



# City of San Antonio

## Agenda Memorandum

**File Number:**21-4560

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**Agenda Item Number:** 16.

**Agenda Date:** 7/6/2021

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 9

**SUBJECT:**

Zoning Case Z-2021-10700134

**SUMMARY:**

**Current Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District

**Requested Zoning:** "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 6, 2021

**Case Manager:** Lorianne Thennes, Senior Planner

**Property Owner:** Firstmark Credit Union

**Applicant:** Cedar Creek School by Ryan Holt

**Representative:** Killen, Griffin & Farrimond, PLLC

**Location:** 10730 Gulfdale Street

**Legal Description:** Lot 22, Block 1, NCB 14891

**Total Acreage:** 2.9350

**Notices Mailed**

**Owners of Property within 200 feet:** 18

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

**Applicable Agencies:** San Antonio Aviation Department

### **Property Details**

**Property History:** The property was zoned “B-3” Business District and “LL” Manufacturing District and converted to “I-1” Light Industry District under ordinance 42,448 dated July 5, 1973. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “I-1” Light Industry District converted to the current “I-1” General Industrial 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:** “I-1”

**Current Land Uses:** business park, aviation supply, trades contractors

**Direction:** South

**Current Base Zoning:** “I-1”

**Current Land Uses:** business park, uniforms manufacturing

**Direction:** East

**Current Base Zoning:** “I-1”

**Current Land Uses:** industrial uses

**Direction:** West

**Current Base Zoning:** “I-1”

**Current Land Uses:** medical clinic/laboratory

### **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.

### **Transportation**

**Thoroughfare:** Gulfdale Street

**Existing Character:** Local

**Proposed Changes:** None

**Public Transit:** There are no VIA bus routes are within walking distance of the subject property.

**Routes Served:** Not applicable.

**Traffic Impact:** A Circulation Study is required. Right-of-Way dedication and improvement may be required along Gulfdale and Vandale.

**Parking Information:** The minimum parking requirement for a school is one (1) space per classroom.

**ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** The “I-1” General Industrial district accommodates areas of heavy and concentrated fabrication and

manufacturing and industrial uses which are suitable based on the character of adjacent development. Examples of permitted uses: auto & light truck auction, truck stop, abrasives manufacturing, food & drug manufacturing, sand & gravel storage & sales, outdoor flea market, manufactured homes/oversized vehicles sales, service and storage.

**Proposed:** The proposed “C-3NA” General Commercial Nonalcoholic Sales 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 permitted uses: 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 “NA” Nonalcoholic Sales prohibits on site sales of alcohol.

**FISCAL IMPACT:**

None.

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

The subject property is within a Regional Center but is not located 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 San Antonio International Airport Vicinity Land Use Plan and is currently designated as “Light Industrial” in the future land use component of the plan. The requested “C-3” General Commercial base zoning district is consistent with the future land use designation.

While the zoning classification is consistent with the land use, the proposed use as a school K-12, poses some concerns in terms of airport noise/decibels, fuel emission pollution and general safety of students in the path of airplane flights.

The use school is allowed in the “C-3” General Commercial District, but current land uses in the are more “Light Industrial” and “Industrial” in nature.

**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 proposed “C-3” General Commercial is compatible with the surrounding “I-1” General Industrial District.

**3. Suitability as Presently Zoned:**

The current “I-1” General Industrial District is appropriate zoning for the property and surrounding area. The proposed “C-3NA” constitutes a downzoning. When reviewing the proposed rezoning of a property, consideration should be given to all uses allowed within the zoning district and not just the one use proposed for development.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare of the proposed “C-3NA” General Commercial zoning.

However, there are concerns with the proposed use of a school with students in terms of airport noise/decibels, airplane traffic, and fuel emissions.

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

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the San Antonio International Airport Vicinity Land Use Plan.

#### **Comprehensive Rezoning/Incentive Zoning District Goals**

- As uses relocate, vacant industrial buildings can be converted for less intense commercial uses.

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

The subject property is 2.9350, which could reasonably accommodate commercial uses.

#### **7. Other Factors:**

The applicant intends to develop a Kindergarten through 12<sup>th</sup> grade school campus.

The City of San Antonio Aviation Department was notified of the proposed request. The Aviation Department indicated that they are concerned that the proposed school will be impacted by frequent aviation noise, dust, and emissions due to its close proximity to the Airport. Staff informed the applicant/representative the Aviation Department does not recommend the site for use of a school.

Aviation has indicated that if the proposed zoning amendment is granted by the City Council the site shall remain subject to all applicable restrictions of all current airport zoning ordinances including Section 35-331 Airport Hazard Overlay District (AHOD) of the Unified Development Code. The maximum height of any proposed structure, crane, tower (of any type), building and/or trees within this area may be limited in accordance with the provisions of applicable ordinances as well as building design being required to comply with all restrictions concerning lighting, mirrored reflections, electrical and /or radio interference.