



City of San Antonio

Agenda Memorandum

Agenda Date: November 7, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 4

SUBJECT:

ZONING CASE Z-2024-10700174

SUMMARY:

Current Zoning: "MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "C-2 CD MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Truck Stop and Laundry

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 1, 2024. This item was continued from the September 3, and September 17, 2024 hearings.

Case Manager: Bronte Frere, Zoning Planner

Property Owner: Fischer Road Investments, LLC

Applicant: Ortiz McKnight, PLLC

Representative: Ortiz McKnight, PLLC

Location: 11893 Fischer Road

Legal Description: 9.473 acres out of CB 4301

Total Acreage: 9.473 acres

Notices Mailed**Owners of Property within 200 feet:** 52**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Lackland AFB, Planning Department, TxDOT**Property Details**

Property History: The property was annexed into the City of San Antonio by Ordinance 2008-02-07-0102, dated February 6, 2008. The property was zoned to "MI-1 " Mixed Light Industrial District by Ordinance 2014-01-09-0006, dated January 9, 2014. The property was rezoned by Ordinance 2019-08-22-0681, dated August 22, 2019, to "MF-33" Multi-Family District.

Code & Permitting Details: There is no code enforcement of permitting history for the subject property.

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:** "C-3," "MI-1"**Current Land Uses:** Truck Repair Shop, Gas Station, Sandwich Shop, Interstate Highway and Interstate Highway Access Road**Direction:** South**Current Base Zoning:** "R-4"**Current Land Uses:** Vacant Land**Direction:** East**Current Base Zoning:** "C-3," "C-3 CD"**Current Land Uses:** Truck Repair Shop, Vacant Land**Direction:** West**Current Base Zoning:** "R-4," UZROW**Current Land Uses:** Vacant Land, Interstate Highway and Interstate Highway Access Road**Overlay District Information:**

The "MLOD-2" Lackland 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.

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:

NA

Transportation

Thoroughfare: Fischer Road

Existing Character: Enhanced Secondary Arterial

Proposed Changes: None known.

Thoroughfare: Interstate 35

Existing Character: Interstate Road

Proposed Changes: None known.

Public Transit: There are no VIA bus routes within a ½ mile of the subject property.

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: The minimum parking for a convenience store with gasoline sales is 6 per 1,000 sf GFA, and the maximum is 10 per 1,000 sf GFA.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "MF-33" Multi-Family District permits any uses permitted in MF-25 but with a maximum density of 33 units per acre for MF-33, 40 units per acre for MF-40, 50 units per acre for MF-50 and 65 units per acre for MF-65.

Proposed Zoning: "C-2" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The Conditional Use is for Truck Stop and Laundry.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

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

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval, with Conditions.

If Approved, the following Conditions are recommended:

- A. Type "E" - 30' landscape buffer along property lines abutting single-family zoning and/or uses.
- B. Downward facing lighting.
- C. Truck parking shall be 100-feet from the property lines abutting single-family zoning and/or uses.

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 Heritage South Sector Plan, adopted September 2010, and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “C-2 CD” base zoning district is consistent with the future land use designation.
- 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 properties are “C-3” General Commercial and “R-4” Residential Single-Family.
- 3. Suitability as Presently Zoned:** The existing "MF-33" Multi-Family District is an appropriate zoning for the property and surrounding area. The proposed "C-2 CD" Commercial District with a Conditional Use for Truck Stop and Laundry is also an appropriate zoning for the surrounding area. The proposed "C-2" zoning would permit commercial uses but limit the intensity of the uses that could be done on the property. The subject property is appropriately zoned with multi-family to act as a buffer from the commercial and industrial uses to the north and the lower intense single-family residential to the south. The “C-2” Commercial District would maintain the buffer between residential and other commercial uses in the area while also permitting more suitable commercial uses that can service the growing neighborhood. The “C-2 CD” recommendation also supports the applicant’s development of a Convenience Store with Gasoline Sales and the existing Suburban Tier land use.
- 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 of the Heritage South Sector Plan:
 - Goal HOU-1: An array of housing choices throughout the area with an appropriate mix of densities and housing types.
 - Goal HOU-2: Existing and new housing that apply sustainable design, operations, and maintenance practices to maintain affordability, quality, and choice.
 - Goal LU-2: Design guidelines for non-residential uses to encourage compatibility of adjacent properties.

6. Size of Tract: The 9.473-acre site is of sufficient size to accommodate the proposed commercial development.

Other Factors: 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 a Truck Stop and Laundry.

The subject property is located within the Lackland AFB 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 proposed zoning change is to allow a Convenience Store with Gasoline and a Truck Scale.

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

One access may be allowed onto IH 35. TxDOT coordination would be required.