



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-8542

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/5/2019

**Title:** ZONING CASE Z-2019-10700255 CD (Council District 2): Ordinance amending the Zoning District Boundary from "AE-3 HS EP-1 MLOD-3 MLR-2" Arts and Entertainment Historic Landmark Parking/Traffic Control Overlay Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District to "C-2 CD HS EP-1 MLOD-3 MLR-2" Commercial Historic Landmark Parking/Traffic Control Overlay Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District with Conditional Use for a Human Services Campus on Lot 7, NCB 10241, located at 3310 East Commerce Street. Staff and Zoning Commission recommend Denial.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance

Date	Ver.	Action By	Action	Result
12/5/2019	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700255 CD

**SUMMARY:**

**Current Zoning:** "AE-3 HS EP-1 MLOD-3 MLR-2" Arts and Entertainment Historic Landmark Parking/Traffic Control Overlay Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

**Requested Base Zoning:** "C-2 CD HS EP-1 MLOD-3 MLR-2" Commercial Historic Landmark Parking/Traffic Control Overlay Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District with Conditional Use for a Human Services Campus

**BACKGROUND INFORMATION:**

**Case Manager:** Patricia Franco, Planner

**Property Owner:** Second Baptist Church, by Reverend Dr. Robert L. Jemerson

**Applicant:** Mark M. Contento for VisionQuest National, Ltd.

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

**Location:** 3310 East Commerce

**Legal Description:** Lot 7, NCB 10241

**Total Acreage:** 5.0980

**Notices Mailed**

**Owners of Property within 200 feet:** 32

**Registered Neighborhood Associations within 200 feet:** Coliseum/Willow Park Neighborhood Association and Jefferson Heights Neighborhood Association

**Applicable Agencies:** Fort Sam Houston, Martindale Army Airfield, Planning Department, Office of Historic Preservation

**Property Details**

**Property History:**

The property was annexed by the City of San Antonio on August 16, 1951 by Ordinance 15765 and was originally zoned “B” Residence District and converted to “R-4” Residential Single Family District on June 28, 1965 by Ordinance 33412. The subject property was rezoned by Ordinance 2008-12-04-1128, on December 4, 2008 from “R-4” Residential Single-Family District to the current “AE-3” Arts and Entertainment 3 District. The Martindale Army Airfield Military Lighting Overlay was established by Ordinance 2018-12-06-0978, dated December 6, 2018. The property also has a “HS” zoning overlay indicating that the property is a designated local historic landmark. Available records do not indicate when the designation occurred, but the overlay type suggests it was likely prior to 2011.

**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:** “AE-4” and “LS”

**Current Land Uses:** Coca-Cola Bottling Shipping and Receiving Center, Live Work Units

**Direction:** South

**Current Base Zoning:** “R-4”

**Current Land Uses:** Single Family Dwellings

**Direction:** East

**Current Base Zoning:** “AE-3”

**Current Land Uses:** Library

**Direction:** West

**Current Base Zoning:** “AE-3”

**Current Land Uses:** Apartments

**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.

**"HS"**

A number of surrounding properties carry the "HS" Historic Significant landmark designation, signifying the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

**"EP"**

The Facility Parking/Traffic Control District establishes regulations for parking and traffic around large facilities that attract large amounts of vehicle traffic. The overlay district is meant to regulate parking of vehicles in areas not properly zoned for commercial parking; to reduce aesthetic and traffic problems for persons and businesses in these areas; to reduce visual blight, congestion, and wear and tear on city streets; and to increase access for emergency vehicles in these areas.

**Transportation**

**Thoroughfare:** East Commerce

**Existing Character:** Principal

**Proposed Changes:** Primary Arterial B

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

**Routes Served:** 25, 225

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required.

**Parking Information:** The parking requirements for a Human Service Campus are typically determined by the uses and size of each building. As shown on the site plan, the applicant proposes approximately 165 parking spaces.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The AE-3 district accommodates arts and entertainment venues and supporting uses in a town center pattern. This district supports infill development and the redevelopment of larger parcels with frontage along existing arterials. This district is appropriate where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. This district is designed to bring residential, commercial and office development within a town center located immediately adjacent to an existing large entertainment venue with a regional draw. The town center should offer event goers dining and shopping opportunities in a pedestrian-oriented town center accessible via a short walk or ride on a trolley or other form of public transit from the entertainment venue main parking areas. A healthy mix of residential, commercial and office space will ensure this town center continues to function even on nights when there are no events at the large entertainment venue.

**Proposed:** The proposed base zoning district of "C-2" Commercial District accommodates community

commercial uses, with unlimited building size. 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, dry cleaning, and pawn shop. No outdoor storage or display of goods shall be permitted except for outdoor dining. The requested Conditional Use maintains the base zoning district of “C-2” and also allows consideration of a Human Services Campus.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is located within a ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-3) recommend Denial.

**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 Arena District/Eastside Community 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 future land use designation.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request due to the intensity of the commercial use adjacent to a residential neighborhood without appropriate buffers.

**3. Suitability as Presently Zoned:**

The current “AE-3” Arts and Entertainment District is an appropriate zoning for the property and surrounding area. The proposed base zoning district of “C-2” is also appropriate for the surrounding area. The proposed Conditional Use for a Human Services Campus is more appropriate away from residential dwellings rather than adjacent to an established neighborhood.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare due to the intensity of the commercial use adjacent to a residential subdivision without appropriate buffers.

**5. Public Policy:**

The subject property is located within the Arena District/Eastside Community Plan and is currently designated as “Mixed Use” in the land use component of the plan. In accordance with the Arena District/ Eastside Community Plan, commercial/retail nodes should be developed adjacent and convenient to residential neighborhoods.

**6. Size of Tract:**

The subject property is 5.0980 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, JBSA was notified of the proposed request.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

Applicant is requesting “C-2 CD” Commercial District with a Conditional Use for a Human Services Campus to operate temporary housing, healthcare and educational services to children.