



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-6063

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/22/2019

**Title:** ZONING CASE Z-2019-10700138 (Council District 2): Ordinance amending the Zoning District Boundary from "MF-18 MLOD-3 MLR-2 AHOD" Limited Density Multi-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-2 MLOD-3 MLR-2 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 2, Block 15, NCB 1295, located at 2004 Interstate Highway 35 North. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location map, 2. Zoning Minutes, 3. Draft Ordinance, 4. Ordinance 2019-08-22-0676

Date	Ver.	Action By	Action	Result
8/22/2019	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700138

**SUMMARY:**

**Current Zoning:** "MF-18 MLOD-3 MLR-2 AHOD" Limited Density Multi-Family Martindale Army Airfield Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "C-2 MLOD-3 MLR-2 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 6, 2019.

**Case Manager:** Patricia Franco, Planner

**Property Owner:** John and Anna Boggess

**Applicant:** John and Anna Boggess

**Representative:** John and Anna Boggess

**Location:** 2004 IH-35 N

**Legal Description:** Lot 2, Block 15, NCB 1295

**Total Acreage:** 0.147

**Notices Mailed**

**Owners of Property within 200 feet:** 11

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance Neighborhood Association

**Applicable Agencies:** Texas Department of Transportation, Martindale Army Airfield

**Property Details**

**Property History:** The property was annexed by the City of San Antonio in 1905 and was part of the original 36 square miles of the 1936 City Limits. The property was originally zoned "D" Apartment District and converted to "R-3" Multiple Family Residence District with the adoption of the Ordinance 33412 on June 28, 1965. The property converted to "MF-33" Multi-Family District with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001 and was later rezoned from to the current "MF-18" by Ordinance 2010-11-04-0971 on November 4, 2010.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** TxDOT ROW

**Current Land Uses:** IH 35

**Direction:** East

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

**Current Land Uses:** Residential home

**Direction:** South

**Current Base Zoning:** "MF-18"

**Current Land Uses:** Vacant lot

**Direction:** West

**Current Base Zoning:** "O-1"

**Current Land Uses:** Residential home

**Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

"MLOD-3"

All surrounding properties carry the "MLOD-3" Military Lighting Overlay District, due to their proximity to

Martindale Army Airfield. The "MLOD-3" 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:** IH-35 N

**Existing Character:** TxDOT ROW

**Proposed Changes:** N/A

**Public Transit:** VIA bus routes are within walking distance of the subject property.  
Routes Served: 20

**Traffic Impact:** A Traffic Impact Analysis (TIA) determination is not required. IH-35 is a TxDOT roadway; TxDOT review of ROW and access is required.

**Parking Information:** Minimum parking space requirements for Commercial is 1 per 300 sf of GFA

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of "MF-18". Multi-family dwelling, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 18 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

**FISCAL IMPACT:**

None.

**Proximity to Regional Center/Premium Transit Corridor**

The property is not located within a Regional Center or Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-0) recommend 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 Government Hill Neighborhood Plan and is currently designated as "Mixed Use" in the future land use component of the plan. The requested "C-2" base zoning district is consistent with the adopted land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff has not found 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.

**3. Suitability as Presently Zoned:**

The existing "MF-18" Multi-Family base zoning is an appropriate zoning district is appropriate for the

surrounding area. The proposed “C-2” is suitable to the area and provides the opportunity for retail goods and services.

#### **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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Government Hill Neighborhood Plan:

The proposed “C-2” zoning district is a suitable zoning district which supports the Government Hill Neighborhood Plan and Commercial options for the area through:

#### **Goal: Redevelop and revitalize the neighborhood.**

**Objective:** To encourage and support any revitalization and redevelopment efforts consistent with this plan.

**Strategies:**

- Encourage a monthly inspection and clean-up of vacant lots in the neighborhood.
- Market the vacant parcels of land to prospective homeowners and businesses
- Recruit desired businesses and the expansion of existing businesses in the neighborhood
- Encourage the involvement of all organizations in the area to work together to improve the neighborhood
- Rezone existing 1938 zoning to 1965 zoning to restrict incompatible land uses
- Increase the penalties for any code violators

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

The subject property is 0.147 acres, which would adequately support commercial use.

#### **7. Other Factors:**

The applicant moved a 1,600 square foot home to this location and completely remodeled it to fit a small office.

The subject property is located within the Martindale Army Air Field 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.