



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 4, 2022

**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-2022-10700219 CD

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional use for Construction Contractor Facility

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 4, 2022. This case was continued from the September 20, 2022 hearing.

**Case Manager:** Elizabeth Steward, Planner

**Property Owner:** Maria Campos Rodriguez

**Applicant:** Kainn Salinas

**Representative:** Kainn Salinas

**Location:** 4227 Culebra Road

**Legal Description:** Lot 12 and Lot 13, Block 13, NCB 11488

**Total Acreage:** 0.3444

**Notices Mailed****Owners of Property within 200 feet:** 12**Registered Neighborhood Associations within 200 feet:** Culebra Park Neighborhood Association**Applicable Agencies:** Lackland Air Force Base**Property Details**

**Property History:** The property is zoned "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District. The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned "A" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Single-Family Residence District converted to the current "R-5" Residential Single-Family 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:** RM-4**Current Land Uses:** Duplex**Direction:** South**Current Base Zoning:** C-3 NA**Current Land Uses:** Tire Shop and Bar**Direction:** East**Current Base Zoning:** C-3**Current Land Uses:** Bar**Direction:** West**Current Base Zoning:** C-3 R**Current Land Uses:** Bakery**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:** Culebra Road

**Existing Character:** Principal Secondary Arterial A

**Proposed Changes:** None Known

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

Routes Served: 82, 282

**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 a construction contractor facility is 1 space per 1500 sf GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-5 Single Family Residential Districts allow 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.

Proposed Zoning: "C-2 CD" 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.

The "CD" Conditional Use would allow a Construction Contractor Facility.

**FISCAL IMPACT:**

None.

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

The subject property is located with the Near Northwest Regional Center but is not located within ½ mile from a 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 “C-2 CD” 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 “R-5” Residential Single-Family District is not an appropriate zoning for the property and surrounding area. The requested “C-2 CD” Commercial District with Conditional Use for Construction Contractor Facility is also an appropriate zoning. The request takes advantage of the subject property’s location and removes the only residential zoning on a commercial corridor. This request allows a buffer between the higher intensity C-3 uses to the East and West and the residential uses to the North. The “CD” Conditional Use allows for consideration of the Construction Trades Contractor and any needed conditions can be applied to protect abutting residential zoning and/or 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 not appear to conflict with any public policy objectives of the West