



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** May 2, 2023

**In Control:** Zoning Commission Meeting

---

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 4

**SUBJECT:**  
ZONING CASE Z-2023-10700081 S

**SUMMARY:**

**Current Zoning:** "C-2 MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and "C-3 R MLOD-2 MLR-1 AHOD" General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Requested Zoning:** "C-2 S MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Specific Use Authorization for Utilities - Solar/Battery Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 2, 2023

**Case Manager:** Camryn Blackmon, Zoning Planner

**Property Owner:** Biry Inc.

**Applicant:** Biry Inc.

**Representative:** Trey Jacobson, Momentum Advisory Services

**Location:** Generally located at the 8800 block of Marbach Road

**Legal Description:** Lot 18, Block 37, NCB 17877

**Total Acreage:** 6.46

**Notices Mailed**

**Owners of Property within 200 feet:** 42

**Registered Neighborhood Associations within 200 feet:** Rainbow Hills Area  
**Applicable Agencies:** Planning Department, Lackland Military

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 61610, dated December 29, 1985 and zoned "Temp R-1" Temporary Single-Family Residence District. The property was rezoned by Ordinance 67365, dated June 23, 1988, to "B-2" Business District and "B-3R" Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" Business District and "B-3R" Restrictive Business District converted to the current "C-2" Commercial District and "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 floodplain

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-3R"

**Current Land Uses:** Car wash

**Direction:** East

**Current Base Zoning:** "C-2"

**Current Land Uses:** Professional Offices

**Direction:** South

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single-Family Dwelling

**Direction:** West

**Current Base Zoning:**

**Current Land Uses:** Vacant Lot

**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:** Marbach Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

**Thoroughfare:** Hunt Lane  
**Existing Character:** Secondary Arterial A  
**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.  
**Routes Served:** 613, 615

**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 most utility-oriented uses are 1 parking space per employee.

**ISSUE:**  
None.

**ALTERNATIVES:**

Current Zoning: C-2 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-3R districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

“C-3R” General Commercial Restrictive Alcoholic Sales District is identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

Proposed Zoning: C-2 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.

If approved, the “S” Specific Use Authorization would permit Battery Storage Facility on the property.

**FISCAL IMPACT:**  
None.

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

Subject property is not located with a Regional Center or within ½ a mile from the 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/Southwest 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. Surrounding properties are “C-3R” General Commercial Restrictive Alcoholic Sales District, “C-2” Commercial District, and “R-4” Residential Single-Family.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District and “C-3R” Commercial Restrictive Alcoholic Sales District is an appropriate zoning for the property and surrounding area. The proposed “C-2 S” Commercial District with a Specific Use Authorization for Utilities - Utilities - Solar/Battery Storage is also appropriate. The use is proposed on Marbach road that accommodates a variety of commercial uses. The development will be held to a prescribed site plan that will address the layout of the site and will prevent expansion of the use without additional rezoning.
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 Comprehensive Plan and the West/Southwest Sector Plan.

### **Relevant Goals and Policies of the West/Southwest Sector Plan may include:**

- Goal ED-1 The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities.
- ED-3.1 Ensure the development of new business locations and employment centers are compatible with the West/Southwest Sector Land Use Plan.
- Goal LU-1 Land use pattern emphasizes compatibility and appropriateness between uses and protects neighborhoods and businesses from incompatible land uses.
- LU-1.3 Ensure that high density/intensity land uses are buffered and screened to reduce the impact on lower density/intensity land uses that are nearby.

### **Relevant Goals and Policies of the Comprehensive Plan may include:**

- JEC Goal 1: Employment is focused in the city’s 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio’s residents and businesses.
- JEC P1: Target and incent job growth within the city’s target industries, including New Energy (Solar, Battery, Natural Gas)

6. **Size of Tract:** The 6.46 acre site is of sufficient size to accommodate the proposed commercial development.
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, JB SA was 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 for a battery storage area.