



City of San Antonio

Agenda Memorandum

Agenda Date: July 16, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 7

SUBJECT:

ZONING CASE Z-2023-10700372 CD

SUMMARY:

Current Zoning: "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family 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 Home Improvement Center

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: July 16, 2024. This case was continued from May 21, 2024, and June 18, 2024.

Case Manager: Alexa Retana, Zoning Planner

Property Owner: Anna Yo

Applicant: Eneida Y Flores Ornelas

Representative: Eneida Y Flores Ornelas

Location: 4131 Culebra Road

Legal Description: Lot 8, Lot 9, and the west 31.3 feet of Lots 7 and 10, Block 35, NCB 11475

Total Acreage: 0.4777 acres

Notices Mailed

Owners of Property within 200 feet: 30

Registered Neighborhood Associations within 200 feet: Culebra Park Neighborhood Association

Applicable Agencies: Lackland AFB, Planning Department, Office of Historic Preservation

Property Details

Property History: The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned "A" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "A" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

Code & Permitting Details:

INV-ZRD-24-3170001330: Zoning UDC Investigation

COD-ADH-REQ24-43900773: Code Administrative Hearing

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-5

Current Land Uses: Vacant

Direction: East

Current Base Zoning: R-5, C-1, C-2, C-3

Current Land Uses: Residential Dwelling, Food Service Establishment, Car Dealer

Direction: South

Current Base Zoning: C-2, R-6

Current Land Uses: Fire Station, Food Service Establishment, Residential Dwelling

Direction: West

Current Base Zoning: R-5, C-3, C-2

Current Land Uses: Residential Dwelling, School, Church

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:

There is no special district information.

Transportation

Thoroughfare: Culebra Road

Existing Character: Principal Secondary Arterial A

Proposed Changes: None

Thoroughfare: Rita Avenue

Existing Character: Local

Proposed Changes: None

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

Routes Served: 82, 282

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 Home Improvement Center is 1 parking space per 400 sf GFA of sales and service building.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "R-5" Residential Single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

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 proposed "CD" Conditional Use would allow for Home Improvement Center.

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-2 CD” Commercial District with a Conditional Use for Home Improvement Center on Lot 9 and the west 31.3 feet of Lot 10 and “R-5 CD” Residential Single-Family District with a Conditional Use for Noncommercial Parking Lot on Lot 8 and the west 31.3 feet of Lot 7

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 CD” 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. Surrounding zoning includes “C-1” Light Commercial District, “C-2” Commercial District, and “C-3” General Commercial District.
3. **Suitability as Presently Zoned:** The current “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for Home Improvement Center is not appropriate for the whole property. While half of the property fronts a primary arterial and is placed and sized to adequately accommodate the proposed home improvement store, the back half of the property does not as it is within a residential neighborhood. Staff finds that the more intense commercial use can be achieved by limiting it to the front half of the property that fronts Culebra Road while maintaining the residential base zoning district of the back portion. Thus, staff recommends an Alternate Recommendation of “C-2 CD” Commercial District with a Conditional Use for Home Improvement Center on Lot 9 and the west 31.3 feet of Lot 10 and “R-5 CD” Residential Single-Family District with a Conditional Use for Noncommercial Parking Lot on Lot 8 and the west 31.3 feet of Lot 7. The “CD” Conditional Use requires a site plan that will hold the applicant to the proposed layout of the development. Deviation from the approved document could warrant the need for additional Council consideration.
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 appear to conflict with any public policy objective. Relevant Goals and Objectives from the Comprehensive Plan may include:
 - GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

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

- 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
- LU-1.3: Ensure that high density / intensity land uses are buffered and screened to reduce the impact on lower density / intensity land uses that are nearby

6. **Size of Tract:** The subject property is 0.4777-acres, which can reasonably 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 allow for Home Improvement Center.

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