



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 15, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2024-10700117

**SUMMARY:**

**Current Zoning:** "R-4 MLOD-3 MLR-1" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District

**Requested Zoning:** "C-2 MLOD-3 MLR-1" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 15, 2024. This case was continued from August 6, 2024, September 3, 2024, September 17, 2024, and October 1, 2024.

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

**Property Owner:** Juan Alvarado

**Applicant:** Yolanda Alvarado

**Representative:** Robert Reyes

**Location:** 451 Sterling Street

**Legal Description:** Lot 36, Block 9, NCB 10268

**Total Acreage:** 0.1090 acres

**Notices Mailed****Owners of Property within 200 feet:** 27**Registered Neighborhood Associations within 200 feet:** None**Applicable Agencies:** Martindale Army Air Field, Planning Department, Texas Department of Transportation**Property Details****Property History:** The property was annexed into the City of San Antonio by Ordinance 15765, dated October 18, 1951, and zoned Temporary "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.**Code & Permitting Details:**

Zoning UDC Investigation - INV-ZRD-22-3170002412 – September 2022

Zoning UDC Investigation - INV-ZRD-24-3170000865 – March 2024

PMT-Building Without A Permit - INV-PBP-24-3100001607 – March 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-4**Current Land Uses:** Vacant**Direction:** East**Current Base Zoning:** R-4, C-3**Current Land Uses:** Residential Single-Family, Auto Title Company**Direction:** South**Current Base Zoning:** R-4, C-3**Current Land Uses:** Residential Single-Family, Gas Station**Direction:** West**Current Base Zoning:** UZROW**Current Land Uses:** UZROW**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:**

None

**Transportation****Thoroughfare:** Sterling Street**Existing Character:** Local**Proposed Changes:** None**Thoroughfare:** Martin Luther King Drive**Existing Character:** Secondary Arterial Type A**Proposed Changes:** None**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.**Routes Served:** 26, 225, 28**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:** There is no maximum or minimum parking requirements for Parking and/or Storage Use.**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: "C-2" Commercial District accommodates 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.

**FISCAL IMPACT:**

None

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

Subject property is not located within Regional Center or within ½ a mile from a Premium 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 Eastern Triangle Community Plan, adopted May 21, 2009, and is currently designated as "High Density Mixed Use" in the future land use component of the plan. The requested "C-2" base zoning district is consistent with the future land use designation.
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 zoning is not consistent with the established development pattern of the residential area.
3. **Suitability as Presently Zoned:** The existing "R-4" Residential Single-Family District is an appropriate zoning for the property and surrounding area. Given the surrounding residential single-family uses, the proposed "C-2" Commercial District is not consistent. The subject property is located within a cul-de-sac at the end of a residential street, with the only access point to the property off the local street. Staff finds the proposed commercial zoning does not align with typical locational criteria of commercial properties. While there are other commercial properties in proximity to the subject property, those properties have access to Martin Luther King Drive, a Secondary Arterial.
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.
  - H P30: Ensure infill development is compatible with existing neighborhoods.Relevant Goals and Objectives of the Eastern Triangle Community Plan may include:
  - Goal 5: Keep commercial and residential properties well maintained in the Eastern Triangle.
  - Objective 5.1: Improve property maintenance.
  - Goal 13: Encourage well-maintained neighborhoods and housing stock.
6. **Size of Tract:** The 0.109 acres site is of sufficient size to accommodate the proposed 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.

This rezoning resulted from Code Violations for outside storage and parking vehicles in residential district.

TxDOT Comments: No access may be allowed onto IH 10.