



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 3, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 4

**SUBJECT:**

ZONING CASE Z-2024-10700174

(Associated Plan Amendment Case PA-2024-11600054)

**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-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 3, 2024

**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 incursion 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-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.

**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 recommends Denial, with an Alternate Recommendation for “C-2” Commercial District.

**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-3” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Regional Center”. Staff recommends Denial. Planning Commission recommendation pending the September 11, 2024 hearing date.
- 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 inconsistent 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-3" General Commercial District is not an appropriate zoning for the surrounding area. The proposed "C-3" zoning would permit high intense uses which would abut a newly developed single-family residential community. 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. Staff recommends an alternate of zoning of "C-2" Commercial District to maintain the buffer and permit more suitable commercial uses that can service the growing neighborhood. The Alternate 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 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 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.
- 7. Other Factors:** 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 other commercial uses.

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