



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 39

Agenda Date: August 31, 2023

In Control: City Council A Session

DEPARTMENT: Planning Department

DEPARTMENT HEAD: Rudy Nino

COUNCIL DISTRICTS IMPACTED: District 2, ETJ

SUBJECT:

Zoning Case Z2023-10700157 (Associated Plan Amendment PA2023-11600041)

SUMMARY:

Current Zoning: “OCL” Outside City Limits, “C-2 AHOD” Commercial Airport Hazard Overlay District, and “NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District

Requested Zoning: “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage

BACKGROUND INFORMATION:

City Council Hearing Date: August 31, 2023

Case Manager: Joyce Palmer, Senior Planner

Property Owner: BryCap Farm Properties LLC

Applicant: City of San Antonio
Representative: Killen, Griffin, & Farrimond

Location: Generally located at the southeast corner of the intersection of Weichold Road and Interstate Highway (IH)10 East

Legal Description: 35.668 acres out of CB 5088

Total Acreage: 35.668

Notices Mailed

Owners of Property within 200 feet: 76

Registered Neighborhood Associations within 200 feet: None

Applicable Agencies: None

Property Details

Property History: The City of San Antonio (City) annexed 270.50 acres, known as the IH-10/FM 1518 Property, along IH-10 East in 1986. As a result of this annexation, a parcel of land, owned by BryCap Farm Properties LLC (subject property) was split, with 19.297 acres being annexed into the City limits of San Antonio and the remaining 16.371 acres continuing to be located outside city limits, in the ETJ.

In 2017, the City annexed numerous corridors and enclaves which would have included the remainder of the subject property. As part of this annexation process, State law required the City to offer Development Agreements to the owners of properties, which had the applicable appraisal for ad valorem tax purposes as land for agricultural or wildlife management or as timber land (“agricultural”) use by Bexar County Appraisal District (BCAD). These Agreements allowed their continued agricultural use, or other use as specified by the State Law and guaranteed the extraterritorial status for the property as long as the property owner continued the use as described in the terms of the Development Agreement. The subject property had the agricultural designation from BCAD, so the remaining 16.371 acres continued its ETJ status with the execution of an Agricultural Development Agreement. The intended developer ("Developer") would like to develop the subject property for freightliner sales and servicing. The Property Owner is the full and entire owner of the subject property, and has requested annexation by the City, in anticipation of development. In accordance with State law the City has the authority to annex an area if the landowner requests annexation. Additionally, the subject property meets the statutory requirements for full purpose annexation, by the City, as they: (1) is within the City's ETJ; and (2) is adjacent and contiguous to the City's corporate limits.

The subject property is currently vacant and is located at the southeast corner of the intersection of Weichold Road and IH-10 East. The intended developer ("Developer") would like to develop the Subject Property for freightliner sales and servicing. The Property Owner and Developer are seeking this annexation to gain the benefits of being within the City, such as trash service, police and fire service, and other City services already provided to surrounding properties. The annexed property will be in City Council District 2.

A portion of the subject property within city limits was annexed into the city by Ordinance 61632, dated October 10, 1985 and was originally zoned Temporary “R-1” Single-Family

Residence District. The property was rezoned by Ordinance 70527, dated November 2, 1989, to “B-2” Business District and “R-A” Residence-Agriculture District.

The previous “B-2” district was converted to the current “C-2” Commercial District and the previous “R-A” district was converted to the current “NP-10” Neighborhood Preservation District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001.

Topography: The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: None (Outside City Limits)

Current Land Uses: Undeveloped land

Direction: East

Current Base Zoning: C-2, NP-10, MXD

Current Land Uses: Undeveloped Land, Mixed Residential (proposed)

Direction: South

Current Base Zoning: R-4, MXD

Current Land Uses: Mixed and Single-Family Residential, Undeveloped Land

Direction: West

Current Base Zoning: C-3, I-1

Current Land Uses: CDL and Professional Driver Training, Undeveloped Land, Gas Station, Restaurants

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.

Special District Information: None.

Transportation

Thoroughfare: IH-10 East

Existing Character: None

Proposed Changes: None known

Thoroughfare: Weichold Road

Existing Character: None

Proposed Changes: None known

Public Transit: There are no nearby VIA bus stations within walking distance.

