



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 4, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2023-10700035

(Associated Plan Amendment PA-2023-11600010)

**SUMMARY:**

**Current Zoning:** "C-2" Commercial District

**Requested Zoning:** "C-3NA CD S" General Commercial Nonalcoholic Sales District with Conditional Use for Farm Equipment Sales/Service and Specific Use Authorization for Storage – Outside (Screening from Public ROWs and Adjacent Property Required)

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 4, 2023. This case was continued from the March 21, 2023 hearing.

**Case Manager:** Elizabeth Steward, Zoning Planner

**Property Owner:** Lonesome Dove Investment Group, LLC

**Applicant:** Lonesome Dove Investment Group, LLC

**Representative:** Patrick Christensen

**Location:** 3800 South Loop 1604

**Legal Description:** 4.131 acres out of CB 4167A

**Total Acreage:** 4.131

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Planning Department, Texas Department of Transportation

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 20161100883, dated November 9, 2016 and zoned “RE” Residential Estate District. The property was rezoned by Ordinance 2018-03-01-0169, dated March 11, 2018 to “C-2” 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-2

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** R-5

**Current Land Uses:** Residential Neighborhood

**Direction:** East

**Current Base Zoning:** I-2

**Current Land Uses:** Industrial Complex

**Direction:** West

**Current Base Zoning:** C-2

**Current Land Uses:** Equipment Supplier

**Overlay District Information:**

N/A

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** South Loop 1604

**Existing Character:** Collector

**Proposed Changes:** None Known

**Thoroughfare:** Gus McCrae Lane

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

**Public Transit:** There is no public transit within walking distance of the subject property.

**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.

The Texas Department of Transportation notes that if rezoning is approved, access is not allowed from Loop 1604. The recommended access would be utilize Gus Mcrae Lane as demonstrated on the site plan.

**Parking Information:** The minimum parking for Farm Equipment Sales, Service, and Storage is 1 space per 500 sf GFA of sales and service building. At 23,600 square feet, 47 spaces are required. The site plan notes eighty-three (83) parking spaces.

**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.

Proposed 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.

"C-3NA" General Commercial Nonalcoholic Sales districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

The "CD" Conditional Use will allow Farm Equipment Sales/Service.

The "S" Specific Use Authorization will allow Storage – Outside (Screening from Public ROWs and Adjacent Property Required)

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center and is not located within ½ mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment.

**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 Heritage South Sector Plan and is currently designated as “Suburban Tier” and “Rural Estate Tier” 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 “Regional Center”. Staff and Planning Commission recommend Approval.
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. Surrounding properties are zoned “C-2” Commercial District and is in close proximity to Loop 1604.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The requested “C-3 NA CD S” General Commercial Nonalcoholic Sales District with Conditional Use for Farm Equipment Sales/Service and Specific Use Authorization for Storage – Outside (Screening from Public ROWs and Adjacent Property Required) is also an appropriate zoning for the property and surrounding area. The requested rezoning benefits the surrounding rural area and character and provides goods and services from a supply store. The proposed “C-3NA CD S” will restrict alcohol sales on the property and the Conditional Use and Specific Use Authorization require a detailed site plan that will be tied to the development of the property. With the site plan adequate buffering and fencing can be required to protect surrounding residential properties. In addition to this Conditions can be placed on the property regarding lighting, hours of operation, location of trash dumpsters, and other similar stipulations for development.
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 Heritage South Sector Plan.
  - UTI Goal 3: Floodplains maintained as natural drainage way.
  - UTI 1.5: Encourage limited impervious cover and other green building techniques for new development.

- UTI-3.4: Promote alternative storm water management techniques that preserve the natural characteristics of 100- year floodplain.
- NR Strategy 1.3: Protect water quality through floodplain protection and buffers.
- NR-1.4 Promote Low Impact Development (LID) standards to reduce the impact of urban development on rivers, watersheds and other natural assets.
- NR-4.6 Support development features and healthy vegetation that promote natural storm water mitigation.
- LU Goal 1: Land uses that are compatible with neighboring properties that preserve natural and cultural resources, neighborhood character, and economic viability.
- LU Strategy 1.3: Promote nodal commercial development and community centers where various modes of transportation are accessible.
- LU-2.2 Ensure buffer zones and transitional areas between industrial and other uses.
- LU-5.2 Cluster high intensity commercial in regional centers to reduce “strip” development.

**6. Size of Tract:** The 4.131 acre site is of sufficient size to accommodate the proposed commercial development.

**7. Other Factors:** The applicant intends to construct a Tractor Supply Store.

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 applicant is rezoning for the Specific Use Authorization for Storage – Outside (Screening from Public ROWs and Adjacent Property Required)

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 for the Conditional Use for Farm Equipment Sales/Service.

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

Properties that abut lots zoned residential or are developed with a single-family use, the height of the subject property is restricted to the maximum height of the single-family district within 50 feet of the property line.

Non-residential uses or multi-family uses adjacent to an existing single-family residential use are required to construct and maintain a 6-foot solid screen fence, prior to obtaining a Certificate of Occupancy.

Landscape buffers requirements from Section 35-510 and Outdoor Storage Standards from Section 35-525 will apply to the proposed development.