



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 15, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2023-10700119

**SUMMARY:**

**Current Zoning:** "I-1 MLOD-3 MLR-2" General Industrial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

**Requested Zoning:** "C-3 MLOD-3 MLR-2" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 6, 2023

**Case Manager:** Elizabeth Steward, Zoning Planner

**Property Owner:** Kalinka Ivanova & Josue Burguete

**Applicant:** CDS Muery

**Representative:** Steve Lin, PE

**Location:** Generally located at the 3000 block of South WW White Road

**Legal Description:** 6.95 acres out of NCB 10846

**Total Acreage:** 6.95

**Notices Mailed****Owners of Property within 200 feet:** 19**Registered Neighborhood Associations within 200 feet:** Pecan Valley Neighborhood Association**Applicable Agencies:** Martindale Army Air Field, Texas Department of Transportation**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115 dated September 25, 1952 and was originally zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 45254, dated May 15, 1975 to "I-1" Light Industry District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "I-1" Light Industry District converted to the current "I-1" General Industrial District.

**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:** "I-1"**Current Land Uses:** Vacant**Direction:** South**Current Base Zoning:** I-1**Current Land Uses:** Equipment Rental Agency**Direction:** East**Current Base Zoning:** I-1**Current Land Uses:** Legacy Middle School**Direction:** West**Current Base Zoning:** C-3**Current Land Uses:** Ambulance Service**Overlay District Information:**

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.

**Special District Information:**

N/A

**Transportation****Thoroughfare:** S WW White Road**Existing Character:** Principal Primary Arterial A**Proposed Changes:** None Known

**Thoroughfare:** Joe Marie Drive

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property. Routes served: 552, 515, 28, 230

**Traffic Impact:** The traffic generated by the proposed development has increased; it does exceed the threshold requirements. Development generates more than seventy-six (76) PHT Sec. 35-502\*\* A TIA Report will be required.

**Parking Information:** The minimum parking requirement for a Public School - public pre-kindergarten through 12th grade is 1 space per classroom.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current Zoning:** The "I-1" General Industrial district accommodates areas of heavy and concentrated fabrication and manufacturing and industrial uses which are suitable based on the character of adjacent development. Examples of permitted uses: auto & light truck auction, truck stop, abrasives manufacturing, food & drug manufacturing, sand & gravel storage & sales, outdoor flea market, manufactured homes/oversized vehicles sales, service and storage.

**Proposed Zoning:** The "C-3" General Commercial District is 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 but is located within ½ mile of the Looper 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 Southeast Community Area Regional Center plan and is currently designated as “Business/Innovation Mixed Use” 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.
3. **Suitability as Presently Zoned:** The existing “I-1” General Industrial District is not an appropriate zoning for the property and surrounding area. It is not consistent with the uses in the area. The requested “C-3” General Commercial District is an appropriate zoning. The requested “C-3” General Commercial District would provide a transition between the surrounding “I-1” General Industrial, “C-3” General Commercial and “R-4” and “R-5” Residential Single-Family zoning along South WW White. Surrounding properties are developed with needed city services, such as education facilities and an ambulance service. The rezoning would allow for the development of a Pre-K for SA education facility, which is consistent with the abutting East Central Legacy Junior High.
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 Southeast Community Area Regional Center Plan.
  - Goal 1: Land Use- Implement land use policies that promote compatible adjacency, mixed-use opportunities, and commercial centers that provide a variety of uses.
  - Goal 10: Education- Build partnerships and develop strategies to provide better access to amenities and create opportunities for educational and technical programs.
6. **Size of Tract:** The 6.95 acre site is of sufficient size to accommodate the proposed School development.
7. **Other Factors:** The applicant intends to construct a Pre-k for SA Facility.

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.