



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** July 18, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 4

**SUBJECT:**

Zoning Case Z-2022-10700029  
(Associated Plan Amendment PA-2022-11600120)

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**Requested Zoning:** "MF-33 AHOD" Multi-Family Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 18, 2023. This case is continued from the June 20, 2023 hearing.

**Case Manager:** Camryn Blackmon, Zoning Planner

**Property Owner:** FLG Preserve, LLC

**Applicant:** FLG Preserve, LLC

**Representative:** Brown and McDonald PLLC

**Location:** 15895 South State Highway 16

**Legal Description:** 34.506 acres out of CB 4296

**Total Acreage:** 34.506 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 82

**Registered Neighborhood Associations within 200 feet:** There is no registered Neighborhood Association within 200 feet.

**Applicable Agencies:** Aviation and Texas Department of Transportation

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 2008-02-07-0102, dated February 6, 2008, and zoned "RD" Rural Development District. The property was rezoned to "C-2" Commercial District by Ordinance 2017-04-20-0279, dated February 16, 2007.

**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:** "BP"

**Current Land Uses:** Vacant Lot

**Direction:** East

**Current Base Zoning:** "C-2"

**Current Land Uses:** Vacant Lot

**Direction:** South

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

**Current Land Uses:** Vacant Land, Batching Plant

**Direction:** West

**Current Base Zoning:** "R-5"

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

### **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:**

None.

### **Transportation**

**Thoroughfare:** State Highway 16

**Existing Character:** Super Arterial Type B

**Proposed Changes:** None Known

**Thoroughfare:** Watson Road

**Existing Character:** Enhanced Secondary Arterial

**Proposed Changes:** None Known

**Public Transit:** There is no public transit within walking distance of the property.

**Traffic Impact:** \*\*The traffic generated by the proposed development has increase, it does exceed the threshold requirements. Development generates more than seventy-six (76) PHT Sec. 35-502\*\*

A TIA Report will be Required.

**Parking Information:** The minimum parking requirement for multi-family 33 units per acre is 1.5 per unit. The Maximum paring requirement for multi-family 33 units per acre is 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-2" Commercial District accommodates community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

Proposed Zoning: "MF-33" Multi-Family District allows any uses permitted at a density of 33 units per acre.

**FISCAL IMPACT:**

None.

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

The subject property is not located with a Regional Center or 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 Heritage South Sector Plan and is currently designated as "Suburban Tier" in the future land use component of the plan. The requested "MF-33" base zoning district is not consistent with the future land use designation.

The applicant has requested a Plan Amendment to "General Urban Tier". Staff recommends Denial. The Planning Commission recommendation is pending the July 12, 2023 hearing.

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 not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The requested "MF-33" Multi-Family District is not an appropriate zoning for the property and surrounding area. As a basic planning principle, residential uses are not commonly located in close proximity to industrial uses. Additionally, the existing "C-2" Commercial District was purposefully zoned for development along Poteet Jourdanton Highway to provide goods and services to existing and surrounding uses.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The proposed rezoning does appear to conflict with the following goals, principles, and objectives of the Comprehensive Plan and Heritage South Sector Plan.

**Relevant Goals and Policies of the Comprehensive Plan may include:**

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- Housing 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.
- Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

**Relevant Goals and Strategies of the Heritage South Sector Plan may include:**

- Goal ED-4 Heritage South established as a viable agricultural region
- Goal LU-1 Land uses that are compatible with neighboring properties that preserve natural and cultural resources, neighborhood character, and economic viability
- Goal HOU-1 An array of housing choices throughout the area with an appropriate mix of densities and housing types.
- HOU-1.1 Encourage a mix of housing types, including multi-family homes, custom homes, garden homes, and single-family detached homes to provide "life cycle" housing options (ranging from college students, young adults, families, and retired/senior) within the area.

6. **Size of Tract:** The 34.506 acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** The property is proposed for development of multifamily uses that shall not exceed 33 units per acre. At 34.506 acres, there could potentially be development of 1,139 units. The applicant is requesting to build 732 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.

When the zoning request includes a request for nonresidential uses or multifamily uses adjacent (refer to definition in Appendix A as there is a different 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).