



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2872

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 4/20/2021

**Title:** ZONING CASE Z-2021-10700051 S (Council District 2): A request for a change in zoning from "C-2 MLOD-3 MLR-1" Commercial Martindale Military Lighting Overlay Military Lighting Region 1 District to "C-2 S MLOD-3 MLR-1" Commercial Martindale Military Lighting Overlay Military Lighting Region 1 District with Specific Use Authorization for a Hospital with a Behavioral Care Unit on 1.508 acres out of NCB 10754, located at 819 Rice Road. Staff recommends Approval, pending Plan Amendment. (Associated Plan Amendment PA-2021-11600014) (Azadeh Sagheb, Planner, (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2021-10700051 S  
(Associated Plan Amendment PA-2021-11600014)

**SUMMARY:**

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

**Requested Zoning:** "C-2 S MLOD-3 MLR-1" Commercial Martindale Military Lighting Overlay Military Lighting Region 1 District with Specific Use Authorization for a Hospital with a Behavioral Care Unit

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 20, 2021.

Case Manager: Azadeh Sagheb, Planner

Property Owner: Sterling Acquisition Corp c/o Omega Healthcare Investors, Inc.

Applicant: Bruce Jackson

Representative: Bruce Jackson

Location: 819 Rice Road

Legal Description: 1.508 Acres out of NCB 10754

Total Acreage: 1.508

### **Notices Mailed**

**Owners of Property within 200 feet:** 17

**Registered Neighborhood Associations:** Dellcrest Area Neighborhood Association

**Registered Neighborhood Associations within 200 feet:** Hein Orchard Neighborhood Association

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

### **Property Details**

**Property History:** The subject property was annexed on September 25, 1952 by Ordinance 18115 and was originally zoned "A" Single-Family Residence District. The property rezoned to "B-2" Business District by Ordinance 33824, dated November 04, 1965. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" converted to the current "C-2" 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:** "R-5", "C-2"

**Current Land Uses:** Single-Family Use, Multiple Commercial Uses like Hair Salon, Professional Office & Retail

**Direction:** East

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

**Current Land Uses:** Nursing Home (300 bed)

**Direction:** South

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

**Current Land Uses:** San Antonio Fire Department & Parking Lot

**Direction:** West

**Current Base Zoning:** "UZROW", "C-2", "C-3"

**Current Land Uses:** Primary Arterial Road, Multiple Commercial Uses like Food Establishment, Small Retail, Laundry & Pawn Shop.

### **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:** S WW White

**Existing Character:** Primary Arterial A

**Proposed Changes:** None

**Thoroughfare:** Rice Road

**Existing Character:** Collector

**Proposed Changes:** None

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

**Routes Served:** 28, 552, 26, and 225.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. ROW dedication and improvement may be required along Rice Road.

**Parking Information:** The parking minimum for medical-hospital or sanitarium is one (1) space per 400 sf GFA.

### **ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** “C-2” Commercial districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. 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 and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**Proposed:** “C-2” Commercial districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. 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 and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The ”S” Specific Use Authorization will allow all “C-2” uses in addition to a Hospital with a Behavioral Care Unit.

### **FISCAL IMPACT:**

None.

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

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

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment.

**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 “Medium Density Residential.” The requested “C-2” base zoning district is not consistent with the future land use designation. The applicant submitted a Plan Amendment to “High Density Mixed Use.” Staff and Planning Commission recommend Approval.

**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. The existing “C-2” Commercial District is consistent with neighboring properties and it is appropriate for the corner of South WW White and Rice Road. The base district will remain “C-2” Commercial District. The “S” Specific Use Authorization allows consideration of a Hospital with a Behavioral Care Unit.

**3. Suitability as Presently Zoned:**

The current “C-2” Commercial District is appropriate for the property and surrounding area. The requested “C-2 S” base zoning district with Specific Use Authorization for a Hospital with a Behavioral Care Unit is consistent and compatible with existing and surrounding zoning and uses.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare. The proposed development would allow enhancing the availability of and access to diverse healthcare services in this area.

**5. Public Policy:**

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Eastern Triangle Community Plan:

Goals:

Overall Goal: Provide a myriad of health care options to the residents of the Eastern Triangle through education, preventative healthcare services, and healthcare offices, clinics and medical complexes.

Goal 23: Basic healthcare needs

Goal 24: Health and wellness education

Goal 25: Youth healthcare

**6. Size of Tract:**

The subject property is 1.508 acres, which could reasonably accommodate commercial uses and a Hospital with a Behavioral Care Unit.

**7. Other Factors:**

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but with may, under the right set of circumstances and conditions be acceptable in certain specific locations.

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 JB SA were notified of the proposed request. The Military has indicated that there are no objections to this request.

The subject property is a west portion of an approximately six acres site that is currently a nursing home. As the Behavioral Care Unit falls under the state's hospital licensing regulations, the requested change of zoning is necessary to provide special behavioral services besides the nursing home services.