



City of San Antonio

Agenda Memorandum

Agenda Date: February 7, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:
ZONING CASE Z-2022-10700310 S

SUMMARY:

Current Zoning: "AE-2 EP-1 MLOD-3 MLR-2 AHOD" Arts and Entertainment Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "AE-2 S EP-1 MLOD-3 MLR-2 AHOD" Arts and Entertainment Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Convenience Store with Gasoline Filling Station and gas tanks having 50,000 gallons or less total tank capacity within 100-feet of single-family zoning

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: February 7, 2023. This item was continued from the hearing on January 17, 2023.

Case Manager: Ann Benavidez, Planner

Property Owner: Henneke Financial Group

Applicant: XP Global Capital LLC

Representative: Luis Garza

Location: 2602 East Commerce Street, 2606 East Commerce Street, and 108 South Walters Street

Legal Description: the north 72 feet of Lots 1 and 2, the south 58 feet of Lots 1 and 2, and the west 37 feet of Lot 3, Block 16, NCB 1443

Total Acreage: 0.4088 Acres

Notices Mailed

Owners of Property within 200 feet: 32

Registered Neighborhood Associations within 200 feet: Denver Heights Neighborhood Association and Jefferson Heights Neighborhood Association

Applicable Agencies: Martindale Airfield and Parks and Recreation

Property Details

Property History: The subject property was part of the original 36 square miles of the City of San Antonio and originally zoned "F" Local Retail District. The property was rezoned by Ordinance 79329 dated December 16, 1993 to "R-3" Multiple Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-3" Multiple Family Residence District converted to "MF-33" Multi-Family District. The property was rezoned by Ordinance 2008-12-04-1128 to the current "AE-2" Arts and Entertainment District.

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: "AE-2"

Current Land Uses: Food Mart, Restaurant (both permanently closed)

Direction: South

Current Base Zoning: "RM-4"

Current Land Uses: Residential Dwelling

Direction: East

Current Base Zoning: "AE-2"

Current Land Uses: Residential Dwelling

Direction: West

Current Base Zoning: "C-1"

Current Land Uses: Community Center, Park

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-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 Facility Parking/Traffic Control District establishes regulations for parking and traffic around large facilities that attract large amounts of vehicle traffic. The overlay district is meant to regulate parking of vehicles in areas not properly zoned for commercial parking; to reduce aesthetic and traffic problems for persons and businesses in these areas; to reduce visual blight, congestion, and wear and tear on city streets; and to increase access for emergency vehicles in these areas.

Special District Information:

The Arts and Entertainment District is a special district that is used to encourage development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

Transportation

Thoroughfare: East Commerce

Existing Character: Primary Arterial B

Proposed Changes: None Known

Thoroughfare: South Walters

Existing Character: Secondary Arterial B

Proposed Changes: None Known

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

Routes Served: 24, 25, 222, 225

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

Parking Information: The minimum parking requirement for a convenience store with gasoline is 6 parking spaces per 1,000 square feet of gross floor area.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "AE-2" Arts and Entertainment District encourages development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

Proposed Zoning: "AE-2" Arts and Entertainment District encourages development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

The "S" Specific Use Authorization would permit a convenience store on the property as well as six (6) gasoline pumps.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center but is within a ½ mile of the Commerce-Houston Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends 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 Arena District/ Eastside Community Plan and is currently designated as "Community Commercial" in the future land use component of the plan. The requested "AE-2 S" base zoning district is consistent with the future land use designation. A plan amendment is not necessary.
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. The property is at the intersection of a primary street and an arterial street, with community facilities, college campuses, and a park in close proximity.
3. **Suitability as Presently Zoned:** The current "AE-2" Arts and Entertainment District is an appropriate zoning for the property and surrounding area. The proposed addition of the "S" Specific Use Authorization for a Convenience Store with gasoline sales is also appropriate. The property shares an intersection with other uses with similar levels of zoning intensity, and the proposed use could serve the surrounding residences and neighborhoods. The Specific Use Authorization also requires a prescribed site plan and allows consideration of Conditions where necessary such as: hours of operation, no temporary signage and screening/buffering where appropriate.
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 objectives of the Arena District/ Eastside Community Plan:
 - 2. Land Use Guiding Principles
 - o 2.1 Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations

- o 2.2 Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment
 - o 2.3 Create attractive streets
 - 4. Land Use and Community Facilities
 - o 4.3 Reinforce Neighborhood Commercial nodes at cross streets
- 6. **Size of Tract:** The subject property is 0.4088 acres, which can reasonably accommodate the proposed commercial development.
- 7. **Other Factors:** The applicant intends to rezone to “AE-2 S” to develop a convenience store with the sale of gasoline.

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

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.