Proximity to Regional Center/Premium Transit Corridor

The subject property is not located within a Regional Center nor is it located within a half-mile of a Premium Transit Corridor.

Traffic Impact: A Traffic Impact Analysis (TIA) Report was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: Minimum Requirement for truck repair, service, and vehicle storage: 1 parking space per 500 square feet of gross floor area (GFA) including service bays, wash tunnels and retail areas.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: C-2 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; NP-10 district - Uses are the same as within the "R-6" zoning district. Designed to protect existing platted subdivisions which are substantially developed with single-family detached dwelling units. (10,000 square feet is the minimum lot size for NP-10); and OCL - Outside City Limits.

Proposed Zoning: C-2 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.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval. (Associated Plan Amendment PA2023-11600041)

Denial of the requested zoning change would result in the subject properties being assigned “DR” Development Reserve District, which only permits “R-6” uses upon annexation.

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 IH-10 East Corridor Perimeter Plan and is currently designated as “Urban Living” in the land use component of the plan. The requested “C-2” Commercial District base zoning district is not consistent with the adopted land use designations. There is an associated Plan Amendment request, which will be heard by the Planning Commission on July 12, 2023. The proposed request is to allow a “Community Commercial” land use classification. Staff recommends Approval of the plan amendment request.
2. **Adverse Impacts on Neighboring Lands:** The subject property is in an area transitioning from undeveloped land and open space to a more residential, commercially, and industrially developed area. There are existing industrial and commercial uses located to the east and west of the subject property along IH-10 East. Additionally, surrounding properties along IH-10 are similarly zoned for more intense commercial and industrial uses, buffering more residential and light commercial uses further from IH-10 East. Based on the existing conditions and uses of the area, the proposed “C-2 CD” Commercial District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage zoning district will not have any adverse impact on the neighboring lands. The site plan for the subject property provides increased landscape buffering (a minimum of 25 feet, greater than the required minimum of 15 feet) along the property line that abuts residential uses, as well as adding fencing to further buffer the property; downward-facing lighting (full cutoff fixtures) will also be utilized to further minimize potential impact to neighboring properties. Proposed operating hours are: 7 a.m. to 10 p.m. Monday-Friday; 8 a.m. to 5 p.m. Saturday; closed Sunday.
3. **Suitability as Presently Zoned:** There is no assigned zoning to the portion of the property located outside of the city’s limits. Should the property be annexed, but this zoning request be denied, the property would be zoned “DR” Development Reserve which carries the same use and development regulations as the “R-6” Residential Single-Family zoning district. The portion of the property inside city limits is currently zoned “C-2” Commercial District, and “NP-10” Neighborhood Preservation District, which are appropriate zoning districts for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage zoning is also an appropriate zoning for this property and surrounding area. The zoning is consistent with the subject property’s location adjacent to a highway, its proximity to major thoroughfares and is consistent with the IH-10 East Corridor Perimeter Plan’s land use recommendation of locating more intense uses between major corridors and residential uses to act as a buffer. The increased buffering provided in the site plan will further screen adjacent residential uses from the subject property and highway.

4. **Health, Safety and Welfare:** The proposed “C-2 CD” Commercial District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage will allow the subject property to be developed with similar uses as those within the vicinity along IH-10 East. The proposed “C-2” Commercial District and use support the goals and strategies of the IH-10 East Corridor Perimeter Plan.
5. **Public Policy:** The request does not appear to conflict with any public policy objective. The request is consistent with the IH-10 East Corridor Perimeter Plan goals and reinforces the Land Use Goal to provide for adequate buffers (landscaping berms, fences, walls, or open spaces) to mitigate adverse noise and visual impacts from non-residential uses, and adequately buffer industrial land uses from adjoining residential areas. Further, per the IH-10 East Corridor Perimeter Plan’s Land Use Plan, more intense land uses may be allowed in less intense land use categories subject to conditional zoning or a specific use authorization that would facilitate context-sensitive design in accordance with the plan’s goals and objectives.
6. **Size of Tract:** The 35.668-acre site is of sufficient size to accommodate the proposed development.
7. **Other Factors:** None.