



City of San Antonio

Agenda Memorandum

Agenda Date: October 20, 2022

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:

ZONING CASE Z-2022-10700228 CD

(Associated Plan Amendment PA-2022-11600088)

SUMMARY:

Current Zoning: "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District, "C-3NA MLOD-2 MLR-1 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District, and "C-3R MLOD-2 MLR-1 AHOD" General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Requested Zoning: "C-2NA CD MLOD-2 MLR-1 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Construction Trades Contractors

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 20, 2022

Case Manager: Elizabeth Steward, Planner

Property Owner: Rosalinda M and Alfred R Martinez

Applicant: Central Electric Enterprises & Co

Representative: Christopher Martinez

Location: 2318, 2314, 2322 El Jardin, and 2320 Southwest 36th Street

Legal Description: Lot 47, Block 8, NCB 8084, Lot 11B, Block 8, NCB 8084, the northern 50 feet of Lot 11E, Block 8, NCB 8084, and the southern 50 feet of Lot 11E, Block 8, NCB 8084

Total Acreage: 1.827

Notices Mailed

Owners of Property within 200 feet: 17

Registered Neighborhood Associations within 200 feet: Thompson Neighborhood Association

Applicable Agencies: Lackland Air Force base, Planning Department, Texas Department of Transportation

Property Details

Property History: The properties were annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned “A” Single-Family Residence District and “B” Residence District. The property at 2320 Southwest 36th Street was rezoned by Ordinance 51969, dated March 20, 1980 to “B-3 R” Business Restrictive District. The property at 2318 and 2322 El Jardin was rezoned by Ordinance 65106, dated May 28, 1987 to “R-1” Single-Family Residence District. The property at 2314 El Jardin was rezoned by Ordinance 76682, dated October 15, 1992 to “B-3 NA” Business Nonalcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3 R” Business Restrictive District converted to the current “C-3 R” General Commercial Restrictive District, the property zoned “B-3 NA” Business Nonalcoholic Sales District converted to the current “C-3 NA” General Commercial Nonalcoholic Sales District, and the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family.

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: UZROW

Current Land Uses: United States Highway 90

Direction: South

Current Base Zoning: C-3 R

Current Land Uses: Home Improvement Store

Direction: East

Current Base Zoning: R-6

Current Land Uses: Residential Dwelling

Direction: West

Current Base Zoning: C-3 R

Current Land Uses: USPS

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 "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.

Special District Information: N/A**Transportation**

Thoroughfare: Southwest 36th Street

Existing Character: Minor Secondary Arterial

Proposed Changes: None Known

Thoroughfare: US Highway 90

Existing Character: Interstate

Proposed Changes: None Known

Public Transit: VIA bus routes are within walking distance of the subject property.

Routes Served: 66, 68, and 75

Traffic Impact: The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502* A TIA Report is not required.

Parking Information: The minimum parking requirement for a Contractor Facility is 1 space per 1,500 sq GFA.

ISSUE: None.

ALTERNATIVES:

Current Zoning: "R-6" Residential Single-Family districts allow single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

"C-3NA" General Commercial Nonalcoholic Sales districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

"C-3R" General Commercial Restrictive districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

Proposed Zoning: "C-2NA CD" Commercial Nonalcoholic districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

The “CD” Conditional Use would allow a Construction Trade Contractor.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The property is located within the Port San Antonio Regional Center.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval, pending Plan Amendment.

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 Port San Antonio Area Regional Center Plan and is currently designated as “Employment/ Flex Mixed Use and Neighborhood Mixed Use” in the future land use component of the plan. The requested “C-2 NA CD” base zoning district is not consistent with the future land use designation of “Neighborhood Commercial”. The applicant has requested a Plan Amendment to “Employment/ Flex Mixed Use”. Staff and Planning Commission recommend Approval.
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 "R-6" Residential Single-Family District is an appropriate district for the property, but the "C-3NA" General Commercial Nonalcoholic Sales District, and "C-3R" General Commercial Restrictive Alcoholic Sales District are not appropriate or consistent with the “Employment/Flex Mixed Use” land use. The requested “C-2NA CD” Commercial Nonalcoholic District with Conditional Use for Construction Trade Contractor is an appropriate base zoning district for the property and surrounding area. The base “C-2” district aligns with the land use and allows for an expansion of an existing business on a commercial corridor. The Conditional Use allows for conditions to be applied if needed to protect surrounding properties and also allows the use to be brought down while limiting the potentially allowable higher intensity commercial uses.
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 objectives of the Port San Antonio Area Regional Center Plan.
 - GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.

- 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.
- Land Use Recommendation #2: Focus areas and mixed-use corridors should be characterized by a mixture of compatible uses, at a scale that complements surrounding uses and development.
- Focus Areas Recommendation #2: Protect established, low-density single-family residential neighborhoods from potential unwanted impacts of new, more intense development, particularly within or near the focus areas.

6. **Size of Tract:** The 1.827 acre site is of sufficient size to accommodate the proposed Commercial development.
7. **Other Factors:** When staff published and notified for the zoning case the applicant started with a request of “C-3NA CD” General Commercial Nonalcoholic Sales with a Conditional Use for a Construction Trades Contractor but the applicant has since decided to amend the request to “C-2NA CD.”

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 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 Construction Trade Contractor.

The zoning request includes a request for nonresidential uses or multifamily uses adjacent (refer to definition in Appendix A as there is a different between abutting and adjacent) to an existing single family residential use, the applicant is required to construct and maintain a 6-foot solid screen fence, prior to obtaining a Certificate of Occupancy, per Section 35-514(d). The applicant can request City Council modify or exempt this requirement