



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 20, 2024

**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-2022-116000120)

**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:** February 20, 2024

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

**Property Owner:** FLG Preserve, LLC

**Applicant:** Poppoon Development & Consulting, Ltd

**Representative:** Ortiz McKnight, PLLC

**Location:** 15895 South State Highway 16

**Legal Description:** 34.506 acres out of CB 4296 and CB 4297

**Total Acreage:** 34.506

**Notices Mailed**

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

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

**Applicable Agencies:** TxDOT

**Property Details**

**Property History:** N/A

**Code & Permitting Details:** There is no code enforcement or permitting history for the subject property.

**Topography:** N/A

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** N/A

**Current Land Uses:** N/A

**Direction:** South

**Current Base Zoning:** N/A

**Current Land Uses:** N/A

**Direction:** East

**Current Base Zoning:** N/A

**Current Land Uses:** N/A

**Direction:** West

**Current Base Zoning:** N/A

**Current Land Uses:** N/A

**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:** 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 are no VIA bus routes 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 Dwelling – Mutli-Family is 1.5 spaces per unit. The maximum parking requirement for Dwelling – Multi-Family is 2 spaces per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: C-2 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: 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:**

N/A

**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:** N/A
2. **Adverse Impacts on Neighboring Lands:** N/A
3. **Suitability as Presently Zoned:** N/A

**4. Health, Safety and Welfare: N/A**

**5. Public Policy: N/A**

The subject property is part of the Preserve at the Medina Public Improvement District and related development agreement with the City. The developer requested, and the City consented to, a commercial categorization for this property. The requested zoning is a deviation from the agreement and may result in voluntary annexation. Upon termination of the PID, the City may choose to annex the property.

Removing the commercial use of the property removes a significant portion of community-serving commercial uses and results in a reduction in future tax revenue to the City. Additionally, the developer has not met other agreed-upon obligations in the development agreement. Good planning principles would recommend maintenance of commercial uses on this site to serve the existing, and any future, residential development to the west of this property.

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

- LU-2.2 Ensure buffer zones and transitional areas between industrial and other uses
- LU-3.2 Promote commercial and mixed-use development at areas designated for Transit Oriented Development
- LU-5.1 Integrate regional town centers that include commercial, retail, office and institutional uses into the fabric of the area

**6. Size of Tract: N/A.**

**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.

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 difference 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).

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.