



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 7, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2023-10700325

(Associated Plan Amendment PA-2023-11600082)

**SUMMARY:**

**Current Zoning:** "RP CD S" Resource Protection District with a Conditional Use for two (2) dwelling units and a Specific Use Authorization for HUD-Code Manufactured Homes, "R-5" Residential Single-Family District, "MF-18" Limited Density Multi-Family District, and "C-2" Commercial District

**Requested Zoning:** "R-4" Residential Single-Family District on 82.17 acres, "MF-18" Limited Density Multi-Family District 4.077 acres, and "C-2" Commercial District on 10.431 acres

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 6, 2024

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

**Property Owner:** Lonesome Dove Investment Group, LLC

**Applicant:** Ron and Vanessa, LLC

**Representative:** Patrick Christensen, PLLC

**Location:** Generally located in the 20400 - 20900 block of Gus McCrae Lane and 3628 South Loop 1604

**Legal Description:** 96.678 acres out of CB 4167

**Total Acreage:** 96.678 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 40

**Registered Neighborhood Associations within 200 feet:** No registered Neighborhood Association within 200'

**Applicable Agencies:** Planning Department, Texas Department of Transportation

**Property Details**

**Property History:** The property was subject to a limited purpose annexation agreement by Ordinance 2014-01-09-0001, dated January 9, 2014, and zoned "C-2" Commercial District and "RE" Residential Estate District. The southern portion of the subject property was fully annexed into the City of San Antonio by Ordinance 201611100883 dated November 9, 2016. The northern portion of the property was fully annexed into the City of San Antonio by Ordinance 201611100881 dated November 9, 2016. A significant majority of the subject property was rezoned by Ordinance 2018-03-01-0169 dated March 11, 2018 to "R-5" Residential Single-Family District. A portion of the property was rezoned by Ordinance 2022-11-03-0857 to "MF-18" Limited Density Multi-Family District. The remainder of the property was annexed by Ordinance 2023-11-30-0891 and zoned "RP CD S" Resource Protection District with a Conditional Use for two (2) dwelling units and a Specific Use Authorization for HUD-Code Manufactured Homes.

**Code & Permitting Details:**

No code or permitting details associated with the subject property.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Commercial structure, Residential dwelling

**Direction:** South

**Current Base Zoning:** OCL

**Current Land Uses:** Vacant land (outside city limits)

**Direction:** East

**Current Base Zoning:** "I-2"

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** "R-20"

**Current Land Uses:** Residential Dwelling, Vacant land

**Overlay District Information:**

There are no overlay districts.

**Special District Information:**

There is no special district information.

**Transportation**

**Thoroughfare:** Gus McCrae Lane

**Existing Character:** Local road

**Proposed Changes:** None Known

**Public Transit:** There are no VIA bus routes within walking distance of the subject property.

**Routes Served:** NA

**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 most commercial oriented uses is 1 parking space per 300 square feet of gross floor area. The minimum parking requirement for multi-family residential uses is 1.5 parking spaces per unit. The minimum parking requirement for single-family residential uses is 1 parking space 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.

"MF-18" Limited Density Multi-Family Districts permit 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.

"R-5" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

**Proposed 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.

"MF-18" Limited Density Multi-Family Districts permit 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.

"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 45 feet, foster family home, public and private schools.

**FISCAL IMPACT:** None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval, pending Plan Amendment.

**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 September 2010, and is currently designated as "Suburban Tier" and "Rural Estate Tier" in the future land use component of the plan. The requested "R-5", "MF-18", and "C-2" base zoning districts are not consistent with the "Rural Estate Tier" future land use designation. The applicant has requested a Plan Amendment to "Suburban Tier". Staff and Planning Commission recommend Approval.
- 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.
- 3. Suitability as Presently Zoned:** The existing "RP CD S" Resource Protection District with a Conditional Use for two (2) dwelling units and a Specific Use Authorization for HUD-Code Manufactured Homes, "R-5" Residential Single-Family District, "MF-18" Limited Density Multi-Family District, and "C-2" Commercial Districts are appropriate zonings for the property and surrounding area. The proposed "R-4" Residential Single-Family District, "MF-18" Limited Density Multi-Family District, and "C-2" Commercial District are also appropriate. The intention of the rezoning is to allow for mixed use development on this portion of Gus Mcrae Lane, which already accommodates residential and commercial zoning designations. While there is already potential for the proposed mixed-use development, the rezoning will allow for a greater residential density with the proposed "MF-18" Limited Density Multi-Family and "R-4" Residential Single-Family than is currently permitted. This is consistent with the goals of the Strategic Housing Implementation Plan, which encourages the development of housing stock to accommodate the City's growing population.

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 Heritage South Sector Plan:
  - Goal HOU-1 An array of housing choices throughout the area with an appropriate mix of densities and housing types
    - 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
  - Goal LU-1 Land uses that are compatible with neighboring properties that preserve natural and cultural resources, neighborhood character, and economic viability
6. **Size of Tract:** The subject property is 96.678 acres, which can reasonably accommodate the proposed mixed-use development.
7. **Other Factors:** The applicant intends to rezone to "R-4" Residential Single-Family District, "MF-18" Limited Density Multi-Family District, and "C-2" Commercial District to allow for mixed use development across the subject area. The request dedicates more acreage to residential single-family and multi-family development.

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.