



# City of San Antonio

## Agenda Memorandum

**File Number:**21-4564

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**Agenda Item Number:** 7.

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

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:**

Zoning Case Z-2021-10700115 CD

(Associated Plan Amendment PA-2021-11600033)

**SUMMARY:**

**Current Zoning:** "C-3NA H RIO-4 MC-1 AHOD" General Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay Roosevelt Metropolitan Corridor Airport Hazard Overlay District

**Requested Zoning:** "C-2NA CD H RIO-4 MC-1 AHOD" Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay Roosevelt Metropolitan Corridor Airport Hazard Overlay District with a Conditional Use for Construction Trades Contractors with Welding and Carpentry

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 6, 2021. This case is continued from the June 15, 2021 hearing.

**Case Manager:** Michael Pepe, Senior Planner

**Property Owner:** JB&S Investment Group LLC

**Applicant:** JB&S Investment Group LLC

**Representative:** James McKnight

**Location:** 541 Roosevelt Avenue

**Legal Description:** Lots 1, 2, 3, 4 & 10, Block 1, NCB 3120

**Total Acreage:** 0.7483

**Notices Mailed**

**Owners of Property within 200 feet:** 33

**Registered Neighborhood Associations within 200 feet:** Roosevelt Neighborhood Association, Office of Historic Preservation

**Applicable Agencies:** Planning Department

### **Property Details**

**Property History:** The property was part of the Original 36 square miles and zoned “J” Commercial District. The subject property was rezoned by Ordinance 61454, dated September 19, 1985, from “J” Commercial District to “B-2NA” Business Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3NA” converted to the current “C-2NA” Commercial Non-Alcoholic 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:** “IDZ” (Residential)

**Current Land Uses:** Under development

**Direction:** East

**Current Base Zoning:** “C-1” and “C-2”

**Current Land Uses:** Small retail

**Direction:** South

**Current Base Zoning:** “IDZ-1” (Residential)

**Current Land Uses:** Under development

**Direction:** West

**Current Base Zoning:** “R-6”

**Current Land Uses:** Single-Family

### **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.

**"MC-1"**

The “MC-1” Roosevelt Avenue Metropolitan Corridor provides site and building design standards for properties located along Roosevelt Avenue between St. Mary’s Street and Southeast Loop 410. Metropolitan Corridors follow arterial streets or expressways in developed portions of the city and shall be directed toward reduction of existing visual clutter, improved design features, and preservation of developed areas of the city. A zoning review is performed by the Zoning Section of the Development Services Department.

**"H"**The Mission Historic District is an overlay district. This district does not regulate use of the property but does enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

"RIO"

All surrounding properties carry the "RIO" River Overlay District, due to their proximity to the San Antonio River. The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

### **Transportation**

**Thoroughfare:** South Roosevelt

**Existing Character:** Primary Arterial B

**Proposed Changes:** None Known

### **Transportation**

**Thoroughfare:** Yellowstone

**Existing Character:** Local

**Proposed Changes:** None Known

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

Routes served: 32, 34, 36, 42, 232 and 242

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The proposed use does not surpass the minimum threshold.

**Parking Information:** The parking requirement for a Contractor Facility is 1 space per 1,500 square feet.

### **ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** C-3 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: 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. C-3 NA districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

**Proposed:** C-2 districts accommodate 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. C-2NA districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

The proposed "CD" Conditional Use would allow for a Construction Trades Contractor with Welding and Carpentry.

### **FISCAL IMPACT:**

None.

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

The property within the Downtown Regional Center and is within a premium transit corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

**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 Downtown Area Regional Center Plan and is currently designated as “Neighborhood Mixed-Use” in the land use component of the plan. The requested “C-2NA CD” base zoning district is not consistent with the adopted land use designation. The applicant has requested a Plan Amendment to “Urban Mixed Use”. Staff recommends Denial. Planning Commission recommendation is pending the July 14, 2021, hearing.

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

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed “CD” Conditional Use for a Construction Trades Contractor would allow for noise, pollution, and visual impacts in close proximity to homes.

**3. Suitability as Presently Zoned:**

The existing “C-3NA” base zoning district is not an appropriate for the surrounding area. The proposed “C-2NA CD” is also not an appropriate zoning for the property and surrounding area. Although a downzoning from “C-3” General Commercial to “C-2” Commercial, the “CD” Conditional Use would allow an “I-1” General Industrial use, which would be inappropriate surrounded by residential zoning and uses to the west.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare. There is potential for noise, pollution and heavy vehicle traffic.

**5. Public Policy:**

The request appears to conflict with any public policy objective of the Downtown Area Regional Center Plan, which encourages the following:

Goal 1: Preserve and Enhance Downtown’s Authenticity

- Grow and evolve in meaningful ways that encourage attachment between people and places;
- Respect historic and culturally significant places, including significant examples of more contemporary and modern architecture;
- Preserve and protect the World Heritage designated San Antonio Missions and other historical sites by ensuring compatible growth; and

Relevant Downtown Area Regional Center Plan Goals, Recommendations and Strategies include:

**6. Size of Tract:**

The 0.7483 acre site is not large enough to accommodate the proposed commercial uses and a construction contractor facility.

**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.

This property is located within the Mission Historic District. Any exterior modifications will require approval from the Office of Historic Preservation. Approval the zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made for any exterior modifications.

This property is located within the RIO-4 district. Any new construction will require approval from the Historic and Design Review Commission. Approval of a site plan or materials submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Historic and Design Review Commission for this project. Additionally, based on the submitted site plan, there are conflicts with the Historic Design Guidelines and the proposed project.