



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 27, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 9

**SUBJECT:**

ZONING CASE Z-2021-10700169 S ERZD

**SUMMARY:**

**Current Zoning:** "C-3 ERZD" General Commercial Edwards Recharge Zone District

**Requested Zoning:** "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization for a Carwash

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 7, 2021

**Case Manager:** Mirko Maravi, Planning Coordinator

**Property Owner:** NWBCE Ltd

**Applicant:** Derrick Merchant

**Representative:** Brown and Ortiz, P.C.

**Location:** Generally located in the 3600 Block of East Evans Road

**Legal Description:** 1.032 acres of NCB 18218

**Total Acreage:** 1.032

**Notices Mailed****Owners of Property within 200 feet:** 4**Registered Neighborhood Associations within 200 feet:** None.**Applicable Agencies:** San Antonio Water System**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 61608, dated December 29, 1985 and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 89170, dated January 28, 1999 to the "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General Commercial 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:** "C-3 ERZD"**Current Land Uses:** SAWS Facility**Direction:** South**Current Base Zoning:** "C-3 ERZD"**Current Land Uses:** Bank**Direction:** East**Current Base Zoning:** "OCL"**Current Land Uses:** Right-of-Way**Direction:** West**Current Base Zoning:** "C-3 ERZD"**Current Land Uses:** Vacant**Overlay District Information:**

The "ERZD" Edwards Recharge Zone District does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the "ERZD".

**Special District Information:**

None.

**Transportation****Thoroughfare:** East Evans Road**Existing Character:** Primary Arterial A**Proposed Changes:** Evans Road (Highway 281 to Caliza Drive) -- intersection and corridor

improvements on Evans from Hwy 281 to Caliza Drive. Includes medians, acceleration/ deceleration lanes and traffic signal improvements as appropriate and within available funding.

**Thoroughfare:** Bulverde Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

**Public Transit:** There are no public transit locations near subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** Parking for a Carwash is 1 space per 500 square feet including service bays, wash tunnels and retail areas.

**ISSUE:**

None.

#### **ALTERNATIVES:**

**Current Zoning:** “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-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.

The “S” Specific Use Authorization will allow a Carwash over the Edwards Aquifer.

#### **FISCAL IMPACT:**

None.

#### **PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

Subject property located within the Stone Oak Regional Center and not within the 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 located within the North Sector Plan and is currently designated as Suburban Tier” in the future land use component of the plan. The requested “C-2” base zoning district is consistent with the future 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. The requested “C-2” Commercial District constitutes a downzoning.
3. **Suitability as Presently Zoned:** The existing “C-3 ERZD” General Commercial Edwards Recharge Zone District is not an appropriate zoning for the property and surrounding area. The proposed “C-2 ERZD” is a less intense commercial zoning district and the addition of the “S” Specific Use Authorization allows consideration of any necessary specifications in relation to the proposed use and its location over the Edwards Aquifer.
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 objective of the North Sector Plan.

**Relevant Goals and Objectives:**

ED-1.3 Continue to maintain and revitalize the North Sector to retain and expand vibrant retail and commercial uses within the IH-10, IH-35, Loop 410 and Loop 1604 corridors and/or centers. ED-2.3 Support, stimulate, and foster increased activity of existing businesses within the North Sector including but not limited to finance, insurance, real estate, medical, cyber security, research and development.

6. **Size of Tract:** The 1.032 acre site is of sufficient size to accommodate the proposed commercial development and the proposed carwash.
7. **Other Factors:** Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 1 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 65% on the site. Reference SAWS report dated September 30, 2021.

The Specific Use Authorization in this case is a requirement of the Code for properties within the Edwards Recharge Zone District, which allows San Antonio Water System (SAWS) to examine the proposed use of the property and its conformity with SAWS requirements.