



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6029

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**Agenda Item Number:** Z-11.

**Agenda Date:** 12/6/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**

Zoning Case Z2018314 S

(Associated Plan Amendment 18100)

**SUMMARY:**

**Current Zoning:** "C-3NA MLOD-2 MLR-2 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "C-3NA S MLOD-2 MLR-2 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Specific Use Authorization to allow for a Specified Financial Institution

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 16, 2018. This case is continued from the October 2, 2018 hearing.

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Veritas Properties, LP

**Applicant:** Vin Title LLC

**Representative:** Henry De La Paz

**Location:** 930 Southwest Military Drive

**Legal Description:** 0.0263 acres out of NCB 9314

**Total Acreage:** 0.0263

## **Notices Mailed**

**Owners of Property within 200 feet:** 11

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

**Applicable Agencies:** Lackland Air Force Base

## **Property Details**

**Property History:** The property was annexed into the City of San Antonio and zoned "F" Local Retail District by Ordinance 1391, dated September 23, 1944. The property was a part of a large-area rezoning was changed from "F" to "B-3NA" Business Nonalcoholic Sales District by Ordinance 66677, dated February 25, 1988. The property converted from "B-3NA" to the current "C-3NA" with the adoption of the 1965 Unified Development Code (UDC), established by Ordinance 33412, dated June 28, 1965.

**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-2"

**Current Land Uses:** Office, Retail Center

**Direction:** East

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

**Current Land Uses:** CentroMed/Wic Center

**Direction:** South

**Current Base Zoning:** "RM-4 CD", "R-4 CD S", "R-4 CD"

**Current Land Uses:** Parking Lot, Single-Family Residence, Vacant Lot

**Direction:** West

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

**Current Land Uses:** Retail Store

## **Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

"MLOD-2 MLR-2"

All surrounding properties carry the "MLOD-2 MLR-2" Lackland Military Lighting Overlay Military Lighting Region 2 District, due to their proximity to Lackland Air Force Base. The "MLOD-2 MLR-2" 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:** Southwest Military Highway

**Existing Character:** Primary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Clamp Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** VIA bus route 44 and 550 are within walking distance of the subject property.

**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 required is 1 parking space per 1,000 square feet of the gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of “C-3NA” General Commercial Nonalcoholic Sales District which provides 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 sale of alcoholic beverages is prohibited.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (7-4) 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 West/Southwest Sector Plan and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “C-3NA” base zoning district is not consistent with the future land use designation. The applicant is requesting a land use amendment from “General Urban Tier” to “Regional Center” to accommodate the proposed rezoning. Staff recommends Denial of the Plan Amendment. The Planning Commission motion failed (4-1), and for lack of another motion the item is continued to the October 24, 2018 hearing.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Southwest Military Drive appears to be oversaturated (please refer to ‘Other Factors’ for a definition of saturation) with Specified Financial Institutions (Pay-Day Loans, Title Loans, etc.). There are currently nine active licenses for Credit Access Businesses within a 1.1 mile radius of the subject property according to the Texas Office of Consumer Credit Commissioner

### **3. Suitability as Presently Zoned:**

The current “C-3NA” base zoning districts is an appropriate base zoning for the property or the surrounding area. The property is located along Southwest Military Drive, a primary arterial.

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

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

### **5. Public Policy:**

The proposed rezoning to “C-3NA S” is requested in order open a Specified Financial Institution, also known as a Credit Access Business. The proposed rezoning is not in agreement with the goals and objectives of the West/Southwest Sector Plan and the current development of the area. The West/Southwest Sector Plan encourages commercial nodes to contain strong, vibrant business activities with a mix of uses and employment opportunities. According to the Texas Office of Consumer Credit Commissioner, there are nine active licenses for Credit Access Businesses within a 1.1 mile radius of the subject property. The area appears to be saturated with Credit Access Businesses. The introduction of another Credit Access Business could have an adverse impact the neighboring lands.

### **6. Size of Tract:**

The subject property is 0.027 of an acre, which would accommodate the proposed use.

### **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 Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request.

The Unified Development Code was updated (Ordinance 2010-11-18-0985, dated November 18, 2010) to delineate the difference between a Loan Office and a Specified Financial Institution. The Specified Financial Institution requires a Specific Use Authorization in “C-1”, “C-2” and “C-3” base zoning districts.

Merriam Webster Definition of Saturation: to a very full extent, especially beyond the point regarded as necessary or desirable.

A “Specified Financial Institution” is defined as:

Any business whose primary function is to lend money on a temporary basis, wherein such loans are secured by a post-dated check, paycheck, anticipated tax refund, vehicle title or tax-liened property; or to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds on a deferred-deposit basis. A specified financial institution may offer walk-in service or may serve clients via internet or telephone. The term "specified financial institution" includes without limitation the following uses: check cashing facilities as well as agencies that provide pay-day loans, vehicle title loans, refund anticipation loans or tax-lien loans. This term shall not include financial institutions regulated by the Texas Department of Banking,

the Texas Credit Union Department or National Credit Union Association. Further this term shall not include either:

- 1) A retail establishment engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks, issue money orders or money transfers for a minimal flat fee as a service that is incidental to its main purpose as a retail business, or
- 2) A professional office primarily engaged in tax preparation services that provide refund anticipation checks for a minimal flat fee incidental to its main purpose as a tax preparer.