



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 15, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**

ZONING CASE Z-2023-10700108 CD

**SUMMARY:**

**Current Zoning:** "C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-5 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for four (4) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 15, 2023. This case was continued from the June 20, 2023 and the July 18, 2023 hearing.

**Case Manager:** Elizabeth Steward, Zoning Planner

**Property Owner:** TCL Construction

**Applicant:** Carlos Abelar

**Representative:** Carlos Abelar

**Location:** 4119 Willard Drive

**Legal Description:** Lot 38, Block B, NCB 11514

**Total Acreage:** 0.561

**Notices Mailed**

**Owners of Property within 200 feet:** 10

**Registered Neighborhood Associations within 200 feet:** University Park Neighborhood Association

**Applicable Agencies:** Planning Department, Texas Department of Transportation, Lackland Air Force Base

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 40705, dated May 11, 1972 to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General 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-3

**Current Land Uses:** Salon, Day Care, Tax Office

**Direction:** South

**Current Base Zoning:** R-5

**Current Land Uses:** Church

**Direction:** East

**Current Base Zoning:** C-3

**Current Land Uses:** Bingo Hall and Flea Market

**Direction:** West

**Current Base Zoning:** R-5

**Current Land Uses:** School

**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:**

N/A

**Transportation**

**Thoroughfare:** Willard Drive

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Bandera

**Existing Character:** Principal Primary Arterial A

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property. Routes served: 88, 288, 289, 90

**Traffic Impact:** The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502\*\*A TIA Report is not required.

**Parking Information:** The minimum parking requirement for Single Family Dwelling is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-3" General Commercial districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

Proposed Zoning: The "R-5" Residential Single-Family District allows 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.

The "CD" Conditional Use allows four (4) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is located within ½ mile from the Bandera Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff 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 Sector Plan and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “R-5” 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 existing “C-3” General Commercial District is appropriate for the area but the requested “R-5 CD” Residential Single-Family with Conditional Use is more appropriate for the property and surrounding area. The “C-2” Commercial District and “C-3” General Commercial District are more suited to Bandera Road. The requested “R-5 CD” Residential Single-Family District with Conditional Use for four (4) dwelling units constitutes a downzoning from potential intense “C-3” General Commercial uses. The proposed zoning creates a better transition between the intense commercial uses along the Bandera corridor and the residential neighborhood on Willard Drive. The requested density is also appropriate given the location close to the intersection of a primary arterial and local street. The size of the property, which if replatted at “R-5” Residential Single-Family standards, like the nearby neighborhood, could accommodate four (4) lots, each containing a primary structure and an accessory dwelling. The requested zoning sets the site plan to a density of four (4) units.
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 West Sector Plan.
  - Goal HOU-1 Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan
  - HOU-1.2 Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood
  - Goal HOU-2 New housing developments locate near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments
6. **Size of Tract:** The 0.561 acre site is of sufficient size to accommodate the proposed residential 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 four (4) residential dwelling units.