



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-5988

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 11/6/2018

**Title:** ZONING CASE # Z2018128 (Council District 2): A request for a change in zoning from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, "L AHOD" Light Industrial Airport Hazard Overlay District and "UD AHOD" Urban Development Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District on 414.422 acres out of NCB 12867, NCB 17322, NCB 17992, NCB 17993, NCB 35098 and "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on 172.149 acres out of NCB 12867 and NCB 35098, generally located northwest of Foster Road and FM 1346. Staff recommends Approval, pending the Plan Amendment. (Associated Plan Amendment 18041)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map

| Date | Ver. | Action By | Action | Result |
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2018128  
(Associated Plan Amendment 18041)

**SUMMARY:**

**Current Zoning:** "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, "L AHOD" Light Industrial Airport Hazard Overlay District and "UD AHOD" Urban Development Airport Hazard Overlay District

**Requested Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District on 414.422 acres out of NCB 12867, NCB 17322, NCB 17992, NCB 17993, NCB 35098 and "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on 172.149 acres out of NCB 12867 and NCB 35098

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 6, 2018

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Rosillo Creek Development, LTD.

**Applicant:** Jaime Arechiga

**Representative:** Brown & Ortiz

**Location:** generally located northwest of Foster Road and FM 1346

**Legal Description:** 586.5710 acres out of NCB 12867, NCB 17322, NCB 17992, NCB 17993, and NCB 35098

**Total Acreage:** 586.71

**Notices Mailed**

**Owners of Property within 200 feet:** 22

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

**Applicable Agencies:** Martindale Army Air Field

**Property Details**

**Property History:** The subject properties were annexed into the City of San Antonio and were zoned Temporary “R-1” Single-Family Residence District by Ordinance 64022, dated December 29, 1986. In 1986 and 1987 zoning cases the properties were rezoned from Temporary “R-1” to “R-3” Multiple Residences District, “B-3” Business District, and “I-1” Light Industrial District. The properties converted from “R-3”, “B-3”, and “I-1” to “MF-33” Multi-Family District, “C-3” General Commercial District, and “I-1” General Industrial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. The majority of the properties were rezoned from “MF-33” and “C-3” and “I-1” to “UD” Urban Development District by Ordinance 2006-06-2-0822, dated June 2, 2006. The properties were rezoned from “UD” Urban Development District and “MF-33” Multi-Family District to the current “RM-4” Residential Mixed District and “L” Light Industrial District by Ordinance 2013-05-16-0344, dated May 16, 2013.

**Topography:** Portions of the subject properties fall within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** Not Zoned, “R-6”

**Current Land Uses:** Interstate Highway 10, Gas Station, Vacant Lot

**Direction:** East

**Current Base Zoning:** “L”, “I-1”, “I-2”

**Current Land Uses:** Vacant Lots and Industrial Warehousing

**Direction:** South

**Current Base Zoning:** “RM-4”, “UD”, “NP-10”, “C-2”

**Current Land Uses:** Single-Family Residential, Vacant Lots

**Direction:** West

**Current Base Zoning:** “I-1”, “MR”, “C-3”, “I-2”

**Current Land Uses:** Martindale Army Air Field, Vacant Lots, Industrial Offices, Commercial Building

### **Overlay and Special District Information:**

#### **"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:** North Foster Road

**Existing Character:** Secondary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** East Houston Street

**Existing Character:** Secondary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Interstate Highway 10 East

**Existing Character:** Freeway

**Proposed Changes:** None Known

**Public Transit:** There are no VIA bus routes within walking distance of the subject properties.

**Traffic Impact:** A Traffic Impact Analysis is required for the proposed development.

#### **Parking Information:**

The minimum parking required within the "RM-4" base zoning will be 1 or 1.5 parking spaces per residential unit depending on the density. The minimum parking required within the "I-1" base zoning is dependent on the type of industrial uses.

#### **ISSUE:**

None.

#### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "RM-4", "L" and "UD" base zoning districts. The "RM-4" base zoning permits single-family dwellings (detached, attached or townhouse), two-family dwellings, three-family dwellings, four-family dwellings, row-house or zero-lot line dwellings, accessory dwellings, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

The "L" base zoning permits a mix of light manufacturing uses, office park, flex-space with limited retail and service uses that serve the industrial development in the zone. Examples of permitted uses: auto sales & repair, wrecker services, cabinet/carpenter shop, can recycle collection station (no shredding), lumber yard and building materials, mobile vending base operations, machine shop, equipment & event rentals, tree service, moving company.

