



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 15, 2025

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2025-10700063

(Associated Plan Amendment PA-2025-11600021)

**SUMMARY:**

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

**Requested Zoning:** "MF-50 AHOD" Multi-Family Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 15, 2025

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

**Property Owner:** Yogijikrupa Hospitality-A, LLC

**Applicant:** San Pedro Ave Owner, LLC

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

**Location:** 11221 San Pedro Avenue

**Legal Description:** Lot 49, Block 13847

**Total Acreage:** 2.7250 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Greater Harmony Hills Neighborhood Association and San Antonio Texas District 1 Residents Association

**City-Wide Community Organizations:** Women in Film & Television San Antonio, San Antonio African American Community Archive and Museum

**Applicable Agencies:** Aviation, Planning Department, TxDOT

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned Temporary "A" Single-Family Residence District. The property was rezoned by Ordinance 58057, dated December 22, 1983, to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "B-3" Business District converted to the current "C-3" General Commercial District.

### **Code & Permitting History:**

Preliminary Plan Review – Building (REQ-BPPR-25-42800018) January 2025

Preliminary Plan Review – Building (REQ-BPPR-25-42800081) April 2025

**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:** "L", "C-3"

**Current Land Uses:** Office, Warehousing, Auto Repair

**Direction:** East

**Current Base Zoning:** "C-3"

**Current Land Uses:** Hotel

**Direction:** South

**Current Base Zoning:** "C-2", "I-1"

**Current Land Uses:** Solar Energy Contractor, Warehousing, Offices, Gas Station, Commercial Strip Mall

**Direction:** West

**Current Base Zoning:** "I-1", "I-2", "L"

**Current Land Uses:** Warehousing, Offices

### **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:** San Pedro Avenue

**Existing Character:** Interstate

**Proposed Changes:** None Known

**Thoroughfare:** East Rhapsody Drive

**Existing Character:** Local Secondary Arterial B

**Proposed Changes:** None Known

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

**Routes Served:** 502, 602, 648

**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 is 1.5 spaces per unit.

**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.

Proposed Zoning: "MF-50" Multi-Family District permits any uses permitted in MF-50 with a maximum density of 50 units per acre.

**FISCAL IMPACT:**

None.

**PROXIMITY TO CURRENT AND/OR PLANNED REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR AS IDENTIFIED IN THE SA TOMORROW COMPREHENSIVE PLAN:**

The subject property is located within the Greater Airport Area Regional Center but is not within a ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

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

**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 San Antonio International Airport Vicinity Land Use Plan adopted in May 2010, and is currently designated as “Business Park” in the future land use component of the plan. The requested “MF-50” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “High Density Residential”. Staff and Planning Commission recommend Denial.
- 2. Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is inconsistent with the established development pattern of the surrounding area. Surrounding properties are “L” Light Industrial District, “C-3” General Commercial District, “I-1” General Industrial District, “I-2” Heavy industrial District, and “C-3NA” General Commercial Nonalcoholic Sales District.
- 3. Suitability as Presently Zoned:** The existing “C-3” is an appropriate zoning for the property and surrounding area. The proposed “MF-50” Multi-Family District is not appropriate. The request to rezone is to permit a multi-family development. Given the abutting industrial and commercial uses, and zones, staff finds that the request for multi-family does not align with the current development in the area. Additionally, common land use principles for the area discourage residential uses and zones in such close proximity to the airport path, runways, and operations.
- 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 not appear to conflict with public policy. Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan:
  - 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.
  - JEC P29: Develop master plans for the regional centers to align land use with future development demand and to direct industries to the appropriate regional centers.
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Relevant Goals and Objectives from the San Antonio International Airport Vicinity Land Use Plan may include:

- Goal I: Protect the quality of life of residents including health, safety and welfare
  - o Objective 1.2 Discourage developments of incompatible uses in the airport environs and noise exposure contours
- Goal II: Encourage economic growth that enhances airport operations and surrounding development
  - o Objective 2.2 Encourage commercial development that respects the integrity of existing residential development
  - o Objective 2.3 Redevelop major commercial corridors to serve the needs of the airport neighborhoods and patrons
- Goal IV: Develop a comprehensive set of development applications and incentives to implement the land use plan and continue noise attenuation efforts
  - o Objective 4.4 Support commercial redevelopment through comprehensive rezoning and incentive zoning

**6. Size of Tract:** The subject property is 2.7250 acres, which can reasonably accommodate the proposed residential development.

**7. Other Factors:** The Aviation Department has reservations with the proposed construction of an apartment complex close to airport operations. Noise for aircraft operations and emissions are likely to impact residents. The Aviation Department requires an aviation easement for consideration of the rezoning.

It is cautioned that businesses that are developed this close to the airport could be impacted by aviation noise due to its location near the Airport and proximity to runway 13R/31L. Based on this it is advisable to inform the applicant that business structures are not eligible for noise mitigation in the Airport Residential Acoustical Treatment Program (RATP) and that they might consider providing additional sound proofing in the remodeling and/or construction of any new buildings.

If the proposed zoning amendment is granted by the City Council the site shall remain subject to all applicable restrictions of all current airport zoning ordinances including Section 35-331 Airport Hazard Overlay District (AHOD) of the Unified Development Code. The maximum height of any proposed structure, crane, tower (of any type), building and/or trees within this area may be limited in accordance with the provisions of applicable ordinances as well as building design being required to comply with all restrictions concerning lighting, mirrored reflections, electrical and /or radio interference.

The property is proposed for development of multifamily uses that shall not exceed 50 units per acre. At 2.725 acres, there could potentially be development of 136 units. The applicant is requesting to build 117 units.

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.