



City of San Antonio

Agenda Memorandum

Agenda Date: October 15, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:

ZONING CASE Z-2024-10700209 S
(Associated Plan Amendment PA-2024-11600066)

SUMMARY:

Current Zoning: "NC MLOD-3 MLR-2" Neighborhood Commercial Martindale Military Lighting Overlay Military Lighting Region 2 District

Requested Zoning: "NC S MLOD-3 MLR-2" Neighborhood Commercial Martindale Military Lighting Overlay Military Lighting Region 2 District with a Specific Use Authorization for a Medical Clinic

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 15, 2024

Case Manager: Samantha Benavides, Zoning Planner

Property Owner: Castoreno-Daly Holdings LLC

Applicant: Sean Daly

Representative: Sean Daly

Location: 2551 North Interstate Highway 35

Legal Description: The east 3.3 feet of the south 118 feet of Lot 11 and the south 118 feet of Lot 12, Block 6, NCB 1177

Total Acreage: 0.1544 acres

Notices Mailed

Owners of Property within 200 feet: 17

Registered Neighborhood Associations within 200 feet: Government Hill Alliance
Neighborhood Association, Government Hill Tomorrow Community Organization

Applicable Agencies: Martindale Army Air Field, Fort Sam Houston, TxDOT

Property Details

Property History: The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "C" Apartment District. The property was rezoned by Ordinance 51898, dated February 27, 1980, to "R-1" Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, "R-1" Single Family Residence District converted to "R-6" Residential Single-Family District. The property was rezoned by Ordinance 2020-02-20-0126, dated February 20, 2020 to the current "NC" Neighborhood Commercial.

Code & Permitting Details:

Zoning UDC Investigation – Business in Residential District (INV-ZRD-21-3170003298)
October 2021

Certificate of Occupancy – Service - Medical Clinic (COO-NOCONST24-37900684) July 2024

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

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: "R-6"

Current Land Uses: Single Family Dwellings

Direction: East

Current Base Zoning: "C-2NA", "C-1"

Current Land Uses: Starbucks, Single Family Dwellings

Direction: South

Current Base Zoning: UZROW

Current Land Uses: Interstate Highway 35

Direction: West

Current Base Zoning: "R-6"

Current Land Uses: Single Family Dwellings, Offices

Overlay District Information:

The "MLOD-3" Martindale Army Airfield Military Lighting Overlay District 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.

Special District Information:

N/A

Transportation

Thoroughfare: North Interstate Highway 35

Existing Character: Interstate

Proposed Changes: None Known

Thoroughfare: Edgar Avenue

Existing Character: Local

Proposed Changes: None Known

Public Transit: There is public transit within walking distance of the subject property.

Routes Served: 21, 22, 222

Traffic Impact: A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

Parking Information: The minimum parking requirement for a Medical – Clinic is 1 space per 400 sf GFA.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "NC" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

Proposed Zoning: "NC S" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

The "S" Specific Use Authorization is for a Medical Clinic.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

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

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Approval.

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

1. **Consistency:** The subject property is located within the Eastside Area Community Plan, adopted in 2024, and is currently designated as “Medium Density Residential” in the future land use component of the plan. The requested "NC" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Urban Low Density Residential”. 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. The proposed use is consistent with the established development pattern of the surrounding area. Surrounding zones consist of "C-2NA" Commercial Nonalcoholic Sales District and "C-1" Light Commercial District.
3. **Suitability as Presently Zoned:** The existing "NC" Neighborhood Commercial District is an appropriate zoning for the property and surrounding area. The proposed "NC S" Neighborhood Commercial District with Specific Use Authorization for a Medical Clinic is also appropriate. The surrounding area is comprised of other commercial uses and zones making the proposal consistent with what is present in the area. Additionally, the property was previously used as an office and is currently developed to accommodate the requested use. The applicant will have to adhere to the prescribed site plan and any deviation from the approved document could potentially warrant additional council consideration.
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 request does not appear to conflict with any public policy objectives. Relevant Goals and Policies of the Comprehensive Plan may include:
 - GCF Goal 1: Higher-density uses are focused within the city’s 13 regional centers and along its arterial and transit corridors.
 - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
 - JEC P30: Coordinate economic development efforts and land use plans to encourage and incentivize employment growth within regional centers and along transit corridors.

Relevant Goals and Objectives of the Eastside Area Community Plan may include:

- Goal 1: Community Stability and Inclusion – Residents and businesses will maintain and enhance neighborhood character in order to provide stability to the area.
- Goal 2: Employment and Opportunity – There will be more employment and entrepreneurial opportunities easily accessible by local residents in the Eastside Community Area.

- Goal 4: Gathering places – Diverse retail establishments and services will be available, including familiar and traditional businesses that are relevant to existing residents.

6. **Size of Tract:** The 0.1544-acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The subject property is located within the Martindale Army Airfield Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JBSA were notified of the proposed request. The Military has indicated that there are no objections to this request.

The subject property is located within the Fort Sam Houston 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 this request.

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

The applicant is rezoning to develop a Medical Clinic.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.

Coordinate with the Texas Department of Transportation - no new access may be permitted onto the IH 35 Frontage.