



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-5132

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 9/1/2020

**Title:** (Continued from 08/18/2020) ZONING CASE Z-2020-10700142 (Council District 3): A request for a change in zoning from "R-5 MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District and "R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District to "C-1 MLOD-3 MLR-1" Light Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District and "C-1 MLOD-3 MLR-2" Light Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District on Lot P-10 and Lot P-11, NCB 10777, located at 4635 Sinclair Road. Staff recommends Denial.(Associated Plan Amendment Case PA2020-11600033) (Lorianne Thennes, Planner 210-207-7945, lorianne.thennes@sanantonio.gov; Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 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 Z2020-10700142  
(Associated Plan Amendment Case PA2020-11600033)

### SUMMARY:

**Current Zoning:** "R-5 MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District and "R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

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

### BACKGROUND INFORMATION:

**Zoning Commission Hearing Date:** September 1, 2020. This case is continued from the August 18, 2020 zoning hearing.

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Jaime Rios

**Applicant:** Nicholas Harris

**Representative:** Nicholas Harris

**Location:** 4619 Sinclair Road

**Legal Description:** Lot P-10 and P-11, NCB 10777

**Total Acreage:** 5.942 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 23

**Registered Neighborhood Associations within 200 feet:** Jupe Manor Neighborhood Association, Lower Southeast Side Neighborhood Association

**Applicable Agencies:** Martindale Army Airfield, Planning Department

**Property Details**

**Property History:** The subject property was annexed into the city by Ordinance 25568, dated September 19, 1957 and was originally zoned "A" Single-Family Residential District. The previous "A" district converted to the current "R-5" Residential Single-Family District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 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:** "NP-15"

**Current Land Uses:** Single-family dwellings

**Direction:** East

**Current Base Zoning:** "R-5"

**Current Land Uses:** Vacant

**Direction:** South

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

**Current Land Uses:** Mortuary, Industrial businesses

**Direction:** West

**Current Base Zoning:** "R-5," "C-1" and "C-3"

**Current Land Uses:** Church, boat business

**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.

### **Transportation**

**Thoroughfare:** Sinclair Road

**Existing Character:** Collector

**Proposed Changes:** None

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

**Routes:** 28, 230, 552

**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 minimum parking requirement for most light commercial and retail uses is one space per 300 square feet of gross floor area.

**ISSUE:** None.

### **ALTERNATIVES:**

**Current:** The current "R-5" Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. This district is 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.

**Proposed:** The proposed "C-1" Light Commercial District permits 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. "C-1" districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an "NC" district. "C-1" uses are considered appropriate buffers between residential uses and "C-2" and "C-3" districts and uses.

**FISCAL IMPACT:** None.

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

The property is not within a regional center but is within a premium transit corridor.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 Eastern Triangle Community Plan and is currently designated as "Low Density Residential." The requested "C-1" is not consistent with the future land use designation. The applicant is seeking a plan amendment to "Neighborhood Commercial." Staff recommends Denial. Planning

Commission recommends Approval.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The location of this property is mid-block and zoning and land uses in the area along the same block are residential.

**3. Suitability as Presently Zoned:**

The current "R-5" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "C-1" Light Commercial District would allow for commercial encroachment into a single-family residential area.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The proposed rezoning appears to conflict with the following goals, principles, and objectives of the Eastern Triangle Community Plan:

Goal 12: Quality housing

Goal 13: Well maintained neighborhoods and housing stock

Goal 16: Housing with access to transit and public amenities

**6. Size of Tract:**

The subject property is 5.942 acres, which could reasonably accommodate retail shops.

**7. Other Factors:**

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