



City of San Antonio

Agenda Memorandum

Agenda Date: October 5, 2021

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:

Zoning Case Z-2021-10700229

SUMMARY:

Current Zoning: “C-3R MLOD-2 MLR-2 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 5, 2021

Case Manager: Summer McCann, Planner

Property Owner: NBY Properties LLC

Applicant: NBY Properties LLC

Representative: Patrick Christensen

Location: 4800 W Commerce Street

Legal Description: 0.410 acres of NCB 9024

Total Acreage: 0.410 acres

Notices Mailed

Owners of Property within 200 feet: 11

Registered Neighborhood Associations within 200 feet: Prospect Hill

Applicable Agencies: Lackland Airforce Base

Property Details

Property History: The subject property was annexed into the City of San Antonio by Ordinance 2590, dated September 5, 1945 and zoned "B-2" Business District. The property was rezoned to "B-3R" Restrictive Business District by Ordinance 64753 dated March 19th, 1987. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3R" Restrictive Business District converted to "C-3R" General Commercial Restrictive Alcoholic Sales 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: "C-3", "R-5"

Current Land Uses: Auto Parts Store, Single-Family Dwelling

Direction: East

Current Base Zoning: "C-2 CD", "C-1", "C-2S", "R-4"

Current Land Uses: Auto Sales, Mini Storage, Vacant Lot

Direction: South

Current Base Zoning: "C-3R"

Current Land Uses: Auto Parts Store, Drug Store

Direction: West

Current Base Zoning: "C-3R", "C-2"

Current Land Uses: Gym, Retail

Overlay District Information:

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. 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: West Commerce Street

Existing Character: Secondary Arterial A

Proposed Changes: None Known

Thoroughfare: General McMullen

Existing Character: Primary Arterial A

Proposed Changes: None Known

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

Routes Served: 524, 276, 275, 76 and 75

Traffic Impact: General McMullen is identified on the City's Major Thoroughfare plan as (Primary Arterial Type A 120' ROW). ROW dedication and improvement may be required. Arterials require min 48' pavement – 24' from centerline. Per UDC Table 506-3, note 5 bike facilities are required on all arterials along with sidewalks. TIA review will be evaluated in detail during Building permit.

Parking Information: The minimum parking requirement for a food service establishment is 1 per 100 sf GFA.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "C-3R" General Commercial Restrictive Alcoholic Sales districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

Proposed 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.

FISCAL IMPACT: None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is within a 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 West Sector Plan and is currently designated as Mixed Use Center. The requested "C-2" is consistent with the current land use designation.
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. Zoning in the area consists of "C-1" Light Commercial, "C-2" Commercial District and "C-3" General Commercial District.
3. **Suitability as Presently Zoned:** The current "C-3R" General Commercial Restrictive Alcoholic Sales District is an appropriate zoning designation. The proposed "C-2" Commercial District constitutes a downzoning and provides less intense commercial uses. There is existing "C-2" Commercial zoning to the east of the subject site along General McMullen.
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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the West Sector Plan:
 - Goal ED-2 Existing and planned future corridors and accessible, pedestrian commercial nodes contain strong, vibrant business activities with a mix of uses and employment opportunities
 - Strategy: ED-2.1 Revitalize existing older commercial nodes and corridors through existing economic and reinvestment programs, such as, but not limited to, Neighborhood Commercial Revitalization, Tax Increment Financing (TIF), and Corridor Overlay Districts
 - Goal ED-3 The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods
 - Strategy: ED-3.3 Foster partnerships with businesses to promote the beautification and clean-up of existing neighborhoods, utilizing programs offered by, but not limited to, Keep San Antonio Beautiful and City of San Antonio Solid Waste Department
6. **Size of Tract:** The subject property is approximately 0.410 acres, which could reasonably accommodate commercial uses.

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 the request.

The applicant is rezoning to “C-2” Commercial District to allow a food service establishment.