



# City of San Antonio

## Agenda Memorandum

**File Number:**19-8743

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**Agenda Item Number:** 20.

**Agenda Date:** 12/3/2019

**In Control:** Zoning Commission

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**DEPARTMENT:** Planning Department

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

**COUNCIL DISTRICTS IMPACTED:** 3 and 4

**SUBJECT:**

Zoning Case Z-2019-10700294

**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, “MLR-1” Lackland Military Lighting Region-1 and “MLR-2” Lackland Military Lighting Region-2 as applicable and “**DR**” **Development Reserve District** on P-68, P-68C, P-68D, P70A, P98, P98A, CB 4010; P-3 ABS 1044, CB 4135; P-3 ABS 129, CB 4136; Lot 5, Block 1, CB 4167A; P-20 (200.935AC) & P-21 (1068.521 AC) ABS 12, CB 4295; P-1 ABS 188, CB 4203; P-13E ABS 579 (REF 04204-000-0139), CB 4204; P-8E ABS 421 (NON-ADJACENT REMAINS--CEMETERY), CB 4298; P-68 (4.459) & P-4B (3.848), CB 4301; P-4C (8.287) & P-68 (7.401), NCB 14493; P-5, P-5A, P-5B, ABS 738, CB 5161 and to “**FR**” **Farm and Ranch District** on P-2A&2E ABS 196 9.75, CB 4187; P-2H ABS 168 11.48, CB 4188; P-6 (5.33 AC) & P-7 (17.252 AC), P-7A (.272 AC) ABS 374, CB 4296; P-1 ABS 13, CB 4297 save and except those areas currently within the City of San Antonio.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 3, 2019

**Case Manager:** Ana G. Villarreal, Senior Planner

**Property Owners:** J C Pace Ltd., Ripps Edwin William Jr Etal, Tomasi WM Jr, Friesenhahn David & Linda, Castruita Gerardo, Hernandez Semon & Rosalie, Volner Anthony, Volner Partnership II Ltd c/o Anthony Volner, RC Heritage Oaks LLC, Diamond Environmental Management LP, and Korus Ernest R & Magdalen Revocable Trust.

**Applicant:** City of San Antonio

**Location:** Properties generally bound by Southwest Loop 410 to the north, Old Pearsall Road to the west, I-37

South to the east and South Loop 1604 to the south.

**Legal Description:** P-68, P-68C, P-68D, P70A, P98, P98A, CB 4010; P-3 ABS 1044, CB 4135; P-3 ABS 129, CB 4136; Lot 5, Block 1, CB 4167A; P-20 (200.935AC) & P-21 (1068.521 AC) ABS 12, CB 4295; P-1 ABS 188, CB 4203; P-13E ABS 579 (REF 04204-000-0139), CB 4204; P-8E ABS 421 (NON-ADJACENT REMAINS--CEMETERY), CB 4298; P-68 (4.459) & P-4B (3.848), CB 4301; P-4C (8.287) & P-68 (7.401), NCB 14493; P-5, P-5A, P-5B, ABS 738, CB 5161, P-2A&2E ABS 196 9.75, CB 4187; P-2H ABS 168 11.48, CB 4188; P-6 (5.33 AC) & P-7 (17.252 AC), P-7A (.272 AC) ABS 374, CB 4296; P-1 ABS 13, CB 4297 save and except those areas currently within the City of San Antonio.

**Total Acreage:** Approximately 2,194 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 110

**Registered Neighborhood Associations within 200 feet:** People Active in Community Effort.

**Applicable Agencies:** Lackland Air Force Base

### **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) 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 Appraisal District (BCAD). These agreements allowed the continued agricultural use and guaranteed the extraterritorial status for the properties as long as the property owner(s) continued the use as described in the terms of the agreement. A number of 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 "R-4", "R-5", "RE", "RM-4", "C-2", "C-3", "NP-8", "NP-15", "MPCD", "MI-1", "I-2", "FR", 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:** Old Pearsall Road**Existing Character:** Secondary Arterial “Type A”**Proposed Changes:** None known**Thoroughfare:** I-37 South**Existing Character:** Freeway**Proposed Changes:** None known**Thoroughfare:** South Loop 1604**Existing Character:** Freeway**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:** Not Applicable.**ISSUE:**

None.

**ALTERNATIVES:**

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 Community Plan areas.

**RECOMMENDATION:****Staff Analysis and Recommendation:** Staff recommends Approval.**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.**1. Consistency:**

These areas are subject to the United Southwest Communities Plan and 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 and “FR” Farm and Ranch District for those properties located near major industrial uses. The “FR” zoning district is 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 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:**

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning case. 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.

## **3. Suitability as Presently Zoned:**

The proposed "DR" and "FR" Districts are appropriate zoning designations for the subject properties and surrounding area.

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

Staff has not found any indication of likely adverse effects on the public health, safety, or welfare. The "FR" zoning designation promotes Health, Safety and Welfare by acting as a buffer between residential uses and higher 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 rezoning does not appear to conflict with the following goals, principles, and objectives of the United Southwest Communities Plan and the Heritage South Sector Plan:

### United Southwest Communities Plan Relevant Goals and Objectives:

Objective 2.1: Encourage single-family development.

Objective 2.3: Military Base Compatibility.

Objective 8.2: Ensure the community has a safe and clean environment.

Objective 9.1: Improve the quality of life and safety of the United Southwest Communities.

### 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 property is, in total, approximately 2194 acres.

## **7. Other Factors:**

The subject properties are located within the Lackland AFB Awareness Zone/Military Influence Area.