



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 5, 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-2023-10700147

**SUMMARY:**

**Current Zoning:** "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Requested Zoning:** "R-3 MLOD-2 MLR-1 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 5, 2023

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** Lennar Homes of Texas Land and Construction, LTD

**Applicant:** HMT Engineering & Surveying

**Representative:** Ortiz McKnight PLLC

**Location:** Generally located in the 4000 block of Imogene Ivy and the 4000 block of Artesian Belt

**Legal Description:** Lots 2-9, Block 1 and Lots 23-29, Block 4, NCB 11295

**Total Acreage:** 1.31

**Notices Mailed****Owners of Property within 200 feet:** 51**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Lackland Air Force Base, Planning Department, Texas Department of Transportation**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 68300, dated December 31, 2023, and zoned Temporary “R-1” One Family Residence District. The property was rezoned by Ordinance 69287, dated April 18, 1989, to “R-A” Residence-Agriculture District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-A” Residence-Agriculture District to “NP-10” Neighborhood Preservation District. The property was then rezoned by Ordinance 2020-08-20-0579, dated August 20, 2020, to the current “R-4” Residential Single-Family District.

**Code & Permitting Details:**

There is no relevant code enforcement history for the subject property.

RES-RBP-APP23-35501932 (Residential Application: 4043 Imogene Ivy) – June 2023

RES-RBP-PMT23-36603161 (Residential Permit: 4039 Imogene Ivy) – June 2023

RES-RBP-PMT23-36603141 (Residential Permit: 4035 Imogene Ivy) – June 2023

RES-RBP-APP23-35501881 (Residential Application: 4031 Imogene Ivy) – June 2023

RES-RBP-PMT23-36603040 (Residential Permit: 4023 Imogene Ivy) – May 2023

RES-RBP-APP23-35501860 (Residential Application: 4019 Imogene Ivy) – June 2023

RES-RBP-APP23-35501624 (Residential Application: 4015 Imogene Ivy) – May 2023

RES-RBP-PMT23-36602904 (Residential Permit: 4011 Imogene Ivy) – May 2023

RES-RBP-APP23-35501931 (Residential Application: 4030 Artesian Belt) – May 2023

RES-RBP-APP23-35501893 (Residential Application: 4026 Artesian Belt) – May 2023

RES-RBP-APP23-35501812 (Residential Application: 4022 Artesian Belt) – May 2023

RES-RBP-PMT23-36603152 (Residential Permit: 4018 Artesian Belt) – May 2023

RES-RBP-PMT23-36603022 (Residential Permit: 4014 Artesian Belt) – May 2023

RES-RBP-APP23-35501621 (Residential Application: 4010 Artesian Belt) – May 2023

RES-RBP-APP23-35501597 (Residential Application: 4006 Artesian Belt) – May 2023

**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:** UZROW

**Current Land Uses:** Interstate Highway 35

**Direction:** South

**Current Base Zoning:** R-4

**Current Land Uses:** Vacant Land

**Direction:** East

**Current Base Zoning:** MF-33, C-2 CD Conditional Use Warehousing

**Current Land Uses:** Apartment Development, Oversized Vehicle and Vehicle Storage

**Direction:** West

**Current Base Zoning:** NP-10

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

**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.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** Imogene Ivy

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Artesian Belt

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** South Interstate Highway 35

**Existing Character:** Interstate

**Proposed Changes:** None Known

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

**Routes Served:** N/A

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for Dwelling – 1 Family (Detached) is 1 per unit. There is no maximum for Dwelling – 1 Family (Detached).

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: “R-4” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: “R-3” Single-Family Residential District allows single-family dwelling with a minimum lot size of 3,000 square feet for R-3, 2,000 square feet for R-2 and 1,250 square feet for R-1 and a minimum lot width of 20 feet, designed to provide options for developing dwelling units for specialized housing markets such as affordable housing, starter homes, and empty nester homes.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center, or within ½ a mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff 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 West Sector Plan and is currently designated as “Suburban Tier” in the future land use component of the plan. The requested “R-3” 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. The area is within a single-family residential development, bordered by Interstate Highway 35 to the north, commercial and multi-family uses to the east, and single-family residential uses to the south and west.
3. **Suitability as Presently Zoned:** The existing "R-4" Residential Single-Family District is also an appropriate zoning for the property and surrounding area. The requested "R-3" Residential Family Residential District is an appropriate zoning for the property and surrounding area. The single-family development was originally designed for “R-4” standards, with a minimum 4,000 square foot size, but with purveyance of property to TxDOT Right of Way for IH-35, two parcels of lots had shrunk to just below square footage minimum. Developer is requesting for the “R-3” zoning to bring the lots into compliance.
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 objective of the West Sector Plan.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan include:

- 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 P9: Develop affordable housing initiatives targeting residents with incomes between 80% and 120% of the area median.
- 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.
- H P11: Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.

Relevant Goals and Policies of the West Sector Plan include:

- HOU-1: Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Section Land Use Plan.
- Strategy HOU-1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood
- HOU-4: New and existing housing incorporates green building technology to improve energy efficiency and reduce resource consumption

- 6. Size of Tract:** The 1.31 acre site is of sufficient size to accommodate the proposed residential development.
- 7. Other Factors:** The subject property is located within the Lackland AFB 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 objections/no objections to this request.

The property is proposed for development of a residential subdivision with lot sizes of 3,000 square feet. At 1.31 acres, there could potentially be development of nineteen (19) lots. The applicant is proposing fifteen (15) lots with the rezoning. The proposed rezoning maintains the residential base district but 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.