



City of San Antonio

Agenda Memorandum

Agenda Date: May 2, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 10

SUBJECT:

ZONING CASE Z-2023-10700348 CD

(Associated Plan Amendment PA-2024-11600024)

SUMMARY:

Current Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District

Requested Zoning: "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with a Conditional Use for Parking and/or Storage - Long Term on 1.444 acres and "C-3 AHOD" General Commercial Airport Hazard Overlay District on 0.305 acres with a variance to allow a fence height of 8-feet

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: April 2, 2024

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: Possum Creek Investments, LLC

Applicant: Possum Creek Investments, LLC

Representative: Brown & McDonald, PLLC

Location: 10601 Nacogdoches Road

Legal Description: 1.749 acres out of NCB 13873

Total Acreage: 1.749 acres

Notices Mailed**Owners of Property within 200 feet:** 13**Registered Neighborhood Associations within 200 feet:** Oak Grove Estates**Applicable Agencies:** Parks Department, Aviation Department**Property Details**

Property History: Subject property was annexed into the City of San Antonio by Ordinance 32611, dated September 24, 1964, and zoned Temporary "A" Single Family Residence District. The property was rezoned by Ordinance 79272, dated December 9, 1993, to "B-2" Business District and "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" Business District and "B-3" Business District converted to the current "C-2" Commercial District and "C-3" General Commercial District respectively.

Code & Permitting Details: There is no code enforcement for the subject property.

Building Application – COM-PRJ-APP23-39801759 – July 2023

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:** MF-33**Current Land Uses:** Multi-Family Development**Direction:** South**Current Base Zoning:** C-3, R-6**Current Land Uses:** Vacant Building, Lady Bird Johnson Park**Direction:** East**Current Base Zoning:** I-1**Current Land Uses:** Oversized Vehicle and Light Vehicle Storage and Repair**Direction:** West**Current Base Zoning:** C-2, C-3**Current Land Uses:** Townhome Residential Development, Auto Repair**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:

N/A

Transportation**Thoroughfare:** Nacogdoches Road**Existing Character:** Secondary Arterial**Proposed Changes:** None known**Public Transit:** There is public transit within walking distance of the subject property.**Routes Served:** 9**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.**Parking Information:** There is no minimum or maximum parking requirement for Parking and/or Storage – Long Term.**ISSUE:**

None

ALTERNATIVES:

Current Zoning: “C-2” 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.

“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.

Proposed Zoning: “C-3” General Commercial Districts and “C-3 CD” 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.

The “CD” Conditional Use is for Parking and/or Storage - Long Term.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is located with the Greater Airport Area Regional Center but not within ½ a mile from a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial with an Alternate Recommendation of “C-2” Commercial District and “C-2 CD” Commercial District with a Conditional Use for Parking and/or Storage – Long Term. Zoning Commission 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 NE I-35 and Loop 410 Area Regional Center Plan, adopted September 1, 2022, and is currently designated as “Employment/Flex Mixed Use” in the future land use component of the plan. The requested “C-3” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Business/Innovation Mixed Use”. Staff recommends Denial. Planning Commission recommendation is pending the April 10, 2024 meeting.
- 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. There is “C-2” Commercial District, “C-3” General Commercial District and “I-1” General Industrial District zoning in the area, but the 2022 land use update for the area prescribes lower intensity mixed use zoning for the area.
- 3. Suitability as Presently Zoned:** The existing “C-2” Commercial District to the east of the subject property is appropriate. The proposed “C-3” General Commercial is out of scope with the Area Plan. The proposed “C-3 CD” General Commercial with a Conditional Use for Parking and/or Storage - Long Term and “C-3 AHOD” General Commercial Airport Hazard Overlay District to the north are not suitable for the property and surrounding area. There are auto repair and storage shops on each side of the subject property, but the use of Parking and/or Storage can be met with a lower base zoning district of “C-2” Commercial District, which aligns with the existing land use classification. Thus, staff recommends Denial with an alternate recommendation of “C-2” Commercial District and “C-2 CD” Commercial District with Conditional Use for Parking and/or Storage - Long Term. This is a more appropriate transition and buffer to the “MF-33” Multi-family District to the north.

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 appear to conflict with any public policy objectives of the NE I-35 and Loop 410 Area Regional Center Plan.

Relevant Goals and Policies of the Comprehensive Plan may include:

- GCF Goal 1: Higher-density uses are focused within the city's 13 regional centers and along its arterial and transit corridors.
 - GCF P6: Align land uses and infrastructure improvements in regional centers with employment uses and jobs best suited for each center's unique assets.
 - GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
 - JEC Goal 1: Employment is focused in the city's 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio's residents and businesses.
6. **Size of Tract:** The 1.749 acre site is of sufficient size to accommodate the proposed commercial development.
 7. **Other Factors:** 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 long term parking and/or storage of vehicles.

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

The proposed rezoning includes a request to allow an 8-foot fence along the perimeter. This request can be permitted through the requested rezoning per 35-514 (c)(2)(D) of the Unified Development Code.