



# City of San Antonio

## Agenda Memorandum

**File Number:**19-8789

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**Agenda Item Number:** 2.

**Agenda Date:** 12/3/2019

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 10

**SUBJECT:**

Zoning Case Z-2019-10700307 CD S ERZD

**SUMMARY:**

**Current Zoning:** "C-2 ERZD" Commercial Edwards Recharge Zone District

**Requested Zoning:** "C-2 CD S ERZD" Commercial Edwards Recharge Zone District with Conditional Use and Specific Use Authorization for Outside Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 3, 2019

**Case Manager:** Patricia Franco, Planner

**Property Owner:** JABLVB, LLC, c/o John Bellinger

**Applicant:** City of San Antonio

**Representative:** Brown & Ortiz, P.C. c/o Daniel Ortiz

**Location:** 17115 Redland Road

**Legal Description:** 3.439 acres out of NCB 17338

**Total Acreage:** 3.439

**Notices Mailed**

**Owners of Property within 200 feet:** 7

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

**Applicable Agencies:** San Antonio Water Systems.

### **Property Details**

**Property History:** The subject property was annexed by Ordinance 41429 on December 26, 1972 and zoned Temporary "R-1" One Family District. The zoning changed to "B-2" Business District on October 30, 1984 by Ordinance 59683. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B-2" Business District converted to the current "C-2" Commercial District.

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

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

**Direction:** North

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

**Current Land Uses:** Vacant lot

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Redland Oaks Community Church

**Direction:** South

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

**Current Land Uses:** Vacant lot

**Direction:** West

**Current Base Zoning:** "R-6"

**Current Land Uses:** Vacant lot

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

"ERZD"

All surrounding properties carry the "ERZD" Edwards Recharge Zone District. The "ERZD" does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the "ERZD".

### **Transportation**

**Thoroughfare:** Redland Road

**Existing Character:** Collector

**Proposed Changes:** Secondary Arterial A

**Public Transit:** VIA bus routes are not within walking distance of the subject property.

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

**Parking Information:** The minimum parking requirement for Outside Storage is 1 per 600 sf of GFA.

**ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** Denial of the requested zoning change would result in the subject property retaining the present

zoning district designation of “C-2”. These districts accommodate community commercial uses, with unlimited building size. 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, dry cleaning, and pawn shop. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**Proposed:** The proposed “C-2 CD” Commercial District allows the above noted uses in addition to a Conditional Use for Outside Storage.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Transit Center or located within a half mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff 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 North Sector Plan and is currently designated as “Suburban Tier” in the future land use component of the plan. The requested “C-2” base zoning district is consistent with the future land use designation.

**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. The requested “C-2” maintains the base zoning district.

**3. Suitability as Presently Zoned:**

The existing “C-2” Commercial base zoning is an appropriate zoning district for the surrounding area. The added Conditional Use allows for consideration of conditioning down of a “C-3” use to a “C-2” district. It also allows, where appropriate, for conditions such as: buffering, fencing, hours of operation and restricted temporary signage.

**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 Brooks Area Regional Center:

**Economic Development Recommendations:** Economic Development Recommendation #2: Diversify employers and job opportunities in the Brooks Area Regional Center.

**6. Size of Tract:**

The subject property is approximately 5.73 acres, which would adequately support the requested 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.

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 Specific Use Authorization in this case is a requirement of the Code for properties within the Edwards Recharge Zone District, which allows San Antonio Water System (SAWS) to examine the proposed use of the property and its conformity with SAWS requirements.

This case is city initiated as per the Resolution approved on November 7, 2019. The proposed change in Zoning from “C-2 ERZD” to “C-2 CD S ERZD” is to allow for Outside Storage of Decorative Pots (varied shapes and sizes) on the Subject Property, which is a total of 3.349 acres. The abutting property north of the subject property was previously rezoned to “C-2 CD S ERZD” Commercial Edwards Aquifer Recharge Zone District with a Conditional Use and Specific Use Authorization for Outside Storage on 3.347 out of NCB 17338 by Ordinance 2019-02-21-0168, dated February 21, 2019. The proposed rezoning request is a City initiated request for a different location on the property than what was rezoned in order to move the location away from the corridor.

City Staff sent the city initiated case to SAWS however, the report will not be ready for consideration on December 3. As such, a continuance is required until December 17.