



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-1883

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 2/20/2018

**Title:** ZONING CASE # Z2018049 ERZD (Council District 9): A request for a change in zoning from "C-2 NA MLOD-1 ERZD" Commercial Nonalcoholic Sales Camp Bullis Military Lighting Overlay Edward Recharge Zone District to "C-2 MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District on 0.0391 acres out of NCB 17600, located at 2770 East Evans Road. Staff recommends Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. SAWS Report

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 9

**SUBJECT:**

Zoning Case Z2018049 ERZD

**SUMMARY:**

**Current Zoning:** "C-2 NA MLOD-1 ERZD" Commercial Nonalcoholic Sales Camp Bullis Military Lighting Overlay Edward Recharge Zone District

**Requested Zoning:** "C-2 MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 20, 2018

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Birvek Retail, LLC

**Applicant:** Mukul Seth

**Representative:** Mukul Seth

**Location:** 2770 East Evans Road

**Legal Description:** 0.0391 acres out of NCB 17600

**Total Acreage:** 0.0391

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** None.

**Applicable Agencies:** Camp Bullis, SAWS

**Property Details**

**Property History:** The property was annexed and zoned Temporary "R-1 ERZD" Single-Family Residence Edwards Recharge Zone District by Ordinance 61608, dated December 30, 1985. The property was rezoned from Temporary "R-1 ERZD" to "B-2NA ERZD" Business Nonalcoholic Sales Edwards Recharge Zone District by Ordinance 87499, dated March 12, 1998. The property converted from "B-2NA ERZD" to the current "C-2NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**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:** "PUD R-6"

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

**Direction:** East

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

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

**Direction:** South

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

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

**Direction:** West

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

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

**Overlay and Special District Information:**

"ERZD"

All surrounding properties carry the "ERZD" Edwards Recharge Zone District. The "ERZD" 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".

"MLOD-1"

All surrounding properties carry the "MLOD-1" Military Lighting Overlay District, due to their proximity to

Camp Bullis. The "MLOD-1" 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.

### **Transportation**

**Thoroughfare:** East Evans Road

**Existing Character:** Primary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Encino Rio

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** There is no VIA bus route within walking distance of the 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:**

The minimum parking required for a Convenience Store is 6 parking spaces per 1,000 sf of GFA.

### **ISSUE:**

None.

### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "C-2NA", which allows car washes, minor automobile repair and service, amusement establishments, theaters, arcades, fitness centers, plant nurseries, paint and wall paper stores, gasoline stations with repair service, fix-it shops, community shopping centers, small motels; low to mid rise office buildings; no outdoor storage or display of goods except for outdoor dining. The sale of alcohol would not be permitted.

### **FISCAL IMPACT:**

None.

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

The property is within the Stone Oak Regional Center. The property is not within a ½ of a mile of 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 the 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 finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed rezoning to “C-2” Commercial District will permit the applicant to sell alcohol at an existing Convenience Store.

## **3. Suitability as Presently Zoned:**

The current “C-2NA” Commercial Nonalcoholic District is an appropriate zoning for the property. The majority of the properties in the area are single-family residences, but commercial uses typically act as appropriate buffers to residential zoning districts.

## **4. Health, Safety and Welfare:**

Staff has found no 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 goals, principles, and objectives of the North Sector Plan or the SA Tomorrow Comprehensive Plan.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

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 closer proximity to housing and where appropriate.

GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.

## **6. Size of Tract:**

The subject property is 0.0391 of an acre which adequately supports the current use of a Convenience Store.

## **7. Other Factors:**

Saws Report:

Currently the site is fully developed as a commercial retail center with four retail suites located within the property of Encino Pointe. The subject property is located at 2770 E. Evans Rd., Suite 101 which is approximately 1,705 square feet or 0.0391 acre. Additionally the proposed zoning change will not increase the impervious cover as the subject site is requesting the zoning change to allow the sale of alcoholic beverages.

Based on the information submitted by the applicant, SAWS staff does not object to the sale of alcoholic beverages for off premise consumption located at Encino Pointe, as this will not affect the water quality. Should the San Antonio City Council rezone the property that is the subject of this report, the San Antonio Water System recommends that any proposed development on that property after the zoning classification has been changed should be reviewed by all applicable agencies.