



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4712

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/20/2020

**Title:** ZONING CASE Z-2020-10700105 (Council District 4): Ordinance amending the Zoning District Boundary from "NP-10 MLOD-2 MLR-1 AHOD" Neighborhood Preservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 18.35 acres out of NCB 17364, "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 24.09 acres out of NCB 11298 and "R-5 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 14.31 acres out of NCB 11295, a total of 56.75 acres, generally located in the 9300 block of Interstate 35 South and the 9400 block of Somerset Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment PA-2020-11600025) (Continued from August 6, 2020)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Zoning Minutes, 3. Draft Ordinance, 4. Z-2020-10700105 24.09 Acre Tract M&B, 5. Z-2020-10700105 18.35 Acre Tract M&B, 6. Z-2020-10700105 9.35 Acre Tract M&B, 7. Z-2020-10700105 4.96 Acre Tract M&B, 8. Ordinance 2020-08-20-0579

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 4

**SUBJECT:**

Zoning Case Z-2019-10700105  
(Associated Plan Amendment Case PA-2020-11600025)

**SUMMARY:**

**Current Zoning:** "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District

**Requested Zoning:** "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 18.35 acres out of NCB 17364, "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 24.09 acres out of NCB 11298 and "R-5 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 14.31 acres out of NCB 11295

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 16, 2020

**Case Manager:** Justin Malone, Planner

**Property Owner:** Edgar F. Aelvoet

**Applicant:** Lennar Homes LLC.

**Representative:** Brown & Ortiz, P.C.

**Location:** generally located at 9081 Interstate 35 South and in the 9400 block of Somerset Road

**Legal Description:** 18.35 acres out of NCB 17364, 24.09 acres out of NCB 11298, and 14.31 acres out of NCB 11295

**Total Acreage:** 56.75 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** None

**Applicable Agencies:** Texas Department of Transportation

**Property Details**

**Property History:** The subject properties were annexed into the City of San Antonio by Ordinance 68300, dated December 31, 1988 and zoned "R-A" Residence-Agriculture district. The subject property converted from "R-A" to "NP-10" Neighborhood Preservation District with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001.

**Topography:** The property does not include any abnormal physical features such as slope but has incursion in a flood plain on the southernmost lots.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-4", "I-1", and "I-1 S"

**Current Land Uses:** Vacant Land and Salvage Yard

**Direction:** South

**Current Base Zoning:** "NP-10" and "I-1"

**Current Land Uses:** Vacant Land

**Direction:** East

**Current Base Zoning:** "MF-33" and "R-5"

**Current Land Uses:** Multifamily Residential and Single Family Residential

**Direction:** West

**Current Base Zoning:** "NP-10"  
**Current Land Uses:** Vacant Land

**Overlay and Special District Information:**  
"MLOD-2"

All surrounding properties carry the "MLOD-2" Military Lighting Overlay District, due to their proximity to Lackland. The "MLOD-2" 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.

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Transportation**

**Thoroughfare:** Interstate Highway 35, Somerset Road

**Existing Character:** Interstate Highway, Secondary Arterial Type A

**Proposed Changes:** None known

**Public Transit:** VIA bus routes are not within walking distance of the subject property.

**Traffic Impact:** TIA determination cannot be made at this time.

**Parking Information:** The minimum parking requirement for single-family dwellings is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The present zoning district designation of "NP-10" is part of a series of preservation districts that are designed to protect properties zoned "R-A," "R-1a," "R-1b," or "R-1c" prior to June 4, 2001 and existing platted subdivisions which are substantially developed with single-family detached dwelling units. It is the policy of the city that these districts will be applied only to properties zoned "R-A," "R-1a," "R-1b," or "R-1c" prior to June 4, 2001 or platted subdivisions which are recorded as of the effective date of this chapter, in order to prevent such subdivisions from being further subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities. The "NP" districts are not appropriate for the down zoning of unsubdivided parcels or tracts.

**Proposed:** The proposed "R-4" Residential Single-Family allows Single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools and the "R-5 Residential Single-family District allows 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.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center or located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) recommends Approval, pending Plan Amendment.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:** The subject property is located within the West/Southwest Sector or Future Land Use Plan and is currently designated as “Agribusiness Tier” in the land use component of the plan. The requested residential base zoning district is not consistent with the current future land use plan. The applicant requested a Plan Amendment from “Agribusiness Tier” 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. “R-4” Single-Family Residential and “R-5” Single-Family Residential are appropriate zoning designations among existing adjacent “R-4” Single-Family Residential and “MF-33” Multifamily residential districts.

**3. Suitability as Presently Zoned:**

The current “NP-10” Neighborhood Preservation District is appropriate zoning for the property, but requires large lot development. The proposed “R-4” and “R-5” will allow 4,000 and 5,000 square foot lots which will allow more density for development of single-family homes, which is consistent with the current land development pattern.

**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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the West/Southwest Sector Plan:

**Goal HOU-1:** Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan

Strategies:

- HOU-1.1: Promote quality design and construction for new housing
- HOU-1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood

**Goal HOU-2:** New housing developments located near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments

Strategies:

- HOU-2.1: Provide multi-modal connections between new residential developments and existing

community facilities

- HOU-2.4: Promote awareness of the benefits of locating new housing near existing community facilities and physical infrastructure

**6. Size of Tract:**

The subject property is 56.75 acres, which could reasonably accommodate residential single-family housing.

**7. Other Factors:**

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 the requested zoning.