



City of San Antonio

Agenda Memorandum

Agenda Date: May 4, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 4

SUBJECT:
ZONING CASE Z-2023-10700043

SUMMARY:

Current Zoning: "C-3R S MLOD-2 MLR-1 AHOD" General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Specific Use Authorization for a Check Cashing Facility

Requested Zoning: "C-3 MLOD-2 MLR-1 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: April 4, 2023

Case Manager: Elizabeth Steward, Zoning Planner

Property Owner: Manhattan Pearsall LLC

Applicant: Jerry Arredondo

Representative: Jerry Arredondo

Location: 6338 Old Pearsall Road

Legal Description: 0.04 acres out of NCB 14491

Total Acreage: 0.04

Notices Mailed**Owners of Property within 200 feet:** 4**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Planning Department, Lackland Air Force Base**Property Details**

Property History: The property was annexed into the City of San Antonio by Ordinance 68291, dated December 30, 1988 and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 69288, dated April 13, 1989 to "B-3 R" Business Restrictive 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 "C-3 R" General Commercial Restrictive District. The property was rezoned by Ordinance 2009-01-15-0052, dated January 15, 2009 to "C-3 R S" Commercial Restrictive District with Specific Use Authorization for a Check Cashing Facility.

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-3 and C-3R**Current Land Uses:** Restaurant**Direction:** South**Current Base Zoning:** MXD**Current Land Uses:** Vacant**Direction:** East**Current Base Zoning:** C-3 R**Current Land Uses:** Taco Bell**Direction:** West**Current Base Zoning:** C-3 R**Current Land Uses:** McDonalds**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: Old Pearsall Road

Existing Character: Principal Primary Arterial A

Proposed Changes: None Known

Public Transit: There is public transit within walking distance of the subject property. Routes served: 616

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 Bar/ Tavern is 1 space per 100 sqft of GFA.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "C-3R S" 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.

"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.

The "S" Specific Use Authorization allows a Check Cashing Facility.

Proposed 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.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center or 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 United Southwest Community Plan and is currently designated as “Regional Commercial” in the future land use component of the plan. The requested “C-3” 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. Properties in the area are all “C-3” General Commercial District and “C-3R” General Commercial Restrictive Alcoholic Sales District.
3. **Suitability as Presently Zoned:** The existing “C-3R S” General Commercial Restrictive District with Specific Use Authorization for a Check Cashing Facility is an appropriate zoning for the property and surrounding area. The requested “C-3” General Commercial District is also an appropriate zoning for the property and surrounding area. The request allows many of the same uses while adding a few additional. The request utilizes the properties position along a Primary arterial at the intersection of an expressway to allow 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 United Southwest Community Plan.
 - 1.1.1 Seek commercial (non-residential) zoning along Loop 410 between Valley Hi Drive and Old Pearsall Road as identified in the land use plan
 - Objective 2.3: Military Base Compatibility. Provide for new development opportunities while protecting the missions of Lackland Air Force Base and operations at Kelly Field.
 - Regional Commercial includes high intensity commercial land uses that draw customers from a larger region. Regional Commercial uses are typically located at intersection nodes along expressways or major arterial roadways or adjacent to high-capacity mass transit system stations. These commercial nodes are typically 20 acres or greater in area. Regional

Commercial uses should incorporate well-defined entrances, shared internal circulation, limited curb cuts to expressways and arterial streets, sidewalks and shade trees in parking lots, landscaped yards between the parking lot and street, and well designed monument signage. Examples of Regional Commercial uses include movie theaters, wholesale plant nurseries, fitness centers, home improvement centers, hotels and motels, mid to high rise office buildings, and automobile dealerships.

6. **Size of Tract:** The 0.04 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The applicant is rezoning to allow a drive-thru alcohol establishment with indoor seating.

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.