



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 20, 2022

**In Control:** City Council

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Bridgett White

**COUNCIL DISTRICTS IMPACTED:** District 8

**SUBJECT:**

ZONING CASE ZONING-Z-2022-10700206 (Associated Plan Amendment PA-2022-11600077)

**SUMMARY:**

**Current Zoning:** “OCL MSAO-1” Outside City Limits Military Sound Attenuation Overlay District, “RE MLOD-1 MLR-1 MSAO-1” Residential Estate Camp Bullis Military Lighting Overlay District Military Lighting Region 1 Military Sound Attenuation Overlay District, and “R-6 MLOD-1 MLR-1 MSAO-1” Residential Single-Family Camp Bullis Military Lighting Overlay District Military Lighting Region 1 Military Sound Attenuation Overlay District

**Requested Zoning:** “PUD RM-4 MLOD-1 MLR-1 MSAO-1” Residential Mixed Planned Unit Development Camp Bullis Military Lighting Overlay District Military Lighting Region 1 Military Sound Attenuation Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 20, 2022

**Case Manager:** Joyce Palmer, Senior Planner

**Property Owner:** Cathy Sue Hosek

**Applicant:** City of San Antonio

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

**Location:** 7251 Heuermann Road

**Legal Description:** 10.58 acres out of CB 4727

**Total Acreage:** 10.58 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 7

**Registered Neighborhood Associations within 200 feet:** Friends of San Antonio Natural Areas  
**Applicable Agencies:** None

### **Property Details**

**Property History:** The City of San Antonio (City) initiated Full Purpose Annexation of 550 acres, known as the IH-10 North Property, along IH-10 West in 1986. As a result of this annexation, the subject parcel was split in half, with 5.28 acres being annexed into the city limits and the remaining 5.30 acres continuing to be located outside city limits, in the ETJ.

In 2017, the City annexed numerous corridors and enclaves in the ETJ, which would have included the remainder of the subject property. As part of this annexation process, Texas Local Government Code (LGC) required the City to offer Development Agreements to properties which had the applicable appraisal for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land ("agricultural") as designated by the Bexar County Appraisal District (BCAD). These Agreements allowed their continued agricultural use, or other use as specified by the LGC, and guaranteed the extraterritorial status for the property as long as the property owner continued the use as described in the terms of the Agreement. The Owner of the Subject Property had previously entered into a development agreement with the City not to be annexed, but now petition the City for annexation in anticipation of future development, pursuant to Section 43.016 of the Texas Local Government Code. Additionally, the Subject Property meets the statutory requirements for full purpose annexation, by the City, as it: (1) is within the City's extraterritorial jurisdiction; and (2) is adjacent and contiguous to the City's corporate limits.

The Subject Property currently has a single-family residence and is located at 7251 Heuermann Road, in the ETJ adjacent to City Council District No. 8. The intended developer ("Developer") would like to develop the Subject Property for a single-family residential project (6.6 units/acre). The Property Owner and Developer are seeking this annexation to gain the benefits of being within the City, such as trash service, police and fire service, and other City services already provided to surrounding properties. The annexed property will be in City Council District 8.

A portion of the subject property within City limits was annexed into the city by Ordinance 34017, dated December 28, 1986 and was originally zoned Temporary "R-1" Single-Family Residence District. The previous temporary "R-1" district converted to the current "R-6" Residential Single-Family District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. The remaining portion of the property within city limits was annexed into the city by Ordinance 2017-08-31-0622, dated August 31, 2017. This portion of the property was zoned "RE" Residential Estate District by Ordinance 2017-08-31-0624 on August 31, 2017.

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

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-20

**Current Land Uses:** Park

**Direction:** East

**Current Base Zoning:** MF-18, O-1, MXD

**Current Land Uses:** Undeveloped land

**Direction:** South

**Current Base Zoning:** PUD RM-4, R-6, RE

**Current Land Uses:** Undeveloped Land, Single-Family Housing, Townhomes (under construction)

**Direction:** West

**Current Base Zoning:** RP

**Current Land Uses:** Undeveloped Land

### **Overlay District Information:**

The "MSAO-1" Camp Bullis Military Sound Attenuation Overlay District does not restrict permitted uses, but does enforce construction standards intended to lessen the impact of external noise from the nearby military installation. The "MSAO-1" regulations apply to new construction of habitable structures. 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.

### **Special District Information:**

The Planned Unit Development special district provides flexibility in development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties; while preserving natural amenities and features of a site and providing for a minimum amount of open space. PUDs provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure; encourage infill projects and development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography. A site plan is required for a rezoning to "PUD" that will include the location of the uses. A zoning review is performed by the Zoning Section of the Development Services Department during the review of the plat and building permit.

