



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 1, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 4

**SUBJECT:**

ZONING CASE Z-2024-10700210 CD

**SUMMARY:**

**Current Zoning:** “NP-8 MLOD-2 MLR-2 AHOD” Neighborhood Preservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** “C-2 CD MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 1, 2024

**Case Manager:** Eradio Gomez, Zoning Senior Planner

**Property Owner:** Armando Castaneda

**Applicant:** Sara E Castaneda

**Representative:** Sara E Castaneda

**Location:** 13687 Somerset Road

**Legal Description:** southwest 100 feet of Lot 9 and the northeast 22 feet of Lot 10, NCB 4300B

**Total Acreage:** 0.4730 Acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 10

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

**Applicable Agencies:** Lackland AFB, Planning Department, TxDOT

### **Property Details**

**Property History:** The property was annexed into the of City of San Antonio by Ordinance 2008-020-07-0102, dated February 6, 2008, and zoned "FR" Farm and Ranch District. The property was rezoned by Ordinance 2014-08-07-0557, dated August 7, 2014 to "NP-8" Neighborhood Preservation District.

### **Code & Permitting Details:**

There is no code enforcement of permitting history for the subject property.

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

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

**Direction:** North

**Current Base Zoning:** "NP-8", "R-5"

**Current Land Uses:** Vacant Land, Single-Family Residential

**Direction:** South

**Current Base Zoning:** "NP-8"

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

**Direction:** East

**Current Base Zoning:** "NP-8", "C-2 CD"

**Current Land Uses:** Parking and Transient Vehicle Storage, Single-Family Residential

**Direction:** West

**Current Base Zoning:** "R-5"

**Current Land Uses:** Vacant Land

### **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:** Somerset Road

**Existing Character:** Minor, Secondary Arterial A

**Proposed Changes:** None

**Public Transit:** There are no public transit within walking distance of the subject property.

**Routes Served:** None

**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 parking requirements for commercial uses can be found at Unified Development Code, Table 526-3a and Table 526-3b. The minimum parking requirement for Auto Paint and Body is 1 per 500 sf gross floor area.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "NP-8" Neighborhood Preservation District uses are the same as within the "R-6" zoning district. Designed to protect existing platted subdivisions which are substantially developed with single-family detached dwelling units. (8,000 sq. ft. minimum lot size for NP-8, 10,000 sq. ft. minimum lot size for NP-10, and 15,000 sq. ft. minimum lot size for NP-15)

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

The conditional use is to allow for auto paint and body.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center and is not within ½ a mile from 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 approval criteria below.**

1. **Consistency:** The subject property is located within the Heritage South Sector Plan, adopted in 2010, 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 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 the surrounding area. Surrounding properties primarily include “NP-8” Neighborhood Preservation District used as Single-Family Dwellings.
3. **Suitability as Presently Zoned:** The existing “NP-8” Neighborhood Preservation District, is an appropriate zoning districts for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for Auto Paint and Body is not appropriate. Although the base “C-2” Commercial District can provide appropriate retail and services to the area. The “CD” Conditional Use is for Auto Paint and Body and seeks to condition down a more intense commercial and industrial use to the “C-2” Commercial District. Given the existing single-family residential uses abutting the property to the south and north, the proposed rezoning could negatively impact the established homes.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The proposed auto repair could bring noise and other potential nuisances to the area.
5. **Public Policy:** The request does appear to conflict with any public policy objective. Relevant Goals and Policies of the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - H P30: Ensure infill development is compatible with existing neighborhoods.Relevant Goals and Policies of the Heritage South Sector Plan may include:
  - Goal ED-1: Advance goals of Mission Verde relative to “green” jobs and industries
  - Goal ED-1.2: Provide incentives and develop a marketing plan to attract “green” jobs/industries to the plan area.
  - Goal ED-4: Heritage South established as a viable agricultural region.
6. **Size of Tract:** The 0.4730-acre site is of sufficient size to accommodate the proposed commercial 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.

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 Auto Paint and Body.

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

As per TxDOT, one access may be allowed onto FM 2790 (Somerset Road). TxDOT coordination will be required.