



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-3686

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 5/16/2019

**Title:** ZONING CASE # Z-2019-10700056 (Council District 2): Ordinance amending the Zoning District Boundary from "RM-4 MLOD-3 MLR-1 MSAO-2 AHOD" Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Martindale Army Airfield Military Sound Attenuation Overlay Airport Hazard Overlay District and "C-2 MLOD-3 MLR-1 MSAO-2 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Martindale Army Airfield Military Sound Attenuation Overlay Airport Hazard Overlay District to "C-3 MLOD-3 MLR-1 MSAO-2 AHOD" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Martindale Army Airfield Military Sound Attenuation Overlay Airport Hazard Overlay District on Lot P-58B and P-58D, NCB 12867, generally located at the northwest intersection of North Foster Road and East Houston Street. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment: PA-2019-11600018)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Zoning Minutes, 3. Draft Ordinance, 4. Ordinance 2019-05-16-0420

Date	Ver.	Action By	Action	Result
5/16/2019	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700056  
(Associated Plan Amendment: PA-2019-11600018)

**SUMMARY:**

**Current Zoning:** "RM-4 MLOD-3 MLR-1 MSAO-2 AHOD" Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Martindale Army Airfield Military Sound Attenuation Overlay Airport Hazard Overlay District and "C-2 MLOD-3 MLR-1 MSAO-2 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Martindale Army Airfield Military Sound Attenuation Overlay Airport Hazard Overlay District

**Requested Zoning:** "C-3 AHOD MLOD-3 MLR-1 MSAO-2 AHOD" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Martindale Army Airfield Military Sound Attenuation Overlay Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 16, 2019

**Case Manager:** Mirko A. Maravi, Planner

**Property Owner:** Bayeh's Properties, LLC

**Applicant:** Jesse Clements

**Representative:** Jesse Clements

**Location:** Generally located at the northwest intersection of North Foster Road and East Houston Street.

**Legal Description:** Lot P-58B and Lot P-58D, NCB 12867

**Total Acreage:** 5.748

**Notices Mailed**

**Owners of Property within 200 feet:** 20

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

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

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 91155, dated April 6, 2000 and assigned zoning of "C-2" Commercial District and "RM-4" Residential Mixed District respectfully.

**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:** "RM-4"

**Current Land Uses:** Vacant

**Direction:** East

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

**Current Land Uses:** Mostly Vacant, Fireworks and Truck Repair

**Direction:** South

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

**Current Land Uses:** Vacant

**Direction:** West

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Residential Construction underway

**Overlay and Special District Information:**

"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.

**"MSAO-2"**

All surrounding properties carry the "MSAO-1" Martindale Army Airfield Military Sound Attenuation Overlay District, due to their proximity to Martindale Army Airfield. The "MSAO-2" does not restrict permitted uses, but does enforce construction standards intended to lessen the impact of external noise from the nearby military installation. The "MSAO-2" regulations apply to new construction of habitable structures.

**"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.

**Transportation**

**Thoroughfare:** North Foster and East Houston

**Existing Character:** Secondary Arterial Type A 86'

**Proposed Changes:** None Known

**Public Transit:** No VIA bus routes are within walking distance of the subject property.

**Traffic Impact:** Both FM 1346 and N. Foster Rd are identified on the City's Major Thoroughfare Plan as a Secondary Arterial Type A (86' Right of Way). Right of Way dedication may be required. FM 1346 is a Texas Department of Transportation Right of Way. Texas Department of Transportation review of Right of Way and access is required.

**Parking Information:** The minimum parking requirement for a commercial district is 1 space per 300 sf GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "RM-4" and "C-2". "RM-4" district provide areas for medium to high-density residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring flexible yard and area standards. Mixed residential districts provide flexible density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas. The "C-2" district permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance.

**FISCAL IMPACT:**

None.

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

The subject property is not located within any Regional Center or Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) recommend Approval, pending Plan Amendment.

**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 IH-10 East Corridor Perimeter Plan and is currently designated as “Medium Density Residential” and “Community Commercial” and in the future land use component of the plan. The requested “C-3” General Commercial base zoning district is not consistent with the future land use designation. The applicant is requesting a Plan Amendment to “Regional Commercial”. 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.

**3. Suitability as Presently Zoned:**

The current “RM-4” Residential Mixed and “C-2” Commercial District are appropriate zoning for the property and surrounding area. However, the proposed “C-3” allows for consolidation and development of general commercial on a corner lot. The location at North Foster and FM 1346 allows opportunities for big box development to serve surrounding properties.

**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 IH-10 East Perimeter Plan:

- Growth Management Goal 1: Utilize City resources and authority to manage growth and development
- Urban Design Goal 1 Preserve and enhance the City’s Urban Design

**6. Size of Tract:**

The subject property is 5.748 acres, which could reasonably accommodate the proposed Residential Single-Family use.

**7. Other Factors:**

The subject property is located within the Martindale Army Air Field Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request.