



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 20, 2022

**In Control:** City Council Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**  
ZONING CASE Z-2022-10700232

**SUMMARY:**

**Current Zoning:** "NC MLOD-2 MLR-1 AHOD" Neighborhood Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Requested Zoning:** "C-2P MLOD-2 MLR-1 AHOD" Commercial Pedestrian Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 20, 2022

**Case Manager:** Kellye Sanders, Senior Planner

**Property Owner:** C&C Properties LTD

**Applicant:** Alfred Castellano

**Representative:** Alfred Castellano

**Location:** 1540 West Harlan Avenue

**Legal Description:** Lot 4, Lot 5 and the west 25 feet of Lot 6, Block 1, NCB 8973

**Total Acreage:** 0.2479

## **Notices Mailed**

**Owners of Property within 200 feet:** 34

**Registered Neighborhood Associations within 200 feet:** Somerset Road, Quintana Community

**Applicable Agencies:** Lackland Air Force Base

## **Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944. The property was rezoned by Ordinance 47762, dated March 17, 1977 and zoned "R-1" Single Family Residence District. The property was rezoned by Ordinance 51108, dated August 9, 1979 and zoned "B-3R" Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3R" Restrictive Business District converted to "C-3R" General Commercial Restrictive Alcoholic Sales District. The property was rezoned by Ordinance 2009-06-18-0539, dated June 18, 2009 and zoned to current "NC" Neighborhood Commercial District.

**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-2P and R-6

**Current Land Uses:** Food Service Establishment, Residential Dwelling

**Direction:** South

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** West

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

**Current Land Uses:** Auto Repair Shop

## **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:**

N/A

**Transportation**

**Thoroughfare:** West Harlan Drive

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Somerset Road

**Existing Character:** Minor

**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 Retail – Catering Shop is 1 per 300 sf GFA. The maximum parking limit for Retail – Catering Shop is 1 per 200 sf GFA.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: “NC” Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

Proposed Zoning: “C-2P” Commercial Pedestrian District is identical to C-2 districts except that there is a 35 foot maximum front setback, rear parking requirements, and additional window requirements.

**FISCAL IMPACT:**

None

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

Subject property is not located with any Regional Center but located within ½ a mile from the Zarzamora Premium Transit Corridor

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 and is currently designated as “Mixed Use” in the future land use component of the plan. The requested “C-2P” 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 properties adjacent to it to west zoned “C-2P” Commercial Pedestrian District.
3. **Suitability as Presently Zoned:** The existing “NC” Neighborhood Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2P” Commercial Pedestrian District is also an appropriate zoning. As a general planning principle “C-2 P” Commercial Pedestrian Districts act as buffers to existing residential zoning and uses. Commercial uses provide goods and services to surrounding properties.
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 objectives of the Kelly/South San PUEBLO Community Plan.

The “Mixed Use” designation allows for a concentrated, well planned, and integrated blend of residential, retail, service, office, entertainment, leisure, and other related uses at increased densities.

6. **Size of Tract:** The 0.2479 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The property has a developed commercial building. The applicant intends to utilize it for dry goods products for a business they have in a different location.

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 maximum front setback in a "C-2P" district is thirty-five (35) feet. The district regulations within the "C-2" district are the same as in the "C-2P" districts except that there is no required front setback maximum. As with the “C-2” district the “C-2P” district does not allow outdoor storage or display of goods.