



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 12, 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-2023-10700212 CD

**SUMMARY:**

**Current Zoning:** "C-3 MC-3 MLOD-3 MLR-2 AHOD" General Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting 2 Airport Hazard Overlay District, "C-3 MLOD-3 MLR-2 AHOD" General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting 2 Airport Hazard Overlay District, "MF-33 MLOD-3 MLR-2 AHOD" Multi-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, and "R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard t Overlay District

**Requested Zoning:** "C-2 CD MC-3 MLOD-3 MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting 2 Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body Shop and "C-2 CD MLOD-3 MLR-2 AHOD" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting 2 Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body Shop

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 19, 2023

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** Alamo Heights Collision Center, Inc

**Applicant:** CESSOS Design Build

**Representative:** CESSOS Design Build

**Location:** 1988 Austin Highway

**Legal Description:** Lot 16 and the southwest 130 feet of the southeast 135 feet of Lot E, NCB 12172

**Total Acreage:** 1.7906

**Notices Mailed**

**Owners of Property within 200 feet:** 27

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Martindale Army Airfield, Aviation Department, Planning Department, 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 zoned “A” Single-Family Residence District. A portion of the property was rezoned by Ordinance 47279, dated October 21, 1976, to “B-3” Business District and “R-3” Multiple-Family Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District, “R-3” Multiple-Family Residential District, and “A” Single-Family Residence District converted to the current “C-3” General Commercial District, “MF-33” Multi-Family District and “R-5” Residential Single-Family District respectively.

**Code & Permitting Details:**

Commercial Project Application (COM-PRJ-APP23-39801489) – June 2023

There is no relevant code enforcement history for the subject property.

**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-2, I-1

**Current Land Uses:** Motor Vehicle Sales, Vacant Buildings, Bar/Tavern

**Direction:** South

**Current Base Zoning:** R-5

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

**Direction:** East

**Current Base Zoning:** C-3

**Current Land Uses:** Tire Shop, Bar/Tavern

**Direction:** West

**Current Base Zoning:** C-2, I-1

**Current Land Uses:** Hotel, Office Space

**Overlay District Information:**

The "MC-3" Austin Highway/Harry Wurzbach Metropolitan Corridor provides site and building design standards for properties located along the two corridors. Metropolitan Corridors follow arterial streets or expressways in developed portions of the city and shall be directed toward reduction of existing visual clutter, improved design features, and preservation of developed areas of the city. A zoning review is performed by the Zoning Section of the Development Services Department.

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.

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:**

N/A

**Transportation**

**Thoroughfare:** Austin Highway

**Existing Character:** Primary Arterial

**Proposed Changes:** None known

**Thoroughfare:** Harlow Drive

**Existing Character:** Local

**Proposed Changes:** None known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 14, 214

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for Auto Paint and Body is 1 per 500 sf GFA including service bays, wash tunnels and retail areas. The maximum parking requirement for Auto Paint and Body is 1 per 375 sf GFA including service bays, wash tunnels and retail areas.

**ISSUE:**

None

**ALTERNATIVES:**

Current 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.

“MF-33” Multi-Family District allows any uses permitted in MF-25 but with a maximum density of 33 units per acre for MF-33, 40 units per acre for MF-40, 50 units per acre for MF-50 and 65 units per acre for MF-65.

“R-5” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

Proposed Zoning: “C-2 CD” 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.

The Conditional Use would permit for an Auto Paint and Body Shop.

**FISCAL IMPACT:**

None

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

Subject property is not located with a Regional Center but within ½ a mile from the Austin Highway 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 San Antonio International Airport Vicinity Land Use Plan and is currently designated as "Community Commercial" 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.
3. **Suitability as Presently Zoned:** The existing “C-3” General Commercial District is an appropriate zoning, while the existing “MF-33” Multi-Family District and “R-5” Residential Single-Family District are not appropriate zoning districts for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for Auto Paint and Body Shop is an appropriate zoning district for the property and surrounding area, aligning with other established, high intense commercial uses along Austin Highway. The shop is an existing nonconforming use, and the applicant is requesting a change of zoning to consolidate the various zoning districts on the property. The Conditional Use also requires a prescribed site plan and can be used to impose conditions. Major amendments to a site plan require going through the zoning process again for Council consideration.
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 objective.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

- JEC Goal 1: Employment is focused in the city’s 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio’s residents and businesses.
- JEC Goal 2: Traditional and targeted growth industries support San Antonio’s diversified economy and provide a wide range of job opportunities.
- JEC P21: Cluster businesses within similar and compatible industries and public institutions geographically to encourage increased interaction and collaboration.

Relevant Principles and Goals of the San Antonio International Airport Vicinity Land Use Plan:

- Encourage compatible commercial uses along corridors that serve the neighborhoods and more intense commercial uses at major intersection nodes.
- Encourage adaptive reuse or retrofit of declining commercial areas.
- Encourage redevelopment of Austin Highway, Perrin Beitel, Walzem, and West Avenue corridors.
- Objective 4.4 Support commercial redevelopment through comprehensive rezoning and incentive zoning

6. **Size of Tract:** The 1.7906 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors** 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.

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 an Auto Body and Paint Shop and has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.