



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-1007

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 1/16/2020

**Title:** ZONING CASE Z-2019-10700272 CD (Council District 3): Ordinance amending the Zoning District Boundary from "C-2NA" Commercial Nonalcoholic Sales District to "C-2NA CD" Commercial Nonalcoholic Sales District with Conditional Use for a Construction Contractor Facility on Lot 2, Block 11, NCB 10876, generally located southwest of Southeast Military Drive and Emory Oak Drive. Staff and Zoning Commission recommend Approval, with Conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location map, 2. Site Plan, 3. Zoning Minutes, 4. Ordinance 2020-01-16-0030

Date	Ver.	Action By	Action	Result
1/16/2020	1	City Council A Session	approved	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**

Zoning Case Z-2019-10700272 CD

**SUMMARY:**

**Current Zoning:** "C-2NA" Commercial Nonalcoholic Sales District

**Requested Zoning:** "C-2NA CD" Commercial Nonalcoholic Sales District with Conditional Use for a Construction Contractor Facility

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 19, 2019

**Case Manager:** Patricia Franco, Planner

**Property Owner:** AAMIL Plaza LLC

**Applicant:** AAMIL Plaza LLC

**Representative:** Patrick Christensen

**Location:** Generally located southwest of Southeast Military Drive and Emory Oak Drive

**Legal Description:** Lot 2, Block 11, NCB 10876

**Total Acreage:** 5.73

**Notices Mailed**

**Owners of Property within 200 feet:** 33

**Registered Neighborhood Associations within 200 feet:** Southeast Side Neighborhood Association

**Applicable Agencies:** Texas Department of Transportation

**Property Details**

**Property History:** The subject property was annexed by Ordinance 18115 on September 25, 1952 and originally zoned “B” Residence District. The subject property was rezoned to “C-2 NA” Commercial Non-Alcoholic District by Ordinance 95035 on December 13, 2011.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “R-4”

**Current Land Uses:** Single family residences

**Direction:** East

**Current Base Zoning:** “C-2”

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** “R-4”

**Current Land Uses:** Single family residences

**Direction:** West

**Current Base Zoning:** “R-4”

**Current Land Uses:** Highland Forest Elementary

**Overlay and Special District Information:**

N/A

**Transportation**

**Thoroughfare:** South East Military Drive

**Existing Character:** Principal

**Proposed Changes:** Primary Arterial A

**Public Transit:** VIA bus routes are within walking distance of the subject property.  
Routes Served: 552

**Traffic Impact:** A Traffic Impact Analysis (TIA) cannot be determined at this time.

**Parking Information:** The minimum parking requirement for a Contractor Facility is 1 per 1,500 sf of GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “C-2”. These districts accommodate 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.

**Proposed:** The proposed “C-2 CD” Commercial District allows the above noted uses in addition to a Conditional Use for a Construction Contractor Facility.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend Approval, with Conditions.

**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 Brooks Area Regional Center and is currently designated as “Urban 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 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. The requested “C-2” maintains the base zoning district and removes the existing “NA” Nonalcoholic Sales designation.

**3. Suitability as Presently Zoned:**

The existing “C-2” Commercial base zoning is an appropriate zoning district for the surrounding area. The added Conditional Use allows for consideration of conditioning down of a “C-3” use to a “C-2” district. It also allows, where appropriate, for conditions such as buffering, fencing, hours of operation and restricted temporary signage.

**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

Brooks Area Regional Center:

**Economic Development Recommendations:** Economic Development Recommendation #2: Diversify employers and job opportunities in the Brooks Area Regional Center.

**6. Size of Tract:**

The subject property is approximately 5.73 acres, which would adequately support the requested commercial use.

**7. Other Factors:**

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.

The applicant is seeking to develop a currently vacant lot for the use of a construction contractor facility.

If approved by City Council, the Zoning Commission recommends the following conditions:

- 1) Solid screened fencing facing southwest of the property.
- 2) No free-standing pole signage,
- 3) No LED or flashing signage.
- 4) No temporary signage, banners, pennants, promotional flags/flyers.
- 5) Downward facing lighting.
- 6) No amplified outside sound or speakers.
- 7) Hours of operation are limited to 7:00a.m. to 10p.m. weekdays and weekends. No 24-hour operations permitted.