



# City of San Antonio

## Agenda Memorandum

**File Number:**19-4317

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**Agenda Item Number:** Z-7.

**Agenda Date:** 6/6/2019

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700068 CD

(Associated Plan Amendment Case PA-2019-11600019)

**SUMMARY:**

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

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

**BACKGROUND INFORMATION:**

**Planning Commission Hearing Date:** May 8, 2019

**Case Manager:** Patricia Franco, Planner

**Property Owner:** Los Filtros, LLC

**Applicant:** Hunter Shadburne, PE

**Representative:** Gracie Luna Ward

**Location:** 222, 230 and 310 Creswell Drive

**Legal Description:** Lots 35, 36 and 23, NCB 12883

**Total Acreage:** 1.936

**Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Martindale Army Air Field

### **Property Details**

**Property History:** The properties were annexed by the City of San Antonio on 9/19/1957 by ordinance 25568 and were originally zoned "A" Single Family District. They converted to "R-5" Single Family Residence with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

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

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "MH"

**Current Land Uses:** Single-Family Residences

**Direction:** East

**Current Base Zoning:** TxDOT ROW

**Current Land Uses:** Loop 410 SE

**Direction:** South

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

**Current Land Uses:** Single-Family Residences

**Direction:** West

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

**Current Land Uses:** Single-Family Residences

### **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:** Creswell Drive

**Existing Character:** Local

**Proposed Changes:** None Known

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

Routes Served: 25

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

**Parking Information:** Minimum parking space requirements for Commercial is 1 per 300 sf of GFA

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of “R-5”. Low-Density Residential uses include single-family houses on individual lots. The “R-5” Residential Single-Family District allows for a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, nursery (1-acre minimum), public and private schools.

#### **FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center, nor is it within a ½ a mile of a Premium Transit Corridor.

#### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-0 with 1 abstained vote) recommend Approval with Conditions, pending the 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 Plan and is currently designated as “High Density Residential” in the future land use component of the plan. The requested “C-2” base zoning district is not consistent with the future land use designation. The applicant requested a Plan Amendment to “Community Commercial” land use. Staff and the Planning Commission recommended Approval of the Plan Amendment.

##### **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 of the surrounding area.

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

The existing “R-5” Single-Family Residential base zoning is an appropriate zoning district is appropriate for the surrounding area. The proposed “C-2” is suitable to the area and provides the opportunity for retail goods and services.

##### **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 Eastern Triangle Plan:

##### **Goal 7: Create a community wide economic development plan**

Objective 7.2: Attract new businesses to the Eastern Triangle

##### **Goal 9: Promote diversification of businesses and services**

Objective 9.1.1. Attract local and national businesses that reach a larger community

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

The subject property is 1.936 acres, which would adequately support 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.

If recommended for Approval by the Zoning Commission, staff recommends the following conditions:

- 1) No access to the business from Creswell Drive.
- 2) A 15-foot landscape buffer between the rear property line and Creswell Drive right-of-way.
- 3) A six (6) foot solid screen fence to the rear of the property along Creswell and abutting residential zoning and/or uses.

The subject property is located within the Martindale Army Air Field 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 noted no objections, but future development must comply with MLOD regulations.

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.