



City of San Antonio

Agenda Memorandum

Agenda Date: May 16, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:

ZONING CASE Z-2023-10700074 S

(Associated Plan Amendment PA-2023-11600019)

SUMMARY:

Current Zoning: "C-2 MLOD-3 MLR-2 AHOD" Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "O-2 MLOD-3 MLR-2 AHOD" High-Rise Office Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "C-2 S MLOD-3 MLR-2 AHOD" Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Private Club

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: May 16, 2023. This case is continued from the April 18, 2023 hearing.

Case Manager: Adolfo Gonzalez, Zoning Planner

Property Owner: 4401-4439 Rittiman LLC

Applicant: Patrick Christensen, PC

Representative: Patrick Christensen, PC

Location: 4401 Rittiman Road

Legal Description: The west 180.22 feet of Lot 10, Block 4, NCB 13717

Total Acreage: 1.920

Notices Mailed

Owners of Property within 200 feet: 26

Registered Neighborhood Associations within 200 feet: East Terrell Hills Neighborhood Association

Applicable Agencies: Martindale Army Airfield; San Antonio International Airport

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 33210, dated April 15, 1965, to "E" Office District and "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "E" Office District and "F" Local Retail District converted to the current "O-2" High-Rise Office District and "C-2" Commercial 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: "R-5"

Current Land Uses: Single-Family Dwellings

Direction: East

Current Base Zoning: "C-2"

Current Land Uses: Commercial

Direction: South

Current Base Zoning: "C-2"

Current Land Uses: Multi-Family Dwellings

Direction: West

Current Base Zoning: "C-3"

Current Land Uses: Commercial

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.

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: Rittiman Road

Existing Character: Secondary Arterial B

Proposed Changes: None known

Thoroughfare: Melton Drive

Existing Character: Local

Proposed Changes: None known

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

Routes Served: 8

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: The minimum parking requirement for a bar, lounge, tavern, nightclub, or dance hall is 1 space per 100 sf GFA. The maximum parking requirement is 1 space per 75 sf GFA.

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.

“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” 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 proposed “S” Specific Use Authorization will allow operation of a Private Club.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

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

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial.

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 San Antonio International Airport Vicinity Neighborhood Plan and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The requested “C-2” Commercial District is not consistent with the future land use designation. The applicant withdrew their Plan Amendment as they will be amending their request to a “C-1” Light Commercial base zoning district.
2. **Adverse Impacts on Neighboring Lands:** Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.
3. **Suitability as Presently Zoned:** The current “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2 S” Commercial District with a Specific Use Authorization for a Private Club is not appropriate for the property and surrounding area. The property abuts properties with residential uses zoned "R-5" and "RM-4". Additionally, the property has current land use designation "Neighborhood Commercial" which offers less intense commercial uses at smaller scales and would be more appropriate abutting residential uses.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request to maintain the base zoning district does not appear to conflict with any public policy objectives of San Antonio International Airport Vicinity Neighborhood Plan.

Relevant Goals and Policies of the Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.

Relevant Themes and Objectives of the SA International Airport Vicinity Plan may include:

- Key Theme 7 - Encouraging compatible commercial uses along corridors that serve the neighborhoods and more intense commercial uses at major intersection nodes.
 - o Objective 2.2: Encourage commercial development that respects the integrity of existing residential development.
 - o Objective 2.3: Redevelop major commercial corridors to serve the needs of the airport neighborhoods and patrons
- 6. **Size of Tract:** The subject property is 1.92 acres, which could reasonably accommodate commercial uses.
- 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 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 to develop a Private Club.

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

The applicant has indicated that they will be amending their request to “C-1 CD” Light Commercial with Specific Use Authorization for a Private Club and will potentially be modifying the scope of their request to only include the property where the Club will be located.