, C-2, C-3, UD, MHC, MHP, MXD, BP, L, MI-1, I-1, I-2, FR

Current Land Uses: There are a variety of land uses surrounding the subject properties including residential, commercial, and industrial, as well as undeveloped land.

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-2" Lackland 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 "MPOD-4" Mission Protection Overlay District is an overlay district that imposes additional height and design regulations in the vicinity of the historic San Antonio missions.

Special District Information:

None.

Transportation

Thoroughfare: Fischer Rd

Existing Character: Enhanced Secondary Arterial

Proposed Changes: None

Thoroughfare: Von Ormy Rd

Existing Character: Local

Proposed Changes: None

Thoroughfare: Quesenberry Rd

Existing Character: Local

Proposed Changes: None

Thoroughfare: Old Somerset Rd

Existing Character: Local

Proposed Changes: None

Thoroughfare: Watson Rd

Existing Character: Enhanced Secondary Arterial

Proposed Changes: None

Thoroughfare: Applewhite Rd

Existing Character: Enhanced Secondary Arterial

Proposed Changes: None

Thoroughfare: S Loop 1604

Existing Character: Freeway

Proposed Changes: None

Thoroughfare: Campbellton Rd

Existing Character: Secondary Arterial Type A

Proposed Changes: None

Thoroughfare: IH 37

Existing Character: Freeway

Proposed Changes: None

Thoroughfare: Blue Wing Rd

Existing Character: Rural Roadway

Proposed Changes: None

Thoroughfare: Espada Rd

Existing Character: Local

Proposed Changes: None

Thoroughfare: Old Pearsall Rd

Existing Character: Secondary Arterial Type A

Proposed Changes: None

Thoroughfare: Somerset Rd

Existing Character: Enhanced Secondary Arterial

Proposed Changes: None

Thoroughfare: Neighborhood Rd
Existing Character: Local
Proposed Changes: None

Thoroughfare: Verano Pkwy (East and West Connector)
Existing Character: Enhanced Secondary Arterial
Proposed Changes: None

Thoroughfare: State Hwy 16 S
Existing Character: Super Arterial Type B
Proposed Changes: None

Thoroughfare: Lamm Rd
Existing Character: Local
Proposed Changes: None

Thoroughfare: Donop Rd
Existing Character: Local
Proposed Changes: None

Thoroughfare: Southton Rd
Existing Character: Enhanced Secondary Arterial
Proposed Changes: None

Thoroughfare: Mickey Rd
Existing Character: Local
Proposed Changes: None

Thoroughfare: Old Corpus Christi Rd
Existing Character: Local
Proposed Changes: None

Thoroughfare: S Foster Rd (not built)
Existing Character: Secondary Arterial Type A
Proposed Changes: None

Thoroughfare: Kelly Parkway (not built)
Existing Character: Super Arterial Type A
Proposed Changes: None

Thoroughfare: New Mathis Rd (not built)
Existing Character: Secondary Arterial Type A
Proposed Changes: None

Public Transit: Plan Area 12 - Routes 40 and 42

Traffic Impact: A Traffic Impact Analysis (TIA) is not required.

Parking Information: There is no parking requirement.

ISSUE:

None.

ALTERNATIVES:

1. Recommend Denial. Denial of the requested zoning change would result in the subject properties being assigned “DR” Development Reserve District, which only permits “R-6” uses upon annexation. The City would assign zoning to the property at a later date.
2. Make an alternate recommendation.
3. Continue to a future date.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Approval. (Associated Plan Amendment PA-2023-11600067)

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 Heritage South Sector Plan and is currently designated as “Natural Tier”, “Country Tier”, “Rural Estate Tier”, “Suburban Tier”, “General Urban Tier”, Agribusiness/RIMSE Tier”, “Regional Center”, and “Specialized Center.” The requested “RP” Resource Protection District, “RE” Residential Estate District, “R-20” Residential Single-Family District, “NP-8” Neighborhood Preservation District, “R-5” Residential Single-Family District, “R-4” Residential Single-Family District, “C-2” Commercial District, “C-3” General Commercial District, “L” Light Industrial District, “BP” Business Park District, and “FR” Farm and Ranch District base zoning districts are consistent with the adopted land use designations. There is an associated plan amendment request, which was heard by Planning Commission on October 11, 2023. The proposed request is to allow “Country Tier”, “Rural Estate Tier”, “Suburban Tier”, “General Urban Tier”, and “Agribusiness/RIMSE Tier” land use classifications. Staff and Planning Commission recommend Approval of the plan amendment request.

2. Adverse Impacts on Neighboring Lands: Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this proposed rezoning. The zoning proposal is

consistent with the established development pattern of the surrounding area and will allow the subject properties to be developed with uses similar to those within the vicinity.

3. Suitability as Presently Zoned: There is no assigned zoning to the annexation properties designated OCL, due to them being located outside of the city's limits. Should the properties be annexed, but this zoning request be denied, the properties would be zoned "DR" Development Reserve which is intended to provide a temporary zoning classification for newly annexed property until the property is rezoned by the City. The "DR" zoning district carries the same use and development regulations as the "R-6" Residential Single-Family zoning district. The portions of property within city limits would maintain their current zoning. Staff supports the rezoning proposal as the proposed zoning districts are consistent with the development pattern of the area. The zoning is consistent with the annexation area's location, and is consistent with the Heritage South Sector Plan's land use recommendation of promoting land uses that are compatible with neighboring properties that preserve natural and cultural resources, neighborhood character, and economic viability.

4. Health, Safety and Welfare: Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change proposal. The proposed zoning would ensure the zoning of newly annexed properties would maintain the existing fabric of the annexation area and serve property owners, adjacent neighborhood residents, and the nearby community.

5. Public Policy: The request is consistent with the Heritage South Sector Plan goals and reinforces the Land Use Goal to provide land uses that are compatible with neighboring properties that preserve natural and cultural resources, neighborhood character, and economic viability. Further, per the Heritage South Sector Plan's Utilities goals and strategies, a strategy is to promote long-term coordination between service providers, the development community and government entities regarding land use planning and utility easements. The annexation and assignment of appropriate zoning to the annexation area properties will create clearer boundary lines and minimize overlapping service issues for service providers in the City of San Antonio and its Extraterritorial Jurisdiction (ETJ).

6. Size of Tract: The subject properties, in total, are approximately 4,206 acres.

7. Other Factors: None.