

17. ZONING CASE Z-2024-10700230 CD S (Council District 3): A request for a change in zoning from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Funeral Home/Undertaking Parlor on 3.25 acres and "R-4 S AHOD" Residential Single-Family Airport Hazard Overlay District with a Specific Use Authorization for a Cemetery, Columbarium, or Mausoleum on 77.14 acres, being a total of 80.39 acres out of NCB 15667, located at 13279 FM 1937. Staff recommends Approval. (Samantha Benavides, Zoning Planner, 210-859-8070, [Samantha.Benavides@sanantonio.gov](mailto:Samantha.Benavides@sanantonio.gov), Development Services Department)



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 15, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**  
ZONING CASE Z-2024-10700230 CD S

**SUMMARY:**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4" Residential Single-Family District

**Requested Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Funeral Home/Undertaking Parlor on 3.25 acres and "R-4 S AHOD" Residential Single-Family Airport Hazard Overlay District with a Specific Use Authorization for a Cemetery, Columbarium, or Mausoleum, and "R-4 S" Residential Single-Family District with a Specific Use Authorization for a Cemetery, Columbarium, or Mausoleum on 77.14 acres

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 15, 2024

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

**Property Owner:** Jen Texas 29 LLC

**Applicant:** SCI Shared Resources, LLC

**Representative:** Ortiz McKnight, PLLC

**Location:** 13279 FM 1937

**Legal Description:** 80.39 acres out of NCB 15667

**Total Acreage:** 80.39 acres

## **Notices Mailed**

**Owners of Property within 200 feet:** 17

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Planning Department, TxDOT

## **Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 68292, dated December 31, 1988, and zoned Temporary "R-1" Residence District. The property was rezoned by Ordinance 69286, dated April 13, 1989, to "B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "B-2" Business District converted to "C-2" Commercial District. The property was rezoned by Ordinance 98228, dated September 25, 2003, to "UD" Urban Development District. The property was rezoned by Ordinance 2014-08-07-0557, dated August 7, 2014, to the current "R-4" Residential Single-Family District.

## **Code & Permitting Details:**

Master Development Plan (MDP) (LAND-MDP-21-11100031) May 2021

**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:** "R-4", "R-6 CD", "MH"

**Current Land Uses:** Single Family Dwellings

**Direction:** East

**Current Base Zoning:** "OCL PMRES"

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** "R-4", "OCL"

**Current Land Uses:** Vacant

**Direction:** West

**Current Base Zoning:** UZROW, "R-4", "C-2", "C-3"

**Current Land Uses:** South US Highway 281, Vacant, Apartments

## **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:** FM 1937

**Existing Character:** Collector Rural

**Proposed Changes:** None Known

**Thoroughfare:** South US Highway 281

**Existing Character:** Minor Super Arterial B

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 42

**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 Funeral Home or Undertaking Parlor is 1 space per 4 seats. There is no minimum parking requirement for a Cemetery.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family District permits a 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: "C-2 CD" 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.

The "CD" Conditional Use is for a Funeral Home/Undertaking Parlor.

"R-4 S" Residential Single-Family District permits a 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.

The "S" Specific Use Authorization is for a Cemetery, Columbarium, or Mausoleum.

