



City of San Antonio

Agenda Memorandum

Agenda Date: February 2, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 3

SUBJECT:

ZONING CASE Z-2022-10700319

SUMMARY:

Current Zoning: "O-2 MLOD-3 MLR-2" High-Rise Office Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Requested Zoning: "C-2 NA MLOD-3 MLR-2" Commercial Nonalcoholic Sales Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: December 20, 2022

Case Manager: Elizabeth Steward, Planner

Property Owner: Myers Riverwalk Investments LLC

Applicant: Anthony E. Myers

Representative: Anthony E. Myers

Location: 4045 East Southcross Boulevard

Legal Description: Lot 22, NCB 13575

Total Acreage: 1.472

Notices Mailed**Owners of Property within 200 feet:** 20**Registered Neighborhood Associations within 200 feet:** Pecan Valley Neighborhood Association**Applicable Agencies:** Planning Department, Martindale Army Airfield**Property Details**

Property History: The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 39697, dated July 15, 1971 to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "O-1" Office District converted to the current "O-2" High-Rise Office 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**Current Land Uses:** Single Family Residences**Direction:** South**Current Base Zoning:** MF-33**Current Land Uses:** Apartments**Direction:** East**Current Base Zoning:** O-2**Current Land Uses:** Professional Building- Medical Clinic and Law Office**Direction:** West**Current Base Zoning:** C-3 R and O-2**Current Land Uses:** Medical Clinic**Overlay District Information:**

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.

Special District Information:

N/A

Transportation**Thoroughfare:** East Southcross Boulevard**Existing Character:** Minor Secondary Arterial A**Proposed Changes:** None Known

Public Transit: There is public transit within walking distance of the subject property.
Routes served: 28, 230, 515

Traffic Impact: The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502** A TIA Report is Not Required.

Parking Information: The minimum parking for a Self-Storage Facility is 4 spaces plus 2 spaces for manager's Quarters. The minimum parking for a retail store is 1 per 300 sf GFA.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "O-2" High-Rise Office districts provide for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

Proposed Zoning: "C-2 NA" 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-2NA districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is located within ½ a mile from the Looper Premium Transit Corridor.

RECOMMENDATION:

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

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

1. **Consistency:** The subject property is not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.

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.
3. **Suitability as Presently Zoned:** The existing “O-2” High Rise Office District is an appropriate zoning for the property and surrounding area. The requested “C-2 NA” Commercial Nonalcoholic Sales district is also an appropriate zoning for the property and surrounding area. The “C-2 NA” allows more commercial uses at a lower scale intensity than the neighboring “C-3R” or current “O-2”. The request decreases the allowed building height on a property abutting residential zoning to the north. The property is located on the South cross Boulevard corridor, which is largely developed commercially, thus, the request is in line with the character of the neighborhood.
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 San Antonio Tomorrow Comprehensive Plan.
 - GCF Goal 4 Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
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 - JEC Goal 2 Traditional and targeted growth industries support San Antonio’s diversified economy and provide a wide range of job opportunities.
 - JEC Goal 4 San Antonio’s economic environment fosters innovation and attracts new and innovative businesses, investment and industries.
6. **Size of Tract:** The 1.47 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** 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.

The subject property abuts residential zoning and use on the North side. The “C-2 NA” would require the applicant to construct and maintain a type C-15 buffer on the rear 15 feet of the property, along with the required setbacks for a C-2 property. Additionally, Any constructed building’s height will be limited to the height of the Single Family Residence to the rear for the first fifty feet from the back of the property.

The zoning request includes a request for nonresidential uses or multifamily uses adjacent (refer to definition in Appendix A as there is a difference between abutting and adjacent) to an existing single family residential use, the applicant is required to construct and maintain a 6 foot solid screen fence, prior to obtaining a Certificate of Occupancy, per Section 35-514(d). The applicant can request City Council modify or exempt this requirement.