



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 7, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700180 S

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District and "O-2" High Rise Office Airport Hazard Overlay District

**Requested Zoning:** "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hotel

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 7, 2023

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** SAHY JM Real Estate, LLC

**Applicant:** SAHY JM Real Estate, LLC

**Representative:** Killen, Griffin & Farrimond, PLLC

**Location:** 7615 Jones Maltsberger Road

**Legal Description:** 2.5 acres out of NCB 15829

**Total Acreage:** 2.5

**Notices Mailed****Owners of Property within 200 feet:** 32**Registered Neighborhood Associations within 200 feet:** Shearer Hills/Ridgeview**Applicable Agencies:** Parks Department, Aviation Department, Planning Department, TxDOT**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio on October 12, 1944 by Ordinance 1447, and zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 54447, dated October 22, 1981, to "O-1" Office District. The property, save and except the west fifty feet (50'), was rezoned by Ordinance 82127, dated April 27, 1995, to "B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "O-1" Office District and "B-2" Business District converted to the current "O-2" High-Rise Office District and "C-2" Commercial District respectively.

**Code & Permitting Details:**

Temporary Building Shut Down for Maintenance (MEP-TRD-APP23-33130931) – October 2023

Electrical General Permit (MEP-ELE-PMT23-33330931) – October 2023

Nonconforming Use Registration (ZONING-NCU-REG-2022-11300109) – May 2023

**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-2, R-4**Current Land Uses:** Gas Station, Single-Family Residential**Direction:** South**Current Base Zoning:** UZROW**Current Land Uses:** Highway 281**Direction:** East**Current Base Zoning:** UZROW**Current Land Uses:** Highway 281**Direction:** West**Current Base Zoning:** R-5**Current Land Uses:** Single-Family Residential**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:**

N/A

**Transportation**

**Thoroughfare:** Jones Maltzberger Road

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None known

**Thoroughfare:** Oblate Drive

**Existing Character:** Collector

**Proposed Changes:** None known

**Thoroughfare:** Skipper Drive

**Existing Character:** Local

**Proposed Changes:** None known

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

**Routes served:** 647

**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 requirement for Housing – Hotel is 0.8 per room plus 1 per 800 sf of public meeting area and restaurant space. The maximum parking requirement is 1 per room plus 1 per 400 sf of public meeting area and restaurant space.

**ISSUE:**

None

**ALTERNATIVES:**

Current 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.

“O-2” High-Rise Office Districts provide for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as “permitted” in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65-foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

Proposed Zoning: “C-2 S” 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 “S” Specific Use Authorization will permit a hotel.

**FISCAL IMPACT:**

None

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

The subject property is not located within a Regional Center and is not located within ½ mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 North Central Community Plan and is currently designated as "Community Commercial" in the future land use component of the plan. The requested "C-2 S" 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. The hotel use already exists on the property, abutting another commercial use on the block, and adjacent to clinics and high-rise corporate office use along the Highway 281 corridor.
3. **Suitability as Presently Zoned:** The existing "O-2" High-Rise Office District and "C-2" Commercial District are appropriate zonings for the property and surrounding area. The proposed "C-2 S" Commercial District with a Specific Use Authorization for a Hotel is also appropriate. There is a mix of office, commercial and industrial zoning along Highway 281, and a hotel is a fitting use to transition from the major highway to the east, and single-family residential to the west. The proposed Specific Use Authorization rezoning also holds the applicant to a prescribed site plan which indicates the use and proposed structures, and will require an additional public process if there are any major changes.
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 objective of the North Central Community Area Plan.

Relevant Goals and Policies of the Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- 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.
- GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

Relevant Goals and Objectives of the North Central Community Plan may include:

- GOAL 1: Support and promote business and employment development along the commercial corridors that provide for a healthy business climate while supporting the needs of the North Central Neighborhoods Community by aesthetically and environmentally reinforcing their community cultural identity and providing an attractive destination for visitors and shoppers from around the city.
- GOAL 3: Maintain and preserve the quality of the existing residential and commercial properties through the encouragement of rehabilitation and code compliance.
- Objective 3.1: Promote the maintenance of existing properties.

6. **Size of Tract:** The 2.5 acre site is of sufficient size to accommodate the proposed hotel development.
7. **Other Factors:** 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 make the zoning of the property consistent with its use as a hotel.