



City of San Antonio

Agenda Memorandum

Agenda Date: August 8, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 6

SUBJECT:

ZONING CASE Z-2023-10700197 CD

SUMMARY:

Current Zoning: "O-2 MLOD-2 MLR-1 AHOD" High-Rise Office 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-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Oversized Vehicle and Vehicle Storage

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: June 4, 2024. This case was continued from May 21, 2024.

Case Manager: Samantha Benavides, Zoning Planner

Property Owner: Rogelio Arias

Applicant: Rogelio Arias

Representative: Rogelio Arias

Location: 7523 West Military Drive and 7019 Woodgate Drive

Legal Description: 1.888 acres consisting of all of Lot 9 and 0.739 acres out of Lot 10, Block 18, NCB 15380

Total Acreage: 1.888 acres

Notices Mailed

Owners of Property within 200 feet: 25

Registered Neighborhood Associations within 200 feet: None

Applicable Agencies: Parks and Recreation Department, Lackland Air Force Base, Planning Department

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 41422, dated December 26, 1972, and zoned Temporary “R-1” Single-Family Residence District. A portion of the subject property was rezoned by Ordinance 42202, dated May 10, 1973, to “B-2” Business District. A portion of the subject property was rezoned by Ordinance 42202, dated May 10, 1973, to “O-1” Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the portion zoned “B-2” Business District converted to the current “C-2” Commercial District, and the portion zoned “O-1” Office District converted to the current “O-2” High-Rise Office District.

Code & Permitting Details:

Administrative Hearing (COD-ADH-REQ24-43901688) May 2024

Administrative Hearing (COD-ADH-REQ24-43901693) May 2024

Administrative Hearing (COD-ADH-REQ24-43901687) May 2024

Administrative Hearing (COD-ADH-REQ24-43901690) May 2024

Sidewalk Curb Application (SDW-CRB-APP22-38400702) March 2022

Zoning UDC Investigation (INV-ZCD-23-3140001069) June 2023

Permit Investigation (INV-COI-23-3120001635) June 2023

Zoning UDC Investigation (INV-UDC-23-3130001056) June 2023

Permit Investigation (INV-PTI-23-3090001634) June 2023

Administrative Hearing (COD-ADH-REQ24-43900148) January 2024

Administrative Hearing (COD-ADH-REQ24-43900151) January 2024

Administrative Hearing (COD-ADH-REQ24-43900150) January 2024

Administrative Hearing (COD-ADH-REQ24-43900146) January 2024

Administrative Hearing (COD-ADH-REQ23-43903260) October 2023

Administrative Hearing (COD-ADH-REQ23-43903264) October 2023

Administrative Hearing (COD-ADH-REQ23-43903258) October 2023

Zoning UDC Investigation (INV-ZLT-23-3150001070) June 2023

Administrative Hearing (COD-ADH-REQ23-43903256) October 2023

Overgrown Yard Investigation (INV-LOT-23-2580035009) May 2023

Administrative Hearing (COD-ADH-REQ23-43903263) October 2023

Administrative Hearing (COD-ADH-REQ24-43900143) January 2024

Address Verification and Assignment (ADDR-AVAA-22-10100338) February 2022

CMR or AEVR Request (REQ-CMRORAEVR-23-44400263) July 2023

Overgrown Yard Investigation (REQ-CMRORAEVR-23-44400263) May 2023

Change of Zoning (ZONING-Z-2023-10700015) January 2023

Commercial Fence Permit (COM-FEN-PMT22-40600034) April 2022

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: "R-6"

Current Land Uses: Single-Family Residence

Direction: East

Current Base Zoning: "C-2", "R-6"

Current Land Uses: Car Wash, Restaurant, Mobile Homes

Direction: South

Current Base Zoning: "C-3 NA"

Current Land Uses: Walgreens

Direction: West

Current Base Zoning: "R-6"

Current Land Uses: Single-Family Residence

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: West Military Drive

Existing Character: Minor Secondary Arterial A

Proposed Changes: None

Thoroughfare: Woodgate Drive

Existing Character: Local

Proposed Changes: None

Public Transit: There are VIA bus routes within a ½ mile of the subject property.

Routes Served: 612, 613, 615

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: There is no maximum or minimum parking requirements for Parking and/or Storage Use.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "C-2" 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.

"O-2" High-Rise Office District provides for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

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 "CD" Conditional Use request is for Oversized Vehicle and Vehicle Storage

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within Regional Center or within ½ a mile from a 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 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" 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 residential uses in the area.
3. **Suitability as Presently Zoned:** The portion of the subject property zoned "C-2" Commercial District is appropriate for the surrounding area. The portion zoned "O-2" High-Rise Office District is not appropriate. Given the surrounding residential single-family uses, the proposed "C-2 CD" Commercial District with a Conditional Use for Oversized Vehicle and Vehicle Storage is not appropriate for the property and surrounding area. Common land use principles recommend that high density/intensity land uses are separated by lower intense uses to buffer and reduce the impact on residential uses that are nearby. Oversized Vehicle use is permitted by right in "L" Light Industrial and "I-1" General Industrial Districts, which are typically removed from residential neighborhoods and commercial uses which accommodate high density of people and commerce.
4. **Health, Safety and Welfare:** Staff has 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 objective. Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:
 - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
 - GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
 - 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.
 - H P30: Ensure infill development is compatible with existing neighborhoods.Relevant Concepts, Goals, Objectives of the West/Southwest Sector Plan may include:
 - 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.
 - Goal ED-3 The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods.
6. **Size of Tract:** The 1.888 acres site is of sufficient size to accommodate the proposed 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.

This rezoning resulted from Code Violations for storing construction material and parking vehicles in “C-2” and “O-2” Districts.

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 Oversized Vehicle and Vehicle Storage.

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