



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 20, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 6

**SUBJECT:**

ZONING CASE Z-2024-10700135 CD

(Associated Plan Amendment Case Z-2024-11600047)

**SUMMARY:**

**Current Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District

**Requested Zoning:** "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with a Conditional Use for Oversized Vehicle Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2024

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** Hina Martin

**Applicant:** Hina Martin

**Representative:** Hina Martin

**Location:** 1010 Warner Avenue

**Legal Description:** Lot 64, Block 2, NCB 1774

**Total Acreage:** 0.3765 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** Keystone Neighborhood Association and San Antonio Texas District One Resident Association

**Applicable Agencies:** Planning Department, Public Works Department, Texas Department of Transportation

### **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 “B” Two Family Residential District. The property was rezoned by Ordinance 44222, dated August 22, 1974, to “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to the current “C-3” General Commercial District.

### **Code & Permitting Details:**

Permit Investigation – INV-PBP-24-3100002657 – May 2024

Commercial Fence Permit – COM-FEN-PMT24-40600120 – June 2024

Zoning UDC Investigation – INV-ZRD-24-3170002067 – July 2024 (No Violation)

Zoning UDC Investigation – INV-ZRD-24-3140001385 – May 2024 (Pending Resolution)

Permit Investigation – INV-COI-24-3120002659 – May 2024 (Pending Resolution)

**Topography:** The entirety of the property is located within the 100 Year Flood Plain.

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

**Direction:** North

**Current Base Zoning:** C-3

**Current Land Uses:** Motel

**Direction:** East

**Current Base Zoning:** UZROW

**Current Land Uses:** Interstate Highway 10, Interstate Highway Access Road

**Direction:** South

**Current Base Zoning:** R-4

**Current Land Uses:** Single-Family Dwellings

**Direction:** West

**Current Base Zoning:** R-4

**Current Land Uses:** Single-Family Dwellings

### **Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

None

**Transportation**

**Thoroughfare:** Warner Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Interstate Highway 10 Frontage Road

**Existing Character:** Interstate Highway Frontage Road

**Proposed Changes:** None known.

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

**Routes Served:** 509

**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 "Manufactured Home/Oversize Vehicle Sales, Service or Storage" is 1 space per 500 square feet Gross Floor Area (GFA) of sales and service area. The maximum parking requirement is 1 space per 375 square feet Gross Floor Area (GFA) of sales and service area.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "C-3" General Commercial Districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

Proposed Zoning: "C-3 CD" General Commercial Districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market,

home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

The "CD" Conditional Use request is for Oversized Vehicle and Vehicle Storage.

**FISCAL IMPACT:**

None

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

Subject property is not located within Regional Center but is within ½ a mile of the Fredericksburg Premium Plus Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

**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 Near Northwest Community Plan, adopted February 2002, and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "C-3 CD" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Regional Commercial". Staff recommends Denial. Planning Commission recommendation pending the September 25, 2024, hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of residential uses in the area.
3. **Suitability as Presently Zoned:** The existing "C-3" General Commercial District is not an appropriate zoning for the property and surrounding area. Given the residential single-family abutting the property in the rear and side, the proposed "C-3 CD" General Commercial District with a Conditional Use for Oversized Vehicle and Vehicle Storage is not appropriate. Common land use principles recommend that high density/intensity land uses are separated by lower intense uses to buffer and reduce the impact on residential uses that are nearby. Oversized Vehicle use is permitted by right in "L" Light Industrial and "I-1" General Industrial Districts, which are typically removed from residential neighborhoods and commercial uses. Additionally, the subject property is situated between a local street and an Interstate Highway Frontage Road, but only has access through the local street.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does appear to conflict with any public policy objective. Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
- GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.

Relevant Goals and Objectives of the Near Northwest Community Plan:

- Goal 2: Economic Development, Ensure the Near NW Community's business corridors are filled with a mix of uses including professional offices, residences and busy shops, providing neighbors an attractive place to walk for shopping, playing, working and relaxing both day and night.

6. **Size of Tract:** The 0.3765 acre site is of sufficient size to accommodate the proposed development.
7. **Other Factors:** This rezoning resulted from Code Violations for storing and parking vehicles in "C-3" General Commercial District.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to develop Oversized Vehicle and Vehicle Storage.

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