



# 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 2

**SUBJECT:**

ZONING CASE Z-2024-10700163 CD

**SUMMARY:**

**Current Zoning:** "C-2 MC-3 MLOD-3 MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD MC-3 MLOD-3 MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Tattoo Parlor

**BACKGROUND INFORMATION:**

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

**Case Manager:** Bronte Frere, Zoning Planner

**Property Owner:** Ron Ray L.P.

**Applicant:** Claudia Landrum

**Representative:** Claudia Landrum

**Location:** 1950 Austin Highway

**Legal Description:** the northeast 160 feet of Lot 3, NCB 12172

**Total Acreage:** 0.8264 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 11

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Martindale/Fort Sam, Parks and Recreation Department, Aviation, Planning Department, TxDOT

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned “JJ” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “JJ” Commercial District converted to the current “I-1” General Industrial District. The property was rezoned by Ordinance 2016-04-07-0257, dated April 7, 2016, to “C-2” Commercial District.

**Code & Permitting Details:**

There is no code enforcement or 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-2,” “I-1”

**Current Land Uses:** Car Dealers, Undeveloped Land

**Direction:** South

**Current Base Zoning:** “C-2,” “I-1”

**Current Land Uses:** USPS

**Direction:** East

**Current Base Zoning:** “C-2,” “C-2 CD”

**Current Land Uses:** Inn, Auto Body Shop

**Direction:** West

**Current Base Zoning:** “I-1,” “C-3R PUD”

**Current Land Uses:** Vacant Buildings, Trailer Dealer, Food Truck Park and Patio

**Overlay District Information:**

The “MC-3” Austin Highway/Harry Wurzbach Metropolitan Corridor provides site and building design standards for properties located along the two corridors. Metropolitan Corridors follow arterial streets or expressways in developed portions of the city and shall be directed toward reduction of existing visual clutter, improved design features, and preservation of developed areas of the city. A zoning review is performed by the Zoning Section of the Development Services Department.

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.

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:** Austin Highway

**Existing Character:** Primary Arterial Type A 120'

**Proposed Changes:** None known.

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

Routes Served: 14, 214, 505.

**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 a Tattoo Parlor is 1 space per 300 square feet GFA and the maximum parking requirement is 1 space per 200 square feet GFA.

**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.

Proposed Zoning: "C-2 CD" 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 to allow for a Tattoo Parlor.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center and is within ½ a mile of the Austin Highway Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 San Antonio International Airport Vicinity Land Use Plan, adopted May 2010, and is currently designated as “Community Commercial” 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. Zoning designations in the area include “C-2” Commercial District and “I-1” Light Industrial District.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for Tattoo Parlor is also appropriate. The rezoning request to “C-2 CD” will maintain the commercial base zoning for the property, which is characteristic of the surrounding area and keeps the land use pattern consistent. The subject property is located along a Primary Arterial Type A road and amongst other commercial and industrial uses and base zoning districts.
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 appear to conflict with public policy objectives. Relevant goals and objectives of the San Antonio International Airport Vicinity Land Use Plan may include:
  - **Goal 2:** Encourage economic growth that enhances airport operations and development.
  - **Goal 5:** Implement land use strategies in a coordinated, phased process.
6. **Size of Tract:** The 0.8264-acre site is of sufficient size to accommodate the proposed commercial development.
7. **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 Tattoo Parlor.

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.

The subject property is located within the Fort Sam Houston 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.