



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-6763

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/10/2020

**Title:** ZONING CASE #Z2020-10700244 (Council Districts 3 & 4): Assigning zoning to property generally bound by Southwest Loop 410 to the north, Corpus Christi and Old Corpus Christi Highway to the east, South Loop 1604 and IH-37 South to the south and Somerset Road to the west, currently located Outside the City Limits by applying zoning overlay districts “AHOD” Airport Hazard Overlay District, “MLOD-2” Lackland Military Lighting Overlay District and “MLR-2” Lackland Military Lighting Region-2 as applicable and “DR” Development Reserve District on P-29 & P-29C, CB 4204; W IRR 2240.49' of TR-8 ARB P-25 MH REFER 80700-001-3385, CB 4002-1; P-328 ABS: 11, CB 4007; LOT P-327 12.150, NCB 16623; P-327 AB 11 84.769 (SALADO/DOS RIOS #2 ANNEXTN), CB 4007-6; P-232 ABS 11, CB 4007; LOT 11, Block 1, CB 4167A and “FR” Farm and Ranch District on P-8C ABS 421, CB 4298 and “NP-15” Neighborhood Preservation District on P-5 (31.52) & P-5C (4) ABS 421, CB 4298; P-5G ABS 421, CB 4298; P-9 ABS 374 (12.59), CB 4296; P-5E (19.21) ABS 421, CB 4298. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit Area 1A, 2. Exhibit Area 1B, 3. Exhibit Area 1C, 4. Exhibit Area 1D, 5. Exhibit Area 1E, 6. ZC Minutes, 7. Draft Ordinance, 8. Staff Presentation, 9. Ordinance 2020-12-10-0912

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Bridgett A. White, AICP

**COUNCIL DISTRICTS IMPACTED:** 3 and 4

**SUBJECT:**

Zoning Case Z2020-10700244

**SUMMARY:**

**Current Zoning:** Outside of City Limits

**Requested Zoning:** Applying zoning overlay districts “AHOD” Airport Hazard Overlay District, “MLOD-2” Lackland Military Lighting Overlay District and “MLR-2” Lackland Military Lighting Region-2 as applicable and “DR” Development Reserve District on P-29 & P-29C, CB 4204; W IRR 2240.49' of TR-8 ARB P-25 MH REFER 80700-001-3385, CB 4002-1; P-328 ABS: 11, CB 4007; LOT P-327 12.150, NCB 16623; P-327 AB 11 84.769 (SALADO/DOS RIOS #2 ANNEXTN), CB 4007-6; P-232 ABS 11, CB 4007; LOT 11, Block 1, CB 4167A and “FR” Farm and Ranch District on P-8C ABS 421, CB 4298 and “NP-15” Neighborhood Preservation District on P-5 (31.52) & P-5C (4) ABS 421, CB 4298; P-5G ABS 421, CB 4298; P-9 ABS 374 (12.59), CB 4296; P-5E (19.21) ABS 421, CB 4298

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 17, 2020 & December 1, 2020

**Case Manager:** Jennifer Sheppard, Senior Planner

**Property Owners:** Oscar De Los Santos, Linda and David Friesenhahn, Norbert W Friesenhahn ET AL, Elite Gad Investments Inc., Norbert and Norman Friesenhahn, Delia Garza, Blue Wing Trails LTD, Miller Family Trust % George Miller/Georgia Jordan, and Bright Lakes Real Estate LLC

**Applicant:** City of San Antonio Planning Department

**Representative:** Jennifer Sheppard, Senior Planner

**Location:** Assigning zoning to property generally bound by Southwest Loop 410 to the north, Corpus Christi and Old Corpus Christi Highway to the east, South Loop 1604 and IH-37 South to the south and Somerset Road to the west, currently located Outside the City Limits.

**Legal Description:** P-29 & P-29C, CB 4204; P-8C ABS 421, CB 4298; P-5 (31.52) & P-5C (4) ABS 421, CB 4298; P-5G ABS 421, CB 4298; P-9 ABS 374 (12.59), CB 4296; P-5E (19.21) ABS 421, CB 4298; W IRR 2240.49' OF TR-8 ARB P-25 MH REFER 80700-001-3385, CB 4002-1; P-328 ABS: 11, CB 4007; LOT P-327 12.150, NCB 16623; P-327 AB 11 84.769 (SALADO/DOS RIOS #2 ANNEXTN), CB 4007-6; P-232 ABS 11, CB 4007 and LOT 11, BLK 1, CB 4167A

**Total Acreage:** Approximately 392.3 acres

#### **Notices Mailed**

**Owners of Property within 200 feet:** 124

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

**Applicable Agencies:** None

#### **Property Details**

**Property History:** The City of San Antonio (City) initiated Limited Purpose Annexation of the south side area in 2014, and then completed Full Purpose Annexation of the area in 2016. As part of both annexation processes, Texas Local Government Code (LGC) requires that the City offer Development Agreements to properties that 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 Appraisal District (BCAD). These Agreements allowed the continued agricultural use and guaranteed the extraterritorial status for the properties so long as the property owner(s) continued the use as described in the terms of the agreement. Several properties have violated the terms of the Development Agreements, which has caused them to be voided. As such, the City has initiated Full Purpose Annexation proceedings.

