



City of San Antonio

Agenda Memorandum

Agenda Date: February 20, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 4

SUBJECT:

ZONING CASE Z-2022-10700029

(Associated Plan Amendment Case 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: The subject property was annexed into the City of San Antonio by Ordinance 2008-02-07-0102, dated February 7, 2008 and zoned "RD" Rural Development District. The property was rezoned by Ordinance 2017-04-20-0279, dated February 16, 2007, to the current "C-2" Commercial District.

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

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

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** "BP"**Current Land Uses:** Restaurant Supply Store, Trucking Company and Storage**Direction:** South**Current Base Zoning:** "C-2"**Current Land Uses:** Vacant**Direction:** East**Current Base Zoning:** "MI-1"**Current Land Uses:** Concrete Product Supplier**Direction:** West**Current Base Zoning:** "R-5"**Current Land Uses:** Single-Family Dwellings**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” 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 permits 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 located with a Regional Center or within ½ a mile from a Premium Transit Corridor.

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:** The subject property is located within the Heritage South Sector Plan, adopted September 16, 2010, and is currently designated as “Suburban Tier” in the future land use component of the plan. The requested “MF-33” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "General Urban Tier". Staff recommends Denial. The Planning Commission recommendation is pending the February 14, 2024 hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The requested “MF-33” Multi-Family District is not an appropriate zoning for the property and surrounding area. As a basic planning principle, residential uses are not commonly located in close proximity to industrial uses. Additionally, the existing “C-2” Commercial District was purposefully zoned for development along Poteet Jourdanton Highway to provide goods and services to existing and surrounding uses and act as a buffer between existing residential development and industrial uses.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The property is adjacent to existing industrial property and uses, which would impact the welfare of residents who will reside in the potential dwelling units for the subject property.
5. **Public Policy:** The proposed rezoning does appear to conflict with the following goals, principles, and objectives of the Comprehensive Plan and Heritage South Sector Plan.

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: The 34.506 acre site is of sufficient size to accommodate development.

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 different 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.