



# City of San Antonio

## Agenda Memorandum

**File Number:**13-994

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**Agenda Item Number:** Z-8.

**Agenda Date:** 11/21/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 8

**SUBJECT:**

Zoning Case Z2014009 ERZD

**SUMMARY:**

**Current Zoning:** "C-3R ERZD MLOD-1" General Commercial Restrictive Alcoholic Sales Edwards Recharge Zone Camp Bullis Military Lighting Overlay District

**Requested Zoning:** "MF-25 ERZD MLOD-1" Low Density Multi-Family Edwards Recharge Zone Camp Bullis Military Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 19, 2013

**Case Manager:** Krystin Ramirez, Planning Technician

**Property Owner:** Lodge at Shavano Land Partners (Michael Kron)

**Applicant:** City of San Antonio - Development Services Department (Micah Diaz)

**Representative:** City of San Antonio - Development Services Department (Micah Diaz)

**Location:** A portion of 3838 Lockhill-Selma Road and the 4100 Block of Texas Elm

**Legal Description:** Lot 7, Block 7, NCB 17627

**Total Acreage:** 2.19

**Notices Mailed**

**Owners of Property within 200 feet:** 30

**Neighborhood Associations:** Shavano Forest Owners Association

**Planning Team Members:** 37 - North Sector Plan

**Applicable Agencies:** San Antonio Water System and the Camp Bullis Military Installation

### **Property Details**

**Property History:** The subject property was annexed in 1984 was originally zoned "Temp R-1" Temporary Single Family Residence District. In a 1985 case, the property was rezoned to "B-3R" Restrictive Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-3R" General Commercial Restrictive Alcoholic Sales District. The subject site was platted in its current configuration in 2011 and is developed as multi-family residences.

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

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

**Direction:** North

**Current Base Zoning:** "C-2" and "R-6"

**Current Land Uses:** Apartment complex and single-family residences

**Direction:** East

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

**Current Land Uses:** Apartment complex

**Direction:** South

**Current Base Zoning:** "R-6" and "C-2"

**Current Land Uses:** Single-family residences and U.S. Post Office

**Direction:** West

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single-family residences

**Overlay and Special District Information:** All surrounding properties carry the "ERZD" Edwards Recharge Zone District. The "ERZD" does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the "ERZD".

All surrounding properties carry the "MLOD" Military Lighting Overlay District, due to their proximity to Camp Bullis. The "MLOD" 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.

### **Transportation**

**Thoroughfare:** Texas Elm

**Existing Character:** Local Street; one lane in each direction with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Huebner Road

**Existing Character:** Primary Arterial Type A; two lanes in each direction with center turn lane and sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Lockhill-Selma Road

**Existing Character:** Secondary Arterial Type A; two lanes in each direction with center turn lane and sidewalks

**Proposed Changes:** None known

**Public Transit:** VIA bus line 97 operates along Lockhill-Selma Road.

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** Dwelling - Multi-Family - Minimum Parking Requirement: 1.5 spaces per unit. Maximum Parking Requirement: 2 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the current commercial zoning classification.

**FISCAL IMPACT:**

This zoning case was initiated by the Development Services Department, in accordance with Unified Development Code Section 35-421(b)(3); therefore, zoning fees have been waived and expenses will be absorbed by the Development Services Department.

**RECOMMENDATION:**

**Staff recommends approval, pending the plan amendment. Zoning Commission recommendation pending the November 19, 2013 public hearing.**

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

**1. Consistency:**

The property is located within the North Sector Plan and is currently designated as Suburban Tier in the future land use component of the plan. The requested “MF-25” base zoning district is not consistent with the adopted land use designation. A master plan amendment has been submitted, requesting to change the land use designation to General Urban Tier. Staff recommends approval of the plan amendment request; the Planning Commission is scheduled to hear the request on November 13, 2013.

The General Urban Tier allows a range of medium to high density uses, such as multi-family developments, including apartment, quadplexes, triplexes, duplexes and townhomes (condominiums).

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Abutting properties are developed as multi-family uses and office/service uses. The “MF-25” district permits uses that serve as an appropriate transition between single-family residential subdivisions and major arterial thoroughfares.

**3. Suitability as Presently Zoned:**

The “C-3R” base zoning district is not appropriate for the subject property. The “C-3R” district is meant to accommodate intense commercial uses and is most appropriately located on large acreage lots at the

intersections of major arterial roadways and expressways.

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

Staff has found no 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 objective.

#### **6. Size of Tract:**

The subject property is 2.19 acres in size, which reasonably accommodates the current apartment complex and its required parking.

#### **7. Other Factors:**

This rezoning case and the related plan amendment request have been initiated by the City of San Antonio Development Services Department to correct a long-standing zoning map error, and a subsequent building-permit error. There is no new construction and no change of use proposed for the property. The plan amendment and rezoning are meant to bring the existing apartment use into full compliance with the City's zoning regulations.

The zoning map error dates to 1993 and was compounded through multiple adjacent rezoning cases, as well as by the City's transition from hard-copy zoning maps to digital mapping. In 2010, the City's Development Services Department (DSD) reviewed construction plans and issued building permits for the apartments on the subject property. At the time, the zoning map showed that the property was zoned in a way that allowed multi-family residences at a maximum of 33 units per acre. The property was developed with approximately 24 dwelling units per acre. Earlier this year, the property owner requested a Zoning Verification Letter from the DSD. For all zoning verification letters, zoning staff conducts research on the full zoning history of a property by reviewing old zoning maps and finding all applicable zoning ordinances. In completing the research for the subject property, staff discovered the zoning map error and that the property's actual zoning does not and did not ever allow multi-family residential uses.

The subject property is located within the Camp Bullis Awareness Zone / Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, zoning staff is not required to provide the Military with a copy of the zoning request because the subject property is less than 10 acres in size and is located south of Loop 1604.

The subject property is also located over the Edwards Aquifer Recharge Zone. Rezoning requests located over the recharge zone typically require a report from SAWS. However, such reports are not required for City-initiated rezoning cases. Additionally, all construction plans for the existing development were reviewed by SAWS during the platting and permitting phase of the development.