



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 15, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2022-10700211

(Associated Plan Amendment PA-2022-11600079)

**SUMMARY:**

**Current Zoning:** "MF-18 AHOD" Limited Density Multi-Family Airport Hazard Overlay District

**Requested Zoning:** "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted for fifty (50) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 16, 2023. This case was continued from the September 6, 2022 and September 20, 2022 hearings. This case was Postponed from the October 4, 2022 hearing. This case was continued from the April 4, 2023 hearing.

**Case Manager:** Elizabeth Steward, Planner

**Property Owner:** RJ Meridian Care Realty Group of SA III, LLC

**Applicant:** RJ Meridian Care Realty Group of SA III, LLC

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

**Location:** 815 East Grayson Street

**Legal Description:** Lot 14, NCB 46

**Total Acreage:** 1.24

**Notices Mailed**

**Owners of Property within 200 feet:** 50

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance  
Neighborhood Association

**Applicable Agencies:** Planning Department, Fort Sam Military Base

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "E" Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "E" Office District converted to "O-2" High-Rise Office District. The property was rezoned by Ordinance 2010-11-04-0971, dated November 4, 2010 to "MF-18" Limited Density Multi-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:** O-2

**Current Land Uses:** Single-Family Residences

**Direction:** South

**Current Base Zoning:** MF-25, RM-5, and O-2

**Current Land Uses:** Single-Family Residences and Vacant

**Direction:** East

**Current Base Zoning:** MF-18

**Current Land Uses:** Apartment Complex

**Direction:** West

**Current Base Zoning:** MF-18

**Current Land Uses:** Apartment Complex

**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:** East Grayson Street  
**Existing Character:** Minor  
**Proposed Changes:** None Known

**Thoroughfare:** East Josephine Street  
**Existing Character:** Collector  
**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property.  
**Routes Served:** 20, 9, 14, 209, 214

**Traffic Impact:** The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502\*\*A TIA Report is Not Required.

**Parking Information:** The minimum parking for multifamily units is 1.5 space per unit. "IDZ-3" waives the minimum parking requirement by 50%. At 92 units, this is 69 spaces.

**ISSUE:**  
None.

**ALTERNATIVES:**

Current Zoning: "MF-18" Limited Density Multi-Family allows multi-family development to a maximum density of 18 units per acre.

Proposed Zoning: "IDZ-3" High Intensity Infill Development Zone allows rezoning requests of unlimited density, and uses permitted in "C-3", "O-2" and "I-1". All approved uses and maximum density must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

The proposed "IDZ-3" would allow fifty (50) dwelling units.

**FISCAL IMPACT:**  
None.

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

The property is located within the Midtown Regional Center and is located within a half mile of the New Braunfels Avenue Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. 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 Midtown Area Regional Center Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “IDZ-3” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “High Density Residential”. Staff recommends Denial. The 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 is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “MF-18” Limited Density Multi-Family District is an appropriate zoning for the property and surrounding area. The current zoning allows for multi-family units at a density appropriate and manageable for the surrounding infrastructure and properties. The proposed “IDZ-3” High Intensity Infill Development Zone District with uses permitted for fifty (50) dwelling units is not an appropriate zoning for the property and surrounding areas. It introduces density that is out of character for the neighborhood and surrounding area. The existing “MF-18” allows up to twenty-two (22) units.
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 any public policy objectives of the Midtown Area Regional Center Plan.
  - Goal 5: Broaden Housing Choices - Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others; conserve existing affordable housing and the existing diverse mix of housing types and expand affordable housing options; rehabilitate or redevelop housing that is in poor condition; and focus most new housing development closer to multimodal transportation corridors.
  - Land Use Recommendation #2: Encourage zoning that supports the maintenance of neighborhood character while encouraging affordable housing, housing for all stages of life, and housing that is accessible to people with mobility impairments.
  - Land Use Recommendation #3: Discourage incremental rezoning (both up and downzoning) in Midtown neighborhood areas.
  - 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 Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
  - H Goal 5: High-density housing choices are available within the city’s 13 regional centers and along its arterial and transit corridors.
  - H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
6. **Size of Tract:** The 1.24 acre site is of sufficient size to accommodate the proposed residential development.

7. **Other Factors:** The existing building used to be a nursing and rehabilitation center. The property is proposed for development of multifamily uses. The property is currently zoned “MF-18”, allowing for up to 22 units. The applicant started the process with a request for ninety-two (92) units and amended to no more than fifty (50) units.

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.

The zoning request includes a request for nonresidential uses or multifamily uses adjacent (refer to definition in Appendix A as there is a difference between abutting and adjacent) to an existing single family residential use, the applicant is required to construct and maintain a 6 foot solid screen fence, prior to obtaining a Certificate of Occupancy, per Section 35-514(d). The applicant can request City Council modify or exempt this requirement.