City of San Antonio

Agenda Memorandum

File Number:21-3149

Agenda Item Number: 2.

Agenda Date: 5/4/2021

In Control: Zoning Commission

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 2

SUBJECT:
Zoning Case Z-2021-10700017

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

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

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: May 4, 2021. This case is continued from the April 6, 2021 hearing.

Case Manager: Justin Malone, Planner

Property Owner: Semlinger Properties, LLC

Applicant: Ricardo Pena

Representative: Ricardo Pena

Location: 1803 Semlinger Road

Legal Description: 2.44 acres out of NCB 12887

Total Acreage: 2.44

Notices Mailed
Owners of Property within 200 feet: 21
Registered Neighborhood Associations within 200 feet: Dellcrest Neighborhood Association

Applicable Agencies: Martindale Army Airfield, Texas Department of Transportation

Property Details

Property History: The property was annexed by Ordinance 25568 on September 18, 1957 and was originally zoned "R-1" Temporary Single-Family Residence District. The property was rezoned from "R-1" Temporary Single-Family Residence District to "B-3NA" Business Nonalcoholic Sales District by Ordinance 70,570, dated November 9, 1989. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3NA" Business Nonalcoholic Sales District converted to "C-3NA" General Commercial Nonalcoholic Sales 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"
Current Land Uses: Single Family Residential

Direction: East
Current Base Zoning: UZROW
Current Land Uses: SE Loop 410

Direction: South
Current Base Zoning: "C-2CD" Conditional Use for Motor Vehicle Sales
Current Land Uses: Vacant Land

Direction: West
Current Base Zoning: "R-5"
Current Land Uses: Single Family Residential

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: Semlinger Road
Existing Character: Local
Proposed Changes: None Known

Thoroughfare: Highway Loop 410
Existing Character: Highway
Proposed Changes: None Known

Public Transit: There are no VIA bus routes near the subject property.
Routes Served: None
Traffic Impact: A Traffic Impact Analysis is required.

Parking Information: The parking minimum requirement for a gasoline filling station is 1 space per 500 square feet GFA including service bays, wash tunnels, and retail areas

ISSUE:
None.

ALTERNATIVES:
Current: The "C-3NA" 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 uses include: amusement/theme parks, movie theaters, auto repair, auto sales, hotels, and home improvement centers. Outdoor operations and display shall be permitted in areas which are screed as provided in Section 35-510 of the Unified Development Code.

The current zoning district designation of "C-3NA" is identical to "C-3" districts, except that the sale of alcoholic beverages is prohibited.

Proposed: The proposed zoning district designation of "C-2" accommodates 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.

FISCAL IMPACT:
None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:
The property is not within a Regional Center or within 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 Eastern Triangle Community Plan and is currently designated as "Community Commercial" in the land use component of the plan. The requested "C-2" base zoning district is consistent with the adopted 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 of the properties to the south zoned "C-2" and "C-3".

3. Suitability as Presently Zoned:
The existing "C-3NA" base zoning district is appropriate for the surrounding area. The proposed rezoning is a downzone and removes the "NA" Nonalcoholic Sales restriction. In general, "C-2" Commercial District zoning

is suitable along corridors and acts as an adequate buffer to existing and surrounding residential areas.

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 request does not appear to conflict with any public policy objective within the Eastern Triangle Community Plan:

Overall Goal: Economically viable community through a well-trained workforce and safe, attractive corridors

- 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: Increase range of family-oriented businesses and services within the Eastern Triangle

6. Size of Tract:
The 2.44-acre site is of sufficient size to accommodate the proposed commercial use.

7. Other Factors:
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 has indicated that there are no objections to this request.

This zoning request is to develop a gas station. By removing the Nonalcoholic zoning stipulation, the gas station would be able to sell alcohol.