



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 15, 2023

**In Control:** Zoning Commission Meeting

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**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 "BP MLOD-2 MLR-1 AHOD" Business Park Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on 8.901 acres

**BACKGROUND INFORMATION:**

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

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

**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: "BP" Business Park District may be located adjacent to any Freeway, Arterial, Principal Arterial or non-residential Collector Street and allows office or institutional campus style development.

"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

**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 recommends Approval for the requested "C-3" on 5.767 acres on the northeast side of Excellence Drive.

Staff recommends Denial for the requested "BP" on 8.901 acres on the southwest side of Excellence Drive, with an Alternate Recommendation of "C-2 CD" Commercial District with Conditional Use for Warehousing.

**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 "BP" base zoning district is not consistent with the future land use designation of Low Density Residential. The applicant has requested a Plan Amendment to "Regional Commercial". Staff recommends Denial with an Alternate Recommendation of "Urban Mixed Use". Planning Commission recommendation is pending the August 9, 2023 hearing.
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 "BP" Business Park on 8.901 acres on the southwest side of Excellence Drive is not an appropriate zoning for the property and surrounding area. The request would allow a mix of high intensity commercial, office and industrial uses. "BP" does not provide an adequate transition between the residential subdivision and the nearby commercial and multifamily zoning and uses. Therefore staff recommends "C-2 CD" Commercial District with Conditional Use for Warehousing, which will provide a better transition between the intended commercial use and the existing "R-5" Residential Single-Family bordering the property.

The “C-2” Commercial District is an adequate buffer to the abutting residential and 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 applicant is requesting to do warehousing on the property to the southwest of Excellence drive. The applicant is requesting to do general commercial activities on the northeast side of Excellence Drive.