



# 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 2

**SUBJECT:**

ZONING CASE Z-2023-10700109

Associated Plan Amendment Case PA-2023-11600026)

**SUMMARY:**

**Current Zoning:** "O-2 MLOD-3 MLR-1" High-Rise Office Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District

**Requested Zoning:** "IDZ-1 MLOD-3 MLR-1" Limited Intensity Infill Development Zone Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District with uses permitted in "C-1" Light Commercial District

**BACKGROUND INFORMATION:**

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

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Stephanie Kelly

**Applicant:** Stephanie Kelly

**Representative:** Stephanie Kelly

**Location:** 1411 Upland Drive

**Legal Description:** Lot 1, Block 2, NCB 13736

**Total Acreage:** 0.3444 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** NA

**Applicable Agencies:** Planning Department, Martindale Army Airfield

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and originally zoned "E" Office District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "E" Office District converted to the current "O-2" High-Rise Office 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:** "C-3", "MF-33"

**Current Land Uses:** Hotels

**Direction:** South

**Current Base Zoning:** "O-2"

**Current Land Uses:** Single-Family Home, vacant

**Direction:** East

**Current Base Zoning:** "R-5"

**Current Land Uses:** Single-Family Homes

**Direction:** West

**Current Base Zoning:** "I-1"

**Current Land Uses:** Apartments

**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:**

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

**Transportation**

**Thoroughfare:** Upland Drive

**Existing Character:** Local Street

**Proposed Changes:** None known

**Thoroughfare:** Alpha Kappa Alpha

**Existing Character:** Local Street

**Proposed Changes:** None known

**Public Transit:** There are VIA bus stops in proximity to the subject property.

**Routes Served:** 25, 225, 552

**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 a daycare center is 1 parking space per 375 sq/ft of gross floor area.

The IDZ-1 base zoning district waives the parking requirement.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "O-2" High-Rise Office Districts provide for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

Proposed Zoning: "IDZ-1" Limited Intensity Infill Development Zone District allows rezoning requests up to 18 units per acre, and uses permitted in "C-1" and "O-1". All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

If approved, the "IDZ-1" base zoning district would permit a day-care center on the property.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Fort Sam Houston Regional Center and is within a ½ mile of the Metro 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 Eastern Triangle Community Plan and is currently designated as “Medium Density Residential” in the future land use component of the plan. The requested “IDZ-1” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Neighborhood Commercial”. Staff recommends Approval, and the Planning Commission recommendation is pending the May 24, 2023 hearing.
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. The property is located in proximity to a mix of zoning designations, and an accompanying mix of land uses.
3. **Suitability as Presently Zoned:** The current “O-2” High-Rise Office District is not an appropriate zoning for the property and surrounding area. The proposed “IDZ-1” Limited Intensity Infill Development Zone District with uses permitted in “C-1” Light Commercial District is appropriate. The property is placed on the corner of two local streets and is sized to adequately accommodate the proposed expansion of the current business. The “IDZ-1” request requires the development be held to a prescribed site plan that will limit expansion of the use, and that will address various development aspects like layout and parking.
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 Eastern Triangle Community Plan:
  - Goal 9: Promote diversification of businesses and services
    - o Objective 9.1: Increase range of family-oriented businesses and services within the Eastern Triangle
6. **Size of Tract:** The subject property is 0.3444 Acres, which can reasonably accommodate the proposed development.
7. **Other Factors** The applicant intends to rezone to “IDZ-1” Limited Intensity Infill Development Zone District to accommodate an expansion of the daycare facility currently operating on the property.

The subject property is located within the Martindale Army Airfield 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 applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.

The day care center is in compliance with zoning regulations despite the current “O-2” not accommodating the use through non-conforming use rights. The last non-conforming use letter was approved on March 27, 2023. (ZONING-NCU-APP-2023-11200044)