



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 21, 2021

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 8

**SUBJECT:**

Zoning Case Z-2021-10700181

**SUMMARY:**

**Current Zoning:** "C-1" Light Commercial District, "C-2" Commercial District, "C-2 NA" Commercial Nonalcoholic Sales District, "C-2 NA CD" Commercial Nonalcoholic Sales District with Conditional Use for an Auto Body Repair and Paint Center, "C-3 R" General Commercial Restrictive Alcoholic Sales District

**Requested Zoning:** "MF-18" Limited Density Multi-Family District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 21, 2021. This case was continued from August 17, 2021 and September 21, 2021.

**Case Manager:** Alina Phillips, Development Services Manager

**Property Owner:** Mark A. Gutierrez

**Applicant:** Chesmar Homes, LLC

**Representative:** Bart Swider

**Location:** 6460 Babcock Road

**Legal Description:** 9.951 acres out of NCB 16455 and 15823

**Total Acreage:** 9.951

**Notices Mailed**

**Owners of Property within 200 feet:** 33

**Registered Neighborhood Associations within 200 feet:** Tanglewood Residents Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 41426, dated December 26, 1972 and zoned Temporary "R-1" Single Family Residential District. The northern portion of the property was rezoned by Ordinance 51371, dated October 11, 1979 from Temporary "R-1" Single Family Residential District to "B-1" Business District and "B-2" Business District. A portion of the property was rezoned by Ordinance 67892, dated September 8, 1988 from "B-2" Business District to "B-3NA" Business District, Non-Alcoholic Sales. The southern portion of the property was rezoned by Ordinance 87808, dated May 14, 1998 from Temporary "R-1" Single Family Residential District to "B-2 NA" Non-Alcoholic Sales Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B-1" Business District converted to "C-1" Commercial District, the property zoned "B-2" Business District converted to "C-2" Commercial District, the property zoned "B-2 NA" Non-Alcoholic Sales Business District converted to "C-2 NA" Commercial Nonalcoholic Sales District, and the property zoned "B-3 NA" Non-Alcoholic Sales Business District converted to "C-3 NA" General Commercial Nonalcoholic Sales District. A portion of the property was rezoned by Ordinance 97530, dated April 24, 2003 from "C-2" Commercial District and "C-2 NA" Commercial Non-Alcoholic Sales District to "C-2 NA CD" Commercial Non-Alcoholic Sales District with a conditional use for an Auto Body Repair and Painting Center.

**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-1", "C-2", "C-3R", "MF-33"

**Current Land Uses:** Learning Academy, Restaurant, Gas Station, Apartments

**Direction:** South

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Vacant, construction for Multi-Family underway

**Direction:** East

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

**Current Land Uses:** Church and Vacant

**Direction:** West

**Current Base Zoning:** "R-6" and "RM-4"

**Current Land Uses:** School and Single-Family Dwellings

**Overlay District Information:**

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" 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:**

None.

**Transportation**

**Thoroughfare:** Babcock Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

**Thoroughfare:** Spring Time Drive

**Existing Character:** Collector

**Proposed Changes:** None Known

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

**Routes Served:** 604

**Traffic Impact:** Babcock Road is identified on the City's Major Thoroughfare Plan as a Secondary Arterial Type B (86' ROW). ROW Dedication may be required.

**Parking Information:** The minimum parking requirement for multi-family dwellings is 1.5 spaces per unit.

**ISSUE:**

NONE

**ALTERNATIVES:**

**Current:** The present zoning district designation of "C-1" Commercial District permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-1" districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an "NC" district. "C-1" uses are considered appropriate buffers between residential uses and "C-2" and "C-3" districts and uses.

The present zoning district designation of "C-2" Commercial District and "C-2NA" Commercial Nonalcoholic Sales District permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic. The district regulations within the "C-2NA" district are the same as in the "C-2" districts, except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.

The present zoning district designation of "C-3NA" General Commercial Nonalcoholic Sales District permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-3" districts are designed to provide for more intensive commercial uses than those located within the "NC," "C-1," "C-2" or "C-3" zoning districts. "C-3" uses are typically characterized as community and regional shopping centers, power centers and/or assembly of similar uses into a single complex under either single ownership or the structure of a property owners or condominium styled organization. "C-3" districts should incorporate shared internal circulation and limited curb cuts to arterial streets. District regulations within the "C-3NA" districts are the same as in "C-3" districts except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.

**Proposed:** The proposed "MF-25" Multi-Family District permit for a multi-family use with a maximum density of up to twenty-five (25) units per acre, depending on unit size. An "MF-25" district designation may be applied to a use in a residential neighborhood that contains a mixture of single-family and multi-family uses or in an area for which low density multi-family use is desired. An "MF-25" district may be used as a transition between a single-family and higher intensity uses.

**FISCAL IMPACT:**

None

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

The property is not located within a Regional Center or the Premium Transit Corridor.

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The subject property is located within the North Sector Plan and is currently designated as "Suburban Tier" in the future land use component of the plan. The requested "MF-18" 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.

## **3. Suitability as Presently Zoned:**

The current "C-1" Light Commercial District, "C-2" Commercial District, "C-2 NA" Commercial Nonalcoholic Sales District and "C-2 NA CD" Commercial Nonalcoholic Sales District with Conditional Use for an Auto Body Repair and Paint Center is an appropriate zoning for the property and surrounding area. The current "C-3 NA" General Commercial Nonalcoholic Sales District is not an appropriate zoning for the property and surrounding area.

The proposed "MF-18" Multi-Family District is consistent with the multi-family zoned districts to the north and south. Multi-family development is also encouraged in the North Sector Plan.

## **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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the North Sector Plan:

- The placement of high density development within commercial and office areas, and as a component of mixed use, helps to foster walkable communities and live-work centers.
- HOU-2.1 Focus High Density Residential near activity centers.
- HOU-2.4 Consider the use of High Density Residential along the periphery of concentrated employment areas to foster a compatible land use transition between single family detached/attached residential neighborhoods and concentrated locations of non-residential uses.

## **6. Size of Tract:**

The subject property is 9.939 acres, which could reasonably accommodate multi-family use.

## **7. Other Factors:**

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.

The applicant is proposing 108 units.