



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 16, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 10

**SUBJECT:**

ZONING CASE Z-2021-10700324 CD S ERZD

**SUMMARY:**

**Current Zoning:** "C-3 AHOD ERZD" General Commercial Airport Hazard Overlay Edwards Recharge Zone District and "C-3 ERZD" General Commercial Edwards Recharge Zone District

**Requested Zoning:** "C-2 CD S AHOD ERZD" Commercial Airport Hazard Overlay Edwards Recharge Zone District with a Conditional Use and Specific Use Authorization for Landscaping Materials - Sales and Storage and "C-2 CD S ERZD" Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Authorization for Landscaping Materials - Sales and Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 7, 2022

**Case Manager:** Elizabeth Steward, Planner

**Property Owner:** Baumsquad Brothers, LLC

**Applicant:** Baumsquad Brothers, LLC

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

**Location:** 4235 East Loop 1604

**Legal Description:** 12.643 acres out of NCB 17728

**Total Acreage:** 12.643

**Notices Mailed**

**Owners of Property within 200 feet:** 6

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

**Applicable Agencies:** Texas Department of Transportation, Parks Department, Planning Department, San Antonio Water System

**Property Details**

**Property History:** A portion of the property was annexed into the City of San Antonio by Ordinance 61611, dated December 29, 1985 and zoned Temporary "R-1" Single-Family Residence District. That portion was rezoned by Ordinance 67512, dated July 14, 1988 to the "B-3" Business District. The remaining portion of the property was annexed into the City of San Antonio by Ordinance 83137, dated December 30, 1995 and zoned Temporary "R-1" Single-Family Residence District. That remaining portion was rezoned by Ordinance 96013, dated October 10, 1996 to the "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General Commercial District.

**Topography:** A portion of subject property is located with the 100 Year Flood Plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** QD S and C-3

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** UZROW

**Current Land Uses:** Loop 1604

**Direction:** East

**Current Base Zoning:** QD S

**Current Land Uses:** Ready Mix Concrete Supplier

**Direction:** West

**Current Base Zoning:** C-3

**Current Land Uses:** Soil Conservation Service Site

**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.

The "ERZD" Edwards Recharge Zone District does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the "ERZD"

**Special District Information:** N/A

**Transportation**

**Thoroughfare:** East Loop 1604

**Existing Character:** Collector/ Interstate

**Proposed Changes:** Construction on Bulverde and East Loop 1604

**Public Transit:** There is no public transit within walking distance 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 requirement for Landscaping materials- sales and storage is 1 space per 500 sf GFA of sales and service buildings.

**ISSUE:**

None.

**ALTERNATIVES:**

Current 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.

Proposed Zoning: "C-2 CD 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 “CD” Conditional Use will allow Landscaping Materials - Sales and Storage and the “S” Specific Use Authorization is required for SAWS review of the proposed use over the Edwards Recharge Zone.

**FISCAL IMPACT:**

None.

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

Subject property is located within ½ a mile from the Stone Oak Regional Center but is not located within ½ a mile from a Premium Transit Corridor

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and SAWS recommend Approval. Zoning Commission recommendation pending the June 7, 2022 hearing.

SAWS recommends no more than 65% impervious cover.

**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 Sector Plan and is currently designated as “Suburban Tier” 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 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.
3. **Suitability as Presently Zoned:** The existing “C-3” General Commercial District is an appropriate zoning for the property and surrounding area located along the Loop 1604 Corridor. The requested “C-2 CD S” is also an appropriate zoning for the property and surrounding area. The proposed reduces the intensity allowed by the current zoning designation.
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 to conflict with any public policy objectives of the North Sector Plan.
  - Goal ED-1: Compatible economic development along major transportation routes and existing activity centers that do not interfere with the mission of Camp Bullis.
    - o ED-1.3: Continue to maintain and revitalize the North Sector to retain and expand vibrant retail and commercial uses within the IH-10, IH-35, Loop 410 and Loop 1604 corridors

and/or centers.

- Goal LU-1: Compatible land use pattern promoted so that natural resources are preserved and the local economy remains viable.

- o LU-1.5: Promote flexibility and innovation in residential, business and recreational land uses through planned unit developments, conservation subdivisions, specific plans, mixed use projects, and other innovative development and land use planning techniques

- Goal LU-5: All new construction and renovation efforts within corridor overlay districts must be in compliance with applicable standards

- o LU-5.1: Continue to implement the standards and guidelines of existing scenic corridors, gateway corridors and overlay districts to maintain and enhance a consistent design theme along North Sector principal and arterial roadways

**6. Size of Tract:** The 12.643 acre site is of sufficient size to accommodate the proposed commercial development.

**7. Other Factors:** The applicant intends to develop two (2) commercial buildings for the sale and storage of landscaping materials.

Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 1 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 65% on the site. Reference SAWS report dated May 12, 2022.

The Specific Use Authorization in this case is a requirement of the Code for properties within the Edwards Recharge Zone District, which allows San Antonio Water System (SAWS) to examine the proposed use of the property and its conformity with SAWS requirements.

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