



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 5, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 6

**SUBJECT:**

ZONING CASE Z-2023-10700366 CD

**SUMMARY:**

**Current Zoning:** "C-2 MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District, "C-2NA MLOD-2 MLR-1 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District, and "C-2NA CD MLOD-2 MLR-1 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales

**Requested Zoning:** "C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Oversize Vehicle Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 5, 2024. This case was continued from August 6, 2024, August 20, 2024, September 17, 2024, and October 1, 2024.

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** Pierre Eibayeh

**Applicant:** Alejandro Ramiro Bravo

**Representative:** Alejandro Ramiro Bravo

**Location:** 555 Historic Old US Highway 90

**Legal Description:** Lot 160, NCB 8237

**Total Acreage:** 1.0060 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 37

**Registered Neighborhood Associations within 200 feet:** Los Jardines

**Applicable Agencies:** Lackland Air Force Base, Planning Department

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1449, dated October 11, 1944, and zoned “JJ” Commercial District. The property was rezoned by Ordinance 72510, dated October 18, 1990, to “B-3R” Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3R” Restrictive Business District converted to the “C-3R” General Commercial Restrictive Alcohol Sales District. The lower section of the property was rezoned by Ordinance 2011-05-05-0362, dated May 5, 2011, to “C-2NA” Commercial Nonalcoholic Sales District. The eastern portion of the property was rezoned by Ordinance 2012-06-21-0533, dated June 21, 2012, to the current “C-2NA CD” Commercial Nonalcoholic Sales District with a Conditional Use for Motor Vehicle Sales.

**Code & Permitting Details:**

Administrative Hearing - COD-ADH-REQ23-43903739 – November 2023

Administrative Hearing - COD-ADH-REQ23-43902229 – July 2023

Administrative Hearing - COD-ADH-REQ23-43902231 – July 2023

Zoning UDC Investigation - INV-ZCD-23-3140000561 – May 2023

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a floodplain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-5

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

**Direction:** East

**Current Base Zoning:** C-3NA S, C-2NA

**Current Land Uses:** Contracting Facility, Restaurant

**Direction:** South

**Current Base Zoning:** C-2NA, R-4

**Current Land Uses:** Community Center, Apartments

**Direction:** West

**Current Base Zoning:** R-6, C-2NA

**Current Land Uses:** Single-Family Dwellings, Restaurants

**Overlay District Information:**

The "MLOD-2" Lackland Military Lighting Overlay District 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.

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

None

**Transportation**

**Thoroughfare:** Historic Old US Highway 90

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None

**Thoroughfare:** Southwest 36<sup>th</sup> Street

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 76, 276,

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for "Manufactured Home/Oversize Vehicle Sales, Service or Storage" is 1 space per 500 square feet Gross Floor Area (GFA) of sales and service area. The maximum parking requirement is 1 space per 375 square feet Gross Floor Area (GFA) of sales and service area.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "C-2" Commercial District 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.

“C-2NA” Commercial Nonalcoholic Sales Districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

“C-2NA CD” Commercial Nonalcoholic Sales Districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

The "CD" Conditional Use is for Motor Vehicle Sales

Proposed Zoning: "C-2 CD" Commercial District 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.

The "CD" Conditional Use request is for Oversized Vehicle and Vehicle Storage

**FISCAL IMPACT:**

None

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

Subject property is not located within Regional Center but is within ½ a mile of the Commerce – Houston Metro Premium Plus Transit Corridor.

**RECOMMENDATION:**

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

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on approval criteria below.

1. **Consistency:** The subject property is located within the West/Southwest Sector Plan, adopted April 21, 2011, and is currently designated as "General Urban 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 does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of residential uses in the area.
3. **Suitability as Presently Zoned:** The portion of the subject property zoned “C-2” Commercial District, “C-2NA” Commercial Nonalcoholic Sales District, and “C-2NA CD” Commercial Nonalcoholic Sales District with a Conditional Use for Motor Vehicle Sales are appropriate for the surrounding area. Given the residential single-family abutting the property in the rear and side, the proposed "C-2 CD" Commercial District with a Conditional Use for Oversized Vehicle and Vehicle Storage is not appropriate. Common land use principles recommend that high density/intensity land uses are separated by lower intense uses to buffer and reduce the

impact on residential uses that are nearby. Oversized Vehicle use is permitted by right in “L” Light Industrial and “I-1” General Industrial Districts, which are typically removed from residential neighborhoods and commercial uses which accommodate high density of people and commerce.

4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does appear to conflict with any public policy objective. Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
  - H P30: Ensure infill development is compatible with existing neighborhoods.

Relevant Concepts, Goals, Objectives of the West/Southwest Sector Plan may include:

- Goal LU-1 Land use pattern emphasizes compatibility and appropriateness between uses and protects neighborhoods and businesses from incompatible land uses.
  - LU-1.1 Limit encroachment of commercial uses into established low-density residential areas.
6. **Size of Tract:** The 1.0060 acres site is of sufficient size to accommodate the proposed development.
  7. **Other Factors:** The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

This rezoning resulted from Code Violations for storing and parking vehicles in “C-2NA” District.

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 applicant is rezoning to develop Oversized Vehicle and Vehicle Storage.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.

The subject property abuts “R-5” zoning to the north and west. A Type B (15 foot) landscape buffer will be required to screen and separate the requested zoning district from the adjoining single-family residential zoning districts.