**FISCAL IMPACT:**

None

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

Subject property is not located with 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 Heritage South Sector Plan, adopted in 2010, and is currently designated as "Suburban Tier" and "General Urban Tier" in the future land use component of the plan. The requested "C-2" and "R-4" base zoning district is consistent with the future land use designations.
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. Surrounding zones consist of "R-4" Residential Single-Family District, "R-6 CD" Residential Single-Family District with a Conditional Use for Two (2) Manufactured Homes, "C-2" Commercial District, and "C-3" General Commercial District.
3. **Suitability as Presently Zoned:** The existing "R-4" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "R-4 S" Residential Single-Family District with a Specific Use Authorization for a Cemetery, Columbarium, or Mausoleum and "C-2 CD" Commercial District with a Conditional Use for a Funeral Home/Undertaking Parlor are also appropriate. Common land use principles recommend that commercial uses be kept along main arterials as to not further congest local streets. Given that the property falls in between a secondary arterial and collector street, staff finds that it meets the locational requirements to accommodate traffic. Additionally, at 80.39 acres the subject area is of sufficient size to accommodate the proposed uses. The applicant will have to adhere to the prescribed site plan required for Conditional Use and Specific Use zoning, and any deviation from the approved document could potentially warrant additional council consideration.
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 objectives. Relevant Goals and Policies of the Comprehensive Plan may include:
  - GCF Goal 1: Higher-density uses are focused within the city's 13 regional centers and along its arterial and transit corridors.
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.

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

- Goal COM-1: Multi-purpose community centers through public-private and non-profit partnerships.
- Goal LU-1: Land uses that are compatible with neighboring properties that preserve natural and cultural resources, neighborhood character, and economic viability.
- Goal LU-3: Urban, commercial, and rural development are concentrated in strategic areas supported by targeted public and private investments.

**6. Size of Tract:** The 80.39 acre site is of sufficient size to accommodate the proposed commercial development.

**7. Other Factors:** The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

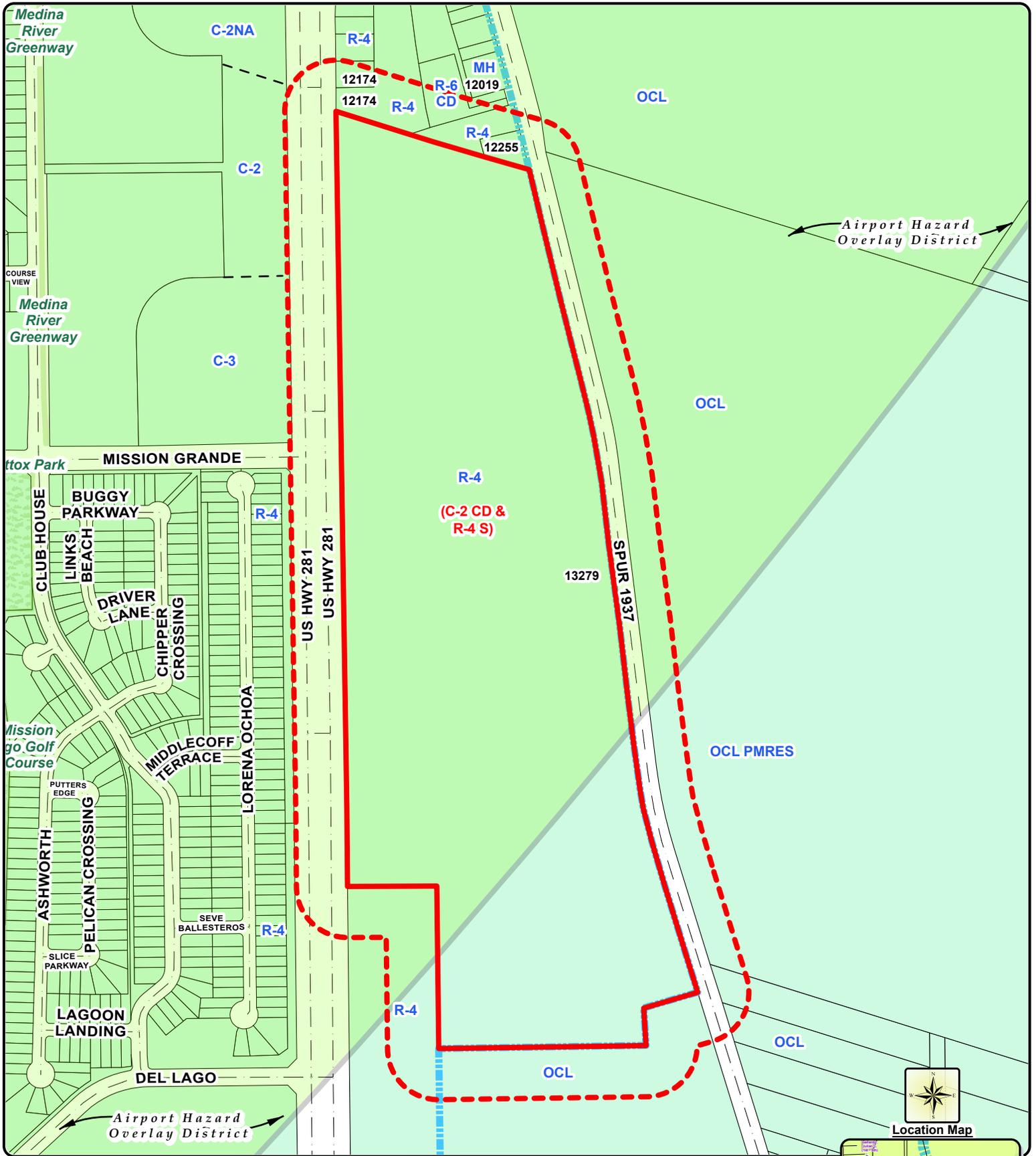
The applicant is rezoning to develop a Cemetery, Columbarium, or Mausoleum.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to develop a Funeral Home/Undertaking Parlor.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.

