



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 7, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2023-10700196 CD  
(Associated Plan Amendment PA-2023-11600055)

**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

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 17, 2023. This case was continued from October 3, 2023.

**Case Manager:** Camryn Blackmon, Zoning Planner

**Property Owner:** Rodolfo Gutierrez

**Applicant:** Rodolfo Gutierrez

**Representative:** Esther Ramirez

**Location:** 2109 Fitch Street

**Legal Description:** Lots 13-16, Lots 21-23, and Lot P-100, Block 1, NCB 7944

**Total Acreage:** 0.7014

**Notices Mailed**

**Owners of Property within 200 feet:** 46

**Registered Neighborhood Associations within 200 feet:** Quintana Community

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

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944, and zoned "B" Residence District. The property was rezoned by Ordinance 47762, dated March 17, 1977, to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

**Code & Permitting Details:**

Permit Investigation (INV-PTI-23-3090000024) - April 2023

Zoning UDC Investigation (INV-ZRD-23-3170001145) - March 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:** "C-2 P"

**Current Land Uses:** Auto Sales

**Direction:** East

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

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

**Direction:** South

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

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

**Direction:** West

**Current Base Zoning:** "C-2P"

**Current Land Uses:** Auto Sales

**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:** Fitch Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Somerset Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 51, 251

**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 Auto and Vehicle Sales is 1 per 500 sf GFA of sales and service building. The maximum parking requirement for Auto and Vehicle Sales is 1 per 375 sf GFA of sales and service building.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family allows 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-2P CD" Commercial Pedestrian 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 Conditional Use is for Motor Vehicle Sales use.

**FISCAL IMPACT:**

None.

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

The property is not located within any Regional Center but is within a half mile of Zarzamora Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission Recommends Approval.

**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 Kelly/South San PUEBLO Community Plan, adopted March 2010, and is currently designated as “Low Density Residential” 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 “Mixed Use.” Staff recommends Denial. Planning Commission recommends Approval.
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 use is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-2P CD” Commercial Pedestrian District with a Conditional Use for Auto Sales is not an appropriate zoning. The request is inconsistent with the existing residential zoning located to the east and south of the subject property and would create commercial encroachment into an established single-family residential neighborhood. Although there is commercial zoning abutting the property to the west, those properties are located along Somerset Road, classified as a secondary arterial road, which accommodates commercial zoning and uses.
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 Policies of the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.
  - GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

Relevant Goals and Objectives of the Kelly South San PUEBLO Community Plan may include:

- 2007 Plan Goal 3 Economic Development: Improve the commercial corridors and the variety of goods, services, and employment available in the planning area in order to attract and support a mix of uses
- 2007 Plan Economic Development Objective 3.2: Attract and support a variety of businesses in a walkable, mixed-use environment.
- 2007 Plan, Objective 3.2.1: Attractive, Diverse Businesses – discourage an over-abundance of auto-related and bargain stores in the area.
- 2007 Plan, Objective 3.2.4: Discourage types of businesses that detract from the desired pedestrian quality of the street (e.g. day labor sites, pawn shops, tattoo parlors, and additional auto repair shops).
- 2010 Land Use Update: Increased Mixed Use along Major and Minor Corridors – increased Mixed Use along portions of major corridors such as New Laredo Highway, Somerset, Zarzamora, and Southcross in order to allow for more compatible uses.

6. **Size of Tract:** The 0.7014-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 Motor Vehicle Sales.

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