



City of San Antonio

Agenda Memorandum

Agenda Date: April 4, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 6

SUBJECT:

ZONING CASE Z-2023-10700091 CD
(Associated Plan Amendment PA-2023-11600060)

SUMMARY:

Current Zoning: "R-6 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and "C-2 MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Requested Zoning: "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 Truck Repair and Maintenance with Oversized Vehicle Storage

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: November 7, 2023. This item was continued from the August 15, 2023, September 19, 2023, and October 3, 2023 hearings.

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: Miguel Ortega Villesenor

Applicant: Bobby Herrera

Representative: Bobby Herrera

Location: 1621 South Callaghan Road

Legal Description: 6.73 acres out of NCB 13942

Total Acreage: 6.73

Notices Mailed

Owners of Property within 200 feet: 56

Registered Neighborhood Associations within 200 feet: N/A

Applicable Agencies: Lackland Air Force Base, Planning Department

Property Details

Property History: The subject property was annexed into the City of San Antonio on January 19, 1966, established by Ordinance 33954, and was originally zoned Temporary “R-1” Single Family Residence District. A portion of the property was rezoned by Ordinance 77475, dated February 25, 1993, to “B-2” Business District. Under the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the portion of the property zoned Temporary “R-1” Residential District converted to “R-6” Residential Single-Family District and the portion zoned “B-2” Business District converted to “C-2” Commercial District.

Code & Permitting Details

Zoning UDC Investigation (INV-ZRD-21-3170001820) – May 2021 – Under investigation for residential property being used for truck repair and maintenance and failure to obtain a valid certificate of occupancy. Code Enforcement Division has issued violations and requesting Certificate of Occupancy showing the use is permitted on subject property. Owner has failed to provide applicable Certificate of Occupancy to permit the truck repair use. Use is still active and property owner is in violation. Code Enforcement Division is awaiting the court hearing that is scheduled for January 9, 2024.

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-6”, “C-2”, “NP-10”

Current Land Uses: Vacant

Direction: East

Current Base Zoning: “R-6”, “C-3R”, “I-1”

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

Direction: West

Current Base Zoning: “R-6”

Current Land Uses: Vacant

Direction: South

Current Base Zoning: “R-6”, “C-2”

Current Land Uses: Single Family Residential, Vacant

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: South Callaghan Road

Existing Character: Arterial

Proposed Changes: None known

Public Transit: VIA bus routes are not within walking distance of the subject property.

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 requirement minimum for a Truck Repair and Maintenance is 1 per 500 square feet GFA including service bays, wash tunnels and retail areas. The parking requirement maximum is 1 space per 375 sf GFA including service bays, wash tunnels and retail areas.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "R-6" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

"C-2" Commercial 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.

Proposed Zoning: "C-2NA CD" Commercial Nonalcoholic Sales Districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

The Conditional Use is to permit Truck Repair and Maintenance with Oversized Vehicle Storage.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center but within ½ a mile from the Commerce-Houston Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend 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 and is currently designated as "Agribusiness Tier" in the future land use component of the plan. The requested "C-2" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Suburban Tier". Staff recommends Denial. The Planning Commission recommendation is pending the September 13, 2023 hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed rezoning would allow a light industrial use adjacent to single-family residential uses and zoning.
3. **Suitability as Presently Zoned:** The current "R-6" Residential Single-Family and "C-2" Commercial District zonings are appropriate for the property and surrounding area. The existing "C-2" Commercial zoning district is located along South Callaghan Road, allowing more commercial uses closer to the South Callaghan and Old Highway 90 intersection and creating a buffer for the residential uses from the arterial roadways. The proposed "C-2NA CD" Commercial Nonalcoholic Sales District with a Conditional Use for Truck Repair and Maintenance with Oversized Vehicle Storage is not an appropriate zoning for the surrounding area. The established single-family residences would be adversely impacted with the introduction of the industrial use and potential high amount of truck traffic that would access off Callaghan Road.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The intensity of this industrial use will bring heavy trucks, noise, and potential pollution to the area.
5. **Public Policy:** The subject site is located within the boundaries of the West/Southwest Sector Plan.

Relevant Goals and Policies of the Comprehensive Plan may include:

- GCF P31: Promote development that leverages and protects the public's investment in major green infrastructure and natural resources projects (e.g., the San Antonio River Improvements Project and other creek and trail restoration projects).
- H P30: Ensure infill development is compatible with existing neighborhoods.
- NRES Goal 1: San Antonio protects the natural environment and ensures sustainable land use and development.

Relevant Goals and Policies of the West/Southwest Sector Plan may include:

- Goal ED-1 The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities.
- Goal ED-3 The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods.
- ED-3.1 Ensure the development of new business locations and employment centers are compatible with the West/Southwest Sector Land Use Plan.
- Goal NR-1 Floodplains, watersheds, steep slopes and hill tops, viewsheds, wildlife habitat, open spaces, and natural features are protected, preserved, and managed.
- 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 subject property is 6.73 acres, which could reasonably accommodate truck repair and maintenance with outside storage truck uses.
- 7. Other Factors:** The applicant is seeking a zoning change to allow for the existing use of a truck repair and maintenance business with outside storage business. The property owner previously attempted to rezone this property twice. First time in September 2018 to "I-1" Industrial District (Zoning Case Z-2018285), where Staff and Zoning Commission recommended Denial, and again in May 2021 to "L S" Light Industrial District with a Specific Use Authorization for Truck Repair and Maintenance with Outside Storage (Zoning Case Z-2021-10700059 S), where Staff and Zoning Commission recommended Denial. Both cases were withdrawn before City Council review.

The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA 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 allow for Truck Repair and Maintenance and Oversize Vehicle Storage.