



City of San Antonio

Agenda Memorandum

Agenda Date: March 5, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:
ZONING CASE Z-2023-10700184 ERZD

SUMMARY:

Current Zoning: "R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

Requested Zoning: "MF-18 MLOD-1 MLR-2 ERZD" Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 5, 2024

Case Manager: Alexa Retana, Zoning Planner

Property Owner: McAlister Opportunity Fund 2012 LP

Applicant: Ortiz McKnight, PLLC (c/o Matthew Gilbert)

Representative: Ortiz McKnight, PLLC (c/o Matthew Gilbert)

Location: Generally located in the 16000 block of Kyle Seale Parkway

Legal Description: Lot P-4A, CB 4549, Lot P-1B, CB 4550, Lot P-2C, CB 4552, and Lot P-2C, CB 4562

Total Acreage: 46.686 Acres

Notices Mailed

Owners of Property within 200 feet: 10

Registered Neighborhood Associations within 200 feet: N/A

Applicable Agencies: Planning Department, SAWS, Camp Bullis Military Base, Parks and Recreation

Property Details

Property History: The subject property was annexed into the City of San Antonio by Ordinance 2017-08-31-0622, dated August 31, 2017. The property was zoned by Ordinance 2017-08-31-0622, dated August 31, 2017, to "R-6" Residential Single-Family District.

Code & Permitting History:

There is no code enforcement or permitting history for the subject property.

Topography: The southwestern portion of the subject property is within the 100 Year Flood Plain. Additionally, there is a slope present which declines North to South.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning:

Current Land Uses: Commercial

Direction: South

Current Base Zoning: OCL

Current Land Uses: OCL

Direction: East

Current Base Zoning:

Current Land Uses: Cell Tower, Single-Family OCL, Vacant

Direction: West

Current Base Zoning:

Current Land Uses: Single-Family OCL, Vacant

Overlay District Information:

The "MLOD-1" Camp Bullis 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. The "ERZD" Edwards Recharge Zone District does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the "ERZD".

Special District Information:

No special district information.

Transportation

Thoroughfare: Kyle Seale Parkway

Existing Character: Local

Proposed Changes: None Known

Public Transit: There is no public transit within a ½ mile of the subject property.

Traffic Impact: A TIA and Proportional Mitigation Determination Report is required when a property is subject to master development planning, development permitting or rezoning. 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.

TIA Report will be Required.

Parking Information: The minimum parking requirement for multi-family development is 1.5 spaces per unit. The maximum parking requirement for multi-family development is 2 spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: Single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

Proposed Zoning: Multi-family dwelling, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 18 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not within a Regional Center or a ½ mile of 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 North Sector Plan, adopted in 2010, and is currently designated as "Suburban Tier" in the future land use component of the plan. The requested "MF-18" 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. There is existing “MF-18” Limited Density Multi-Family to the east of the subject site.
3. **Suitability as Presently Zoned:** The existing "R-6" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "MF-18" Limited density Multi-Family District is also an appropriate zoning. The proposed multi-family development aligns with the existing development pattern of the area. While there are "R-6" Residential Single-Family district designations in proximity to the property, natural buffers provided by the 100 Year Flood Plain would create a barrier between the lower and higher densities. Additionally, The proposal is consistent with the goals of the Strategic Housing Implementation Plan which encourages the development of alternate housing types to accommodate the city’s growing population at all income levels.
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 of the North Sector Plan:
 - HOU-1.1 Consider innovative allowances in zoning amendments that promote a variety of housing types in the North Sector and embrace flexible standards, including, but not limited to: zero lot lines, clustering of development, and density bonuses as per the Sector Land Use Plan.
 - HOU-1.2 Encourage compatible growth patterns and transitions of higher density residential along principal arterials and transit corridors that fit in with the existing residential character of the North Sector.
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 - HOU-1.2 Encourage compatible growth patterns and transitions of higher density residential along principal arterials and transit corridors that fit in with the existing residential character of the North Sector.
6. **Size of Tract:** The subject property is 46.686 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The applicant intends to rezone to “MF-18” to develop multi-family apartments with a density of 18 units per acre. At 46.686 acres, this would allow a maximum of approximately 840 units on this property. The subject property is located within the Camp Bullis 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. Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 1 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 50% on the site. Reference SAWS report dated February 15, 2024. 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. 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.

The subject property is located within the Camp Bullis 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.

Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 1 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 50% on the approximately 27.90 acre portion of the site in the Edwards Aquifer Recharge Zone. Reference SAWS report dated February 15, 2024.

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.

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