



City of San Antonio

Agenda Memorandum

Agenda Date: June 1, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 7

SUBJECT:
ZONING CASE Z-2023-10700064 S

SUMMARY:
Current Zoning: "C-3NA" General Commercial Nonalcoholic Sales District and "C-3" General Commercial District

Requested Zoning: "C-2 S" Commercial District with a Specific Use Authorization for Utilities
- Solar Farm (Battery Storage)

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: April 18, 2023

Case Manager: Ann Benavidez, Zoning Planner

Property Owner: CLS Land Development LTD

Applicant: CLS Land Development LTD

Representative: Erin Ottmers

Location: 11212 Leslie Road

Legal Description: 6.4 acres out of NCB 15663

Total Acreage: 6.4 acres

Notices Mailed**Owners of Property within 200 feet:** 19**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Planning Department and Texas Department of Transportation**Property Details**

Property History: The property was annexed into the City of San Antonio by Ordinance 79038 dated December 30, 1993, and was originally zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 80810 dated September 22, 1994, to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the "R-6" Residential Single-Family District. The property was rezoned by Ordinance 2006-01-26-0144 dated January 26, 2006 to the current "C-3NA" General Commercial Nonalcoholic Sales District.

Topography: The property does not include any abnormal physical features such as slope or incursion in a flood plain.

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** "R-6 PUD" and "C-3"**Current Land Uses:** Parking lot, Residential Dwelling**Direction:** South**Current Base Zoning:** "C-3" "MF-25"**Current Land Uses:** Vacant**Direction:** East**Current Base Zoning:** "C-3"**Current Land Uses:** Church, vacant**Direction:** West**Current Base Zoning:** "OCL"**Current Land Uses:** Energy Substation, Vacant**Overlay District Information:**

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.

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:

NA

Transportation

Thoroughfare: Leslie Road

Existing Character: Local Street

Proposed Changes: None Known

Public Transit: There are no VIA bus routes within walking distance of the subject property.

Routes Served: NA

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 most utility-oriented uses are 1 parking space per employee

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.

"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" 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.

If approved, the “S” Specific Use Authorization would permit Battery Storage Facility on the property.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center or within a ½ mile of 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 West 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. Surrounding properties are “C-3” General Commercial and “MF-25” Low Density Multi-Family District.
3. **Suitability as Presently Zoned:** The current “C-2” Commercial District and “C-3” General Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2 S” Commercial District with a Specific Use Authorization for Utilities - Solar Farm (Battery Storage) is also appropriate. The use is proposed on a part of Leslie Road that accommodates a variety of low-intensity land uses. The development will be held to a prescribed site plan that will address the layout of the site and will prevent expansion of the use without additional rezoning. There is also an existing energy substation across the street from the subject property.
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 West/Southwest Sector Plan:
 - LU-1.1 Limit encroachment of commercial uses into established low-density residential areas
6. **Size of Tract:** The subject property 6.4 acres, which can reasonably accommodate the proposed commercial development.

7. **Other Factors:** The applicant intends to rezone to a battery storage station that uses a group of batteries to store electrical energy.

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.