



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-3833

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 5/7/2019

**Title:** ZONING CASE Z-2019-10700061 (Council District 3): A request for a change in zoning from "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-1 MLOD-3 MLR-2 AHOD" Light Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 17 and Lot 18, Block 1, NCB 3720, located at 3206 Clark Avenue. Staff recommends Approval. (Mirko Maravi, Planner (210) 207-0107, mirko.maravi@sanantonio.gov; Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**  
Zoning Case Z-2019-10700061

**SUMMARY:**  
**Current Zoning:** "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

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

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** May 7, 2019

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

**Property Owner:** Ronny Regalado

**Applicant:** Ronny Regalado

**Representative:** Brown & Ortiz, P.C.

**Location:** 3206 Clark Avenue

**Legal Description:** Lot 17 and Lot 18, Block 1, NCB 3720

**Total Acreage:** 0.1377

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** Highland Hills Neighborhood Association

**Applicable Agencies:** Martindale Air Airfield

**Property Details**

**Property History:** The subject property was part of the original 36 square miles of San Antonio and zoned "B" Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.

**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:** "C-1"

**Current Land Uses:** Office

**Direction:** South

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

**Current Land Uses:** Childcare

**Direction:** East

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Apartments

**Direction:** West

**Current Base Zoning:** "NP-8"

**Current Land Uses:** Vacant

**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.

**Transportation**

**Thoroughfare:** Clark

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None Known

**Public Transit:** VIA bus route are within walking distance of the subject property

**Routes Served:** 32, 515

**Traffic Impact:** Clark is identified on the City's Major Thoroughfare Plan as a Secondary Arterial Type B (70' - 86" ROW). ROW dedication may be required. 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 requirement for a Childcare is 1 space for every 375 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "R-4". These districts provide areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character.

**FISCAL IMPACT:**

None.

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

The subject property is within the Brooks Regional Center and not located within 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 the approval criteria below.

**1. Consistency:**

The subject property is located within the Highlands Community Plan and is currently designated as "Neighborhood Commercial" in the future land use component of the plan. The requested "C-1" Commercial 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.

**3. Suitability as Presently Zoned:**

The current “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-1” would allow neighborhood commercial uses.

**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 Highlands Community Plan:

Goal 1 Economic Development Improve the current variety of goods, services and employment available within the community by creating an environment conducive to commercial prosperity and encouraging new businesses to locate in the area.

Objective 1.2 Develop an Action Plan Develop and publicize an appropriate action plan to diversify and expand the current availability of goods and services within the Highlands community by identifying and evaluating new and existing resources.

**6. Size of Tract:**

The subject property is 0.1377 acres, which could reasonably accommodate the proposed childcare facility.

**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.