



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 21, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 4

**SUBJECT:**  
ZONING CASE Z-2021-10700335

**SUMMARY:**

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

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 21, 2022

**Case Manager:** Mirko Maravi, Planning Coordinator

**Property Owner:** Jose Antonio Fernandez

**Applicant:** Union Services Inc

**Representative:** Union Services Inc

**Location:** 10931 Poteet Jourdanton Freeway

**Legal Description:** 2.980 acres out of NCB 14551

**Total Acreage:** 2.980

**Notices Mailed**

**Owners of Property within 200 feet:** 30

**Registered Neighborhood Associations within 200 feet:** NA

**Applicable Agencies:** Lackland Airforce Base, Texas Department of Transportation

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 39953, dated 1 October 27, 1971 and zoned Temporary "R-1" Single-Family Residence District. A portion of the property was rezoned by Ordinance 47,073, dated August 19, 1976 to the "B-3" Business District. The other portion of the property was rezoned by Ordinance 87,954, dated June 11, 1998 to the "B-3NA" Business, Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District and "B-3NA" Business, Non-Alcoholic Sales District converted to the "C-3" General Commercial District and "C-3 NA" General Commercial Nonalcoholic Sales District. The property was rezoned by Ordinance 98228, dated September 25, 2003 to the "UD" Urban Development District. The property was rezoned by Ordinance 2014-08-07-0557 to the current "C-2" 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-2"

**Current Land Uses:** Vacant and Restaurant

**Direction:** South

**Current Base Zoning:** "UD" and "C-2"

**Current Land Uses:** Vacant and Commercial

**Direction:** East

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Vacant

**Direction:** West

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

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

**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:** Poteet Jourdanton Freeway

**Existing Character:** Super Arterial B

**Proposed Changes:** None Known

**Thoroughfare:** Kingsride Boulevard

**Existing Character:** Local-A

**Proposed Changes:** None Known

**Public Transit:** There is no public transportation within walking distance of the subject property.

**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 for Auto Sales is 1 per 500 square feet of sales and service building.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current Zoning:** “C-2” Commercial Districts accommodate 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.

**Proposed 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.

**FISCAL IMPACT:**

None.

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

The property is not within 1/2 a mile of a Regional Center or the 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 Motor Vehicle Sales (Full Service).

If the Alternate Recommendation is Approved, Staff recommends:

- 1) No temporary signage, wind-wavers, snipe signs and/or pennants.
- 2) Downward facing lighting.
- 3) Six foot (6’) Solid-Screen fencing abutting residential zoning and/or residential uses.
- 4) A Type B, 15-foot landscape buffer abutting residential zoning and/or residential uses.
- 5) All repairs shall be conducted indoors only.

The applicant has indicated that they are formally amending their request to “C-2 CD” Commercial District with a Conditional Use for Motor Vehicle Sales (Full Service).

**Criteria for Review: According to Section 35-421, zoning amendments shall be based on approval criteria below.**

- 1. Consistency:** The subject property is not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.
- 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. With the exception of some “R-6” Residential Single-Family zoning in the area, surrounding properties are zoned “C-2” Commercial District.
- 3. Suitability as Presently Zoned:** The existing “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-3” General Commercial District would introduce higher intensity use behind single-family dwellings on Gaylord Drive. While the use of Motor Vehicle Sales may not create excess noise or traffic disturbances, other general commercial uses potentially could such as a Bar/Tavern, Boat Repair and Storage, Auto and Truck Repair, Auto Paint and Body and other similar uses. Thus, Staff recommends an Alternate Recommendation of “C-2 CD” Commercial District with a Conditional Use for Motor Vehicle Sales (Full Service), which would be more appropriate than the requested “C-3” General Commercial. Staff’s recommendation maintains the base “C-2” Commercial District and allows consideration of Motor Vehicle Sales (Full Service) through a Conditional Use. Additionally, the Conditional Use allows the application of any necessary conditions to the request.

4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The rezoning request is not within a neighborhood or community plan.
6. **Size of Tract:** The subject property is 2.980 acres, which could reasonably accommodate commercial uses and Motor Vehicle Sales.
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 the request.

TxDOT does not object to proposed zoning change request (Z-2021-10700335) however access off SH 16 will not be allowed. Zoning change allows TxDOT to reconsider access and the existing access will need to be removed.

The applicant is rezoning to operate a Motor Vehicle Sales business. The applicant has indicated that they are amending their request to “C-2 CD” Commercial District with Conditional Use for Motor Vehicle Sales.

The required rear setback is 30-feet where “C-2” Commercial zoning abut “R-6” Residential Single-Family zoning and uses.