



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2857

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 4/15/2021

**Title:** ZONING CASE Z-2020-10700305 CD (Council District 2): Ordinance amending the Zoning District Boundary from "C-3 MLOD-3 MLR-1" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District to "C-3 CD MLOD-3 MLR-1" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District with Conditional Use for a Construction Trades Contractor with Outside Storage on Lot 36 and Lot 39, NCB 10613, located at 146 North WW White Road. Staff recommends Denial. Zoning Commission recommends Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2021-04-15-0254

Date	Ver.	Action By	Action	Result
4/15/2021	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2020-10700305

**SUMMARY:**

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

**Requested Zoning:** "C-3 CD MLOD-3 MLR-1" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District with Conditional Use for Construction Trades Contractor with Outside Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 16, 2021

**Case Manager:** Michael Pepe, Planner

**Property Owner:** Estate of Frank Silva

**Applicant:** Estate of Frank Silva

**Representative:** Estate of Frank Silva

**Location:** 146 North WW White Road

**Legal Description:** Lot 36 and Lot 39, NCB 10613

**Total Acreage:** 0.4467

**Notices Mailed**

**Owners of Property within 200 feet:** 12

**Registered Neighborhood Associations within 200 feet:** None

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

**Property Details**

**Property History:** The western portion of the property was annexed September 25, 1952 by Ordinance 18115 as "Temporary A" Residence District. The proposed was then rezoned by Ordinance 49395 to "B-3" Business District on May 18, 1978. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" converted to "C-3" General Commercial 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-3"

**Current Land Uses:** Truck Parking

**Direction:** East

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

**Current Land Uses:** Residential

**Direction:** South

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

**Current Land Uses:** Hotel

**Direction:** West

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

**Current Land Uses:** Restaurant, Hotel

**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:** N WW White

**Existing Character:** Primary Arterial

**Proposed Changes:** None

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

**Routes Served:** 24, 552

**Traffic Impact:** A Traffic Impact Analysis (TIA) is cannot be determined at this time, without a proposed use by the applicant.

**Parking Information:** There is no proposed use, so a parking minimum cannot be given.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** “C-3” 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, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**Proposed:** “C-3” 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, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

The “CD” Conditional Use will allow a Construction Trades Contractor with Outside Storage.

**FISCAL IMPACT:**

None.

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

The property is not located within a Regional Center but it is within a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (10-0) 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 Arena District / Eastside Community Plan and is currently designated as “Regional Commercial” in the future land use component of the plan. The requested “C-3” base zoning district is consistent with the future land use designation.

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

Staff finds evidence of likely adverse impacts due to the propose zoning change. The applicant started with a request for “I-2” Heavy Industrial which would allow the most intense industrial uses in an area of primarily commercial and residential uses. The applicant amended to “C-3 CD” General Commercial with a Conditional Use for Construction Trades Contractor with Outside Storage. This use is still not appropriate directly abutting residential property.

**3. Suitability as Presently Zoned:**

The current “C-3” General Commercial is appropriate at a commercial node and is part of an established pattern for the intersection. The existing zoning is sufficient intensity for the area and if the property is rezoned to “C-3 CD” General Commercial District, although the base district is maintained, the intensity is increased by allowing Conditional Use for Construction Trades Contractor with Outside Storage.

**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 Arena District / Eastside Community Plan:

Land Use Guiding Principles:

2.2 Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment

2.3 Create attractive streets

2.5 Respect existing natural systems and maximize their benefit to the plan

**6. Size of Tract:**

The subject property is 0.4467 acres, which accommodates the currently commercial use but not more intense light industrial zoning.

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