



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** April 4, 2024

**In Control:** City Council

---

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 4

**SUBJECT:**

ZONING CASE Z-2024-10700013

**SUMMARY:**

**Current Zoning:** "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 5, 2024

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

**Property Owner:** Zuke Investments, LLC

**Applicant:** Kittle Property Group, Inc.

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

**Location:** Generally located at the 12000 Block of Loop 410

**Legal Description:** Lot P-11E and Lot P-12E, NCB 15069

**Total Acreage:** 14 acres

**Notices Mailed****Owners of Property within 200 feet:** 20**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Lackland, Planning Department, TxDot**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 39953, dated September 28, 1971, and zoned Temporary "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary "R-1" Single-Family Residence District converted to "R-6" Residential Single-Family District. The property was rezoned by Ordinance 96340, dated September 12, 2002, from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District. The property was rezoned by Ordinance 98228, dated September 25, 2003, from "R-5" Residential Single-Family District to "UD" Urban Development District. The property was rezoned by Ordinance 2014-08-07-0557, dated August 7, 2014, from "UD" Urban Development District to the current "C-2" Commercial District.

**Code & Permitting Details:**

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

**Topography:** The property does not contain any abnormal physical features such as slope or incursion in a flood plain.

**Adjacent Base Zoning and Land Uses****Direction:** North**Current Base Zoning:** "R-6"**Current Land Uses:** Single-Family Dwelling**Direction:** East**Current Base Zoning:** "C-2", "M-33"**Current Land Uses:** Vacant, Multi-Family Dwellings**Direction:** South**Current Base Zoning:** "R-4", "UD"**Current Land Uses:** Vacant**Direction:** West**Current Base Zoning:** "UD", "R-4"**Current Land Uses:** Multi-Family Dwellings, Vacant**Overlay District Information:**

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.

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:** SW Loop 410

**Existing Character:** Interstate

**Proposed Changes:** None.

**Thoroughfare:** Highway 16

**Existing Character:** Super Arterial B

**Proposed Changes:** None.

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

**Traffic Impact:** \*\*The traffic generated by the proposed development has increased, exceeding 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 Dwelling is 1.5 per unit and maximum parking requirement is 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-2" Commercial Districts accommodate 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 for any uses permitted in MF-25 but with a maximum density of 33 units per acre for MF-33, 40 units per acre for MF-40, 50 units per acre for MF-50 and 65 units per acre for MF-65.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center or within ½ a mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 "General Urban Tier" in the future land use component of the plan. The requested "MF-33" 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. Properties surrounding the subject site are zoned "C-2" Commercial, "UD" Urban Development, "MF-33" Multi-Family, and "R-4" Residential Single-Family District.
3. **Suitability as Presently Zoned:** The existing "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The proposed "MF-33" Multi-Family District is also a consistent zoning for the property. The subject property is surrounded by a mix of different uses, including multi-family apartment complexes. The proposed rezoning supports the Strategic Housing Implementation Plan (SHIP) for diverse housing types for various 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 objective. Relevant Goals and Policies of the Comprehensive Plan may include:
  - 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.
  - HOU-1.2 Encourage higher-density housing at strategic nodes.
  - HOU-1.3 Promote clustered housing including Conservation Subdivision Development and large lot development in rural areas.
6. **Size of Tract:** The 14-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 14 acres, there could potentially be development of 462 units.

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 no objections to this request.

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.

One access may be allowed along LP 410. TxDOT coordination would be required.