### **Transportation**

**Thoroughfare:** Heuermann Road

**Existing Character:** Secondary Arterial Type A

**Proposed Changes:** None known

**Public Transit:** There are no nearby VIA bus stations within walking distance.

**Traffic Impact:** A Traffic Impact Analysis (TIA) Report is not required.

**Parking Information:** Minimum Requirement for a single-family dwelling (attached, townhouse, or zero-lot-line) is one (1) parking space per dwelling unit.

**Thoroughfare:** Heuermann Road

**Existing Character:** Secondary Arterial Type A

**Proposed Changes:** None known

**Public Transit:** There are no nearby VIA bus stations within walking distance.

**Traffic Impact:** A Traffic Impact Analysis (TIA) Report is not required.

**Parking Information:** Minimum Requirement for a single-family dwelling (attached, townhouse, or zero-lot-line) is one (1) parking space per dwelling unit.

**Thoroughfare:** Heuermann Road

**Existing Character:** Secondary Arterial Type A

**Proposed Changes:** None known

**Public Transit:** There are no nearby VIA bus stations within walking distance.

**Traffic Impact:** A Traffic Impact Analysis (TIA) Report is not required.

**Parking Information:** Minimum Requirement for a single-family dwelling (attached, townhouse, or zero-lot-line) is one (1) parking space per dwelling 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. Single-family dwelling (detached) with a minimum lot size of one acre (43,560 square feet) and a minimum lot width of 120 feet, accessory dwelling, public and private schools.

Proposed Zoning: Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

#### **FISCAL IMPACT:**

None

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

The subject property is not located within a Regional Center nor is it located within a half-mile of a Premium Transit Corridor. The subject property is located within the proposed Northwest Community Plan area, which is a SA Tomorrow Phase 5 planning area.

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval. (Associated Plan Amendment PA2022-11600077)

**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 and is currently designated as “Rural Estate Tier” in the land use component of the plan. The requested “PUD RM-4” Residential Mixed Planned Unit Development base zoning district is not consistent with the adopted land use designations. There is an associated Plan Amendment request, which will be heard by the Planning Commission on August 24, 2022. The proposed request is to allow a “Suburban Tier” land use classification. Staff recommends Approval of the plan amendment request.
2. **Adverse Impacts on Neighboring Lands:** The subject property is located in an area that is transitioning from undeveloped land and open space to a more residential and commercially developed area. There are proposed residential subdivisions located east and south of the subject property, including another PUD RM-4 development directly south on the other side of Heuermann Road. Additionally, areas to the north, east, and south of the property have largely been developed for residential and commercial uses, especially towards I-10, and this Planned Unit Development would increase the variety of housing options available in the area. Based on the existing conditions and uses of the area, the proposed “PUD RM-4” Residential Mixed Planned Unit Development zoning district will not have any adverse impact on the neighboring lands.
3. **Suitability as Presently Zoned:** There is no assigned zoning to the portion of the property designated OCL, due to it being located outside of the city’s limits. Should the property be annexed, but this zoning request be denied, the property would be zoned “DR” Development Reserve which is intended to provide a temporary zoning classification for newly-annexed property until the property is rezoned by the City. The “DR” zoning district carries the same use and development regulations as the “R-6” Residential Single-Family zoning district. The portion of the property inside city limits is currently zoned “RE” Residential Estate District and “R-6” Residential Single-Family District, which are appropriate zoning districts for the property and surrounding area. The proposed “PUD RM-4” Residential Mixed Planned Unit Development is also an appropriate zoning for the property and surrounding area. The property is also in close proximity to a highway and major thoroughfares, as well as near other residentially zoned areas. Per the North Sector Plan, higher density housing should be considered in areas where it can be carefully integrated as part of a Planned Unit Development (PUD).
4. **Health, Safety and Welfare:** The proposed “PUD RM-4” Residential Mixed Planned Unit Development District will allow the subject property to be developed with similar uses as those within the vicinity. The proposed “RM-4” Residential Mixed Planned Unit Development District and use support the goals and strategies of the North Sector Plan.

- 5. Public Policy:** The request does not appear to conflict with any public policy objective. The request is consistent with the North Sector Plan goals and reinforces Land Use Strategy 1.5, to promote flexibility and innovation in residential, business and recreational land uses through planned unit developments, conservation subdivisions, specific plans, mixed use projects, and other innovative development and land use planning techniques. Further, Housing Strategy 1.1 of the plan encourages 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.
- 6. Size of Tract:** The 10.58-acre site is of sufficient size to accommodate the proposed development.
- 7. Other Factors** None