**Topography:** Some portions of the subject properties are located within the 100 Year Flood Plain.

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

**Current Surrounding Base Zoning:** There are multiple zoning districts surrounding the subject properties such as "RE", "R-4", "R-5", "R-20", "MF-18", "NP-8", "DR", "C-2", "I-1", "FR", "RP", "L", and "BP". Additionally, some subject properties are directly adjacent to the San Antonio city limits, where no zoning district currently resides.

**Current Surrounding Land Uses:** There are a variety of land uses surrounding the subject properties including agricultural, industrial, residential, as well as undeveloped 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 Air Force Base. The "MLOD-2" does not restrict permitted uses but does regulate outdoor lighting in an effort to minimize nighttime 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:** S.W. Loop 410

**Existing Character:** Freeway

**Proposed Changes:** None known

**Thoroughfare:** Somerset Road

**Existing Character:** Secondary Arterial "Type A"

**Proposed Changes:** None known

**Thoroughfare:** I-37 South

**Existing Character:** Freeway

**Proposed Changes:** None known

**Thoroughfare:** Watson Road

**Existing Character:** Enhanced Secondary Arterial

**Proposed Changes:** None known

**Thoroughfare:** Blue Wing Road

**Existing Character:** Rural Roadway

**Proposed Changes:** None known

**Thoroughfare:** Espada Road

**Existing Character:** Local Roadway

**Proposed Changes:** None known

**Thoroughfare:** Mathis Road

**Existing Character:** Secondary Arterial "Type A"

**Proposed Changes:** None known

**Public Transit:** VIA Metropolitan Transit does not provide service within walking distance.

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

**Parking Information:** NA

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the rezoning case would result in newly annexed property to be located within the city limits without a zoning district.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center or along a Premium Transit Corridor. These properties are located within the proposed South, Far Southwest and Far South SA Tomorrow Community Plan areas.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval.

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

**1. Consistency:**

These areas are currently subject to the Heritage South Sector Plan. A number of the subject properties have split land use classifications; therefore, Planning Department staff is recommending “DR” Development Reserve District for the majority of the sites, “NP-15” Neighborhood Preservation District, and “FR” Farm and Ranch District for those properties located near major industrial uses. The “NP-15” and “FR” zoning districts are consistent with the Heritage South Sector Plan.

Pursuant to Section 35-352(a) of the Unified Development Code, the purpose of the "DR" Development Reserve District is to provide a temporary zoning classification for newly annexed property. The UDC states that the City will rezone the properties to an appropriate zoning district as soon as practicable. This provides Planning Department staff with an opportunity to address land use and zoning for these sites once the future SA Tomorrow Community Area plans have been completed. These properties are located within the SA Tomorrow South, Far Southwest and Far South Community Plan areas.

**2. Adverse Impacts on Neighboring Lands:**

The proposed “DR” is a temporary zoning district that only permits “R-6” uses, whereas the “FR” District allows agricultural operations, agricultural and natural resource protection, minimal residential dwellings, and accessory structures, and the “NP-15” District allows uses that are the same as within the “R-6” zoning district with a minimum lot size of 15,000 sq. ft.

**3. Suitability as Presently Zoned:**

The proposed “NP-15”, “DR”, and “FR” Districts are appropriate zoning designations for the subject properties and surrounding area.

**4. Health, Safety and Welfare:**

The “NP-15” and “FR” zoning designations promote health, safety, and welfare by acting as a buffer between high-intensity residential uses and high intensity uses such as commercial and industrial. The “DR” zoning district is a temporary designation that will be addressed to comply with surrounding development in the SA Tomorrow South, Far Southwest, and Far South Community Plan areas.

**5. Public Policy:**

The proposed zoning implements the City’s goals, principles, and objectives of the adopted Heritage South Sector Plan:

**Heritage South Sector Plan Goals and Objectives:**

**COM-4.1** Encourage code compliance and enforcement services within incorporated and unincorporated areas of Bexar County.

**NR-1.4** Promote Low Impact Development (LID) standards to reduce the impact of urban development on rivers, watersheds and other natural assets.

**LU-2.2** Ensure buffer zones and transitional areas between industrial and other uses.

**LU-5.3** Preserve as much as 25% of the developable land to maintain the area’s rural character and retain agricultural practices

**6. Size of Tract:**

The subject properties, in total, are approximately 392.3 acres.

**7. Other Factors:**

None.