



# City of San Antonio

## Agenda Memorandum

**File Number:**20-6481

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**Agenda Item Number:** 15.

**Agenda Date:** 11/17/2020

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2020-10700234 CD

**SUMMARY:**

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

**Requested Zoning:** "C-2 CD MLOD-3 MLR-1 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for a Welding Shop

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 17, 2020

**Case Manager:** Justin Malone, Planner

**Property Owner:** Luis Espinoza

**Applicant:** Property Advancement Resources

**Representative:** Michele Debs

**Location:** 930 Peggy Drive

**Legal Description:** 0.414 acres out of NCB 13905

**Total Acreage:** 0.414 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 10

**Registered Neighborhood Associations within 200 feet:** Eastgate Neighborhood Association

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

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 33810 on December 16, 1965 and originally zoned "A" Single Family District. The "A" Single Family District was rezoned to "B-3R" Restrictive Business District by Ordinance 70527 on November 2, 1989. The "B-3R" Restrictive Business District converted to the "C-3R" General Commercial Restrictive Alcoholic Sales District that accompanied the adoption of the 2001 Unified Development Code (Ordinance 93881, dated 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:** UZROW

**Current Land Uses:** I-10 Frontage Road

**Direction:** East

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

**Current Land Uses:** Used Car Dealer

**Direction:** South

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

**Current Land Uses:** Single Family Residential

**Direction:** West

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

**Current Land Uses:** Used Car Dealer

**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.

"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.

**Thoroughfare:** Peggy Drive

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Interstate Highway 10 Frontage Road

**Existing Character:** Access Road

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are not within walking distance of the subject property.

**Routes Served:** None

**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 parking minimum a Welding Shop is 1 parking space per 1,500 sf GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current base zoning district of "C-3R" General Commercial Restrictive Alcoholic Sales District.

**Current:** "C-3" General Commercial districts are intended to provide for more intensive commercial uses than those located within the "NC", "C-1" or "C-2" zoning districts. "C-3" uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, auto repair, auto sales, and indoor flea market. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in Section 35-510 of the Unified Development Code.

**Proposed:** "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 "CD" Conditional Use allows all "C-2" uses in addition to a Welding Shop.

**FISCAL IMPACT:**

None.

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

The property is not part of a Regional Center and is not within 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 IH-10 East Perimeter Plan and is currently designated as "Community Commercial" 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 did not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested "C-2 CD" Commercial District with a Conditional Use for a Welding Shop is a downzone and is consistent and compatible with existing and surrounding zoning and uses.

The base district will remain "C-2" Commercial District. The "CD" Conditional Use allows consideration of a Welding Shop.

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

The current "C-3" General Commercial District is appropriate for the property and surrounding area. The requested "C-2 CD" base-zoning district with a Conditional Use is required for the Welding Shop operation. Additionally, the required site plan will hold the applicant to the site design and layout.

## **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:

### **Plan Goals and Objectives:**

Goal 3: Enhance the diversity of other land uses (agriculture, residential, and commercial) so that industrial uses (freight transport, manufacturing and construction) do not dominate the Corridor.

Objective 3.1: Compatibility of Land uses

- Improve the quality of life and safety of residents of the IH-10 East Perimeter Planning area by addressing incompatible land uses

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

The subject property is 0.414 acres, which could reasonably accommodate commercial uses.

## **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, Texas Army National Guard and JBSA were notified of the proposed request. The Military has indicated there are no objections to this request.