One access may be allowed onto US 281. Two access points may be allowed onto S Flores Rd (FM 1937). TxDOT has concerns about zoning a cemetery here as it would limit the potential for expansion of both FM 1937 and US 281 in the future. TxDOT Coordination would be required.



### Zoning Case Notification Plan

## Case Z-2024-10700230

Council District: 3  
 School District: Southside I.S.D.  
 Scale: 1" = 500 Feet



Legend	
Subject Property(ies)	
200 Ft. Notification Area	
Single Family Residential	
Current Land Use Description	
Current Zoning	
Requested Zoning Change	
Creek / River Region	
City Limits	
Corridor Overlay	
ERZD Region	
MLOD Region	
AHOD Region	



Note: All Current and Requested Zoning include: Partial AHOD Overlay District



I, Jen Texas 29 LLC, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the UDC. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted codes at the time of plan submittal for building permits.

Additional information required by Table B101-1 may be found through various Development Services Department records, including those associated with platting, addressing, building and permits. Reference to those records as required for zoning review is incorporated herein for Site Plan purposes under Chapter 35 (Unified Development Code)

-Legal Description: NCB 15667 P-11 (78.248 AC) P-12 (1.52 AC) & CB 4006-1 P-11 (0.652 AC) ABS 3 (S Side Golf Course Annex)

-Property Size: 80.39 ac, (3,501,788.40 sq. ft.)

-Current Zoning: R-4 AHOD

-Request Zoning: C-2 CD with use for Funeral Home or Undertaking Parlor; and R-4 (S) with use for Cemetery, Columbarium, or Mausoleum

-Building Area: (1) C-2 CD - 3.10 ac, (135,036.00 sq. ft.); and (2) R-4 (S) - 1.00 ac, (43,560.00 sq. ft.) for ~40 Mausoleums

-Parking: (1) Funeral Home - 1 space per 4 seats; and (2) Cemetery - None

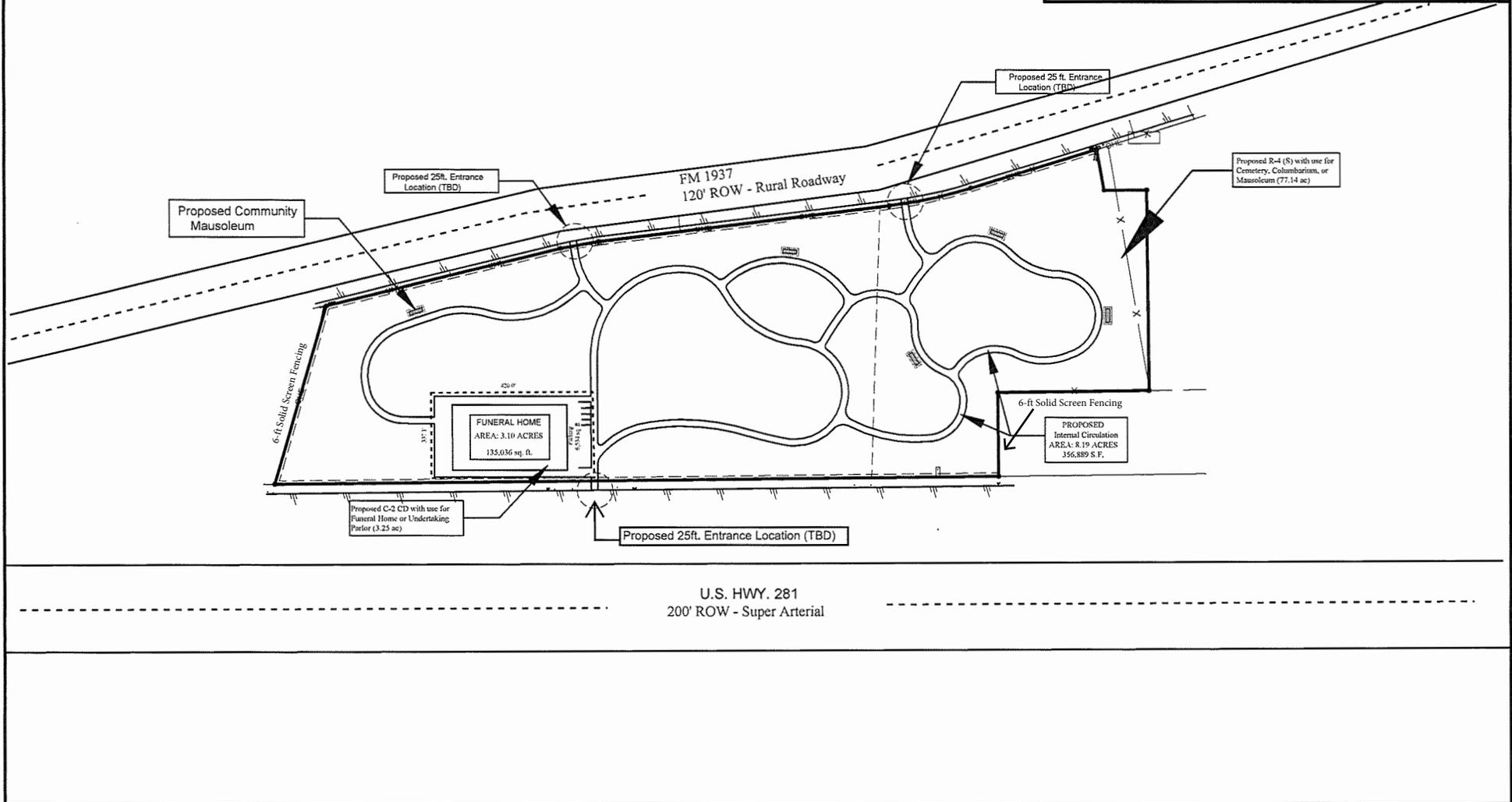
-Setbacks: (1) C-2 CD: None; and (2) R-4 (S): side - 5 ft., rear 20 ft.

-Impervious Cover: 100% (80.39 ac)

-Landscaping: None

-Screening: None

-Building Height: (1) C-2 CD - Not to exceed 25 ft.; and (2) R-4 (S) - Not to exceed 35 ft.



Z-2024-10700230 CD S

SUNSET SOUTH CEMETERY CONDITIONAL AND SPECIFIC USE SITE PLAN

13279 FM 1937, San Antonio, TX 78221



October 9, 2024