The "UD" base zoning encourages the development of a land use pattern that encourages compact neighborhoods and centralized commercial areas that promote a sense of community, and are pedestrian and transit friendly.

**FISCAL IMPACT:**

None.

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

The property is not within a Regional Center or within a ½ of a mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending the 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 I-10 East Corridor Perimeter Plan and is currently designated as “Medium Density Residential” and “Business Park” in the future land use component of the plan. The requested “I-1” base zoning district is not consistent with the “Business Park” or the “Medium Density Residential” land use designations. The “RM-4” base zoning is not consistent with the “Business Park” land use designation. The applicant is requesting a land use amendment from “Medium Density Residential” and “Business Park” to “Industrial” and “Medium Density Residential” to accommodate the proposed rezoning. Staff and Planning Commission recommend Approval of the Plan Amendment

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested rezoning includes an industrial buffer between Martindale Army Air Field and the proposed residential uses along North Foster Road.

**3. Suitability as Presently Zoned:**

The current “L” Light Industrial District is an appropriate zoning for the property and surrounding area. The current “RM-4” base zoning on the southern portion of the property is not an appropriate zoning due to its close proximity to Martindale Army Air Field.

**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 I-10 East Corridor Perimeter Plan encourages residential land uses and limiting industrial land uses to areas where industrial development is already prevalent. The concern is the over proliferation of industrial uses along the corridor. The proposed “I-1” General Industrial District will replace “L” Light Industrial District in an area that has yet to be developed, located adjacent to Martindale Army Air Field. The request is consistent with the goal of protecting military installations from residential encroachment. Industrial uses are prevalent to the east along North Foster Road. The proposed “RM-4” is located along North Foster Road and has a large industrial buffer to the west from the Martindale Army Air Field. The “RM-4” will provide housing options that is highly encouraged in the plan and includes a natural buffer by from industrial zoning to the west by Rosillo Creek.

Relevant Goals and Objectives of the I-10 East Corridor Perimeter Plan:

Goal 1 Preserve and enhance the City’s Urban Design

Policy 1a: Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit

centers and community service facilities in accessible, pedestrian friendly environments.

Goal 3: Compatibility of Land Uses - Improve the quality of life and safety of residents of the IH 10 East Perimeter Planning area by addressing incompatible land uses.

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

The properties are approximately 586.571 acres, which could accommodate a large-scale industrial and residential development.

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

The Military reviewed the request on October 16, 2018 and have no objection to the request. All military requirements have been forwarded to the applicant.

“We have reviewed the amended rezoning application for the Rosillo Creek tract 22018-128, which is adjacent to the Texas Army National Guard's Martindale Army Airfield. The Texas Army National Guard (TXARNG) is in favor of the following changes to zoning with provisions:

Tract 1; Current Zoning L & RM-4 / Proposed Zoning 1-1: We are in support of rezoning to 1-1 under the conditions that the landowner include restrictive covenants imposing a building and other structure height restriction of 35 feet, and light attenuation;

Tract 2; Current Zoning L / Proposed Zoning 1-1: We are in support of rezoning under the conditions that light attenuation is imposed;

Tract 3; Current Zoning L & RM-4 / Proposed Zoning RM-4: We are in support of rezoning to RM-4 under the condition that sound and light attenuation are imposed and homebuyers are given written notice of a nearby flight facility;

The minimum standards for light and sound attenuation of any structures built on the properties should be the current City of San Antonio Military Lighting Overlay District (MLOD) and Military Sound Attenuation Overlay (MSAO) ordinances. We understand the developer has agreed to implement these measures even before the city proposes to promulgate them for the area around Martindale Army Airfield. The commitment to MLOD, MSAO, and notice to buyers should be made mandatory as part of the zoning case or via restrictive covenant.

The TXARNG is in agreement with the revised zoning application due to the fact that the applicant is no longer proposing zoning residential along our shared property line. While a very small portion of the proposed residential area is within the zone of a higher level of noise, we think that with proper sound attenuation in place and a notice to buyers of their proximity to the airfield and likelihood of helicopter noise, the rate of homeowner complaints both to us and to the City will be minimal.”