



City of San Antonio

Agenda Memorandum

Agenda Date: November 2, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 4

SUBJECT:

ZONING CASE Z-2023-10700132

(Associated Plan Amendment PA-2023-11600030)

SUMMARY:

Current Zoning: "R-5 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Requested Zoning: "C-3 MLOD-2 MLR-1 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 5.767 acres and "C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Warehousing on 8.901 acres

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 3, 2023. This case was continued from the July 18, 2023 hearing and the August 15, 2023 hearing.

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: McCombs Family Partners Ltd

Applicant: Brown & McDonald PLLC

Representative: Brown & McDonald PLLC

Location: Generally located in the 6500 block of Old Pearsall Road

Legal Description: 14.668 acres out of NCB 15248

Total Acreage: 14.668

Notices Mailed

Owners of Property within 200 feet: 37

Registered Neighborhood Associations within 200 feet: N/A

Applicable Agencies: Lackland Air Force Base, Texas Department of Transportation

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 83135, dated December 30, 1995, and zoned Temporary "R-1" Residential Single-Family District. The property was rezoned by Ordinance 85498, dated March 13, 1997, 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 "I-1" General Industrial District. The property was rezoned by Ordinance 2002-114, dated September 26, 2002, to the current "R-5" Residential Single-Family 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: R-5 and MF-33

Current Land Uses: Single Family Residential Neighborhood and Apartment Complex

Direction: South

Current Base Zoning: OCL, C-3 CD, DR

Current Land Uses: Traders Village

Direction: East

Current Base Zoning: C-3

Current Land Uses: Vacant

Direction: West

Current Base Zoning: NP-10

Current Land Uses: SAWS Utility

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: Secondary Arterial A

Proposed Changes: None Known

Thoroughfare: Excellence Drive

Existing Character: Collector

Proposed Changes: None Known

Public Transit: VIA bus routes are within walking distance of the subject property.

Routes Served: 616

Traffic Impact: The traffic generated by the proposed development has increase 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 for warehousing is 1 space per 5000 sq GFA.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "R-5" Residential Single-Family District allows 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-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

"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 is for warehousing.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The property is located within the Port San Antonio Regional Center but is not located within a half mile of a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval, pending Plan Amendment.

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 SA Tomorrow Port San Antonio Area Regional Center Plan and is currently designated as “Regional Center” and “Low Density Residential” in the future land use component of the plan. The requested “C-3” base zoning district is consistent with the future land use designation of Regional Commercial. The requested “C-2 CD” base zoning district is not consistent with the future land use designation of “Low Density Residential”. The applicant has requested a Plan Amendment to “Urban Mixed Use”. Staff and Planning Commission recommend Approval.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The requested “C-3” General Commercial District on 5.767 acres on the northeast side of Excellence Drive is also an appropriate zoning. The requested “C-3” General Commercial brings consistency of zoning in properties along Old Pearsall Road. The “C-3” will allow additional commercial goods and services options along a heavily traveled arterial.

The requested “C-2 CD” Commercial District with Conditional Use for Warehousing on 8.901 acres on the southwest side of Excellence Drive is an appropriate zoning for the property and surrounding area. The request will provide a transition between the intended commercial use and the existing “R-5” Residential Single-Family. The “CD” Conditional Use can be utilized to ensure proper landscape, buffers, screening, hours of operation and any other necessary conditions to further protect the nearby neighborhood.

4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does/does not appear to conflict with any public policy objectives of the SA Tomorrow Port San Antonio Area Regional Center Plan.
 - Goal 1: Attract, retain, and support businesses and local talent to promote science, aerospace, aviation, logistics, and technology.
 - Recommendation #2 Focus areas and mixed-use corridors should be characterized by a mixture of compatible uses, at a scale that complements surrounding uses and development.
 - Recommendation #4 Concentrate density of development and intensity of activity at key intersections in the plan area.
6. **Size of Tract:** The 14.668 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** 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.

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 warehousing on the property to the southwest of Excellence Drive, and general commercial activities on the northeast side of Excellence Drive.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.