



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 5, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2023-10700272 CD

**SUMMARY:**

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

**Requested Zoning:** "C-1 CD MLOD-2 MLR-2 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use For Motor Vehicles Sales

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 5, 2023

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Yesvic Investments, LLC

**Applicant:** Yesica Maria Elena Ramirez

**Representative:** Yesica Maria Elena Ramirez

**Location:** 376 Hawthorne Street

**Legal Description:** 0.1564 acres out of NCB 6677

**Total Acreage:** 0.1564 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** St. Leo's Neighborhood Association

**Applicable Agencies:** Lackland, Planning Department, Texas Department of Transportation

### **Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and originally zoned "C" Apartment District. The property was rezoned by Ordinance 85113, dated November 7, 1996, to "R-1" Single-Family Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

**Code & Permitting Details:** There is no code enforcement or permitting history for the subject property.

**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:** "C-1"

**Current Land Uses:** Vacant commercial structure

**Direction:** South

**Current Base Zoning:** "R-6", "IDZ" for uses permitted in "C-1" and Motor Vehicle Sales

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential Dwelling

**Direction:** West

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

**Current Land Uses:** Interstate Highway 35, Residential Dwelling

### **Overlay District Information:**

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.

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.

**Special District Information:**

No special district information.

**Transportation**

**Thoroughfare:** Hawthorne Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Interstate Highway 35 Access Road

**Existing Character:** Freeway

**Proposed Changes:** None Known

**Thoroughfare:** Interstate Highway 35

**Existing Character:** Freeway

**Proposed Changes:** None Known

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

**Routes Served:** 44, 46, 243

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for motor vehicle sales is 1 per 500 square feet of gross floor area.

**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.

Proposed Zoning: "C-1 CD" Light Commercial Districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses. Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail – no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The proposed "CD" Conditional Use would permit Motor Vehicle Sales on the property.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center or within a ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation of “C-1” Light Commercial without the Conditional Use.

**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 South-Central San Antonio Community Plan, adopted in August 1999 and updated in October 2005, and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The requested “C-1” base zoning district is consistent with the future land use designation.
- 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 use is consistent with the established development pattern of the surrounding area.
- 3. Suitability as Presently Zoned:** The current “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-1 CD” Light Commercial District with a Conditional Use for Motor Vehicle Sales is not appropriate. While the block is comprised of a mix of residential and light commercial zoning however, the proposed Motor Vehicle Sales is a more intense “C-3” General Commercial use that is being requested to be conditioned into a light commercial. The placement and proximity to a major highway makes it an appropriate location for light commercial infill, but there is concern that the site plan and use would not allow appropriate buffers along the side property line to screen the proposed more intense commercial use (motor vehicle sales) from the existing single-family residence.
- 4. Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
- 5. Public Policy:** The request does not appear to conflict with any public policy.

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 Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals and Strategies of the South Central San Antonio Community Plan may include:

- Neighborhood Development/Environment Goal: Maintain and build on the old-fashioned neighborhood character of South Central San Antonio.

6. **Size of Tract:** The subject property is 0.1564 acres, which can reasonably accommodate the proposed light 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 a Motor Vehicle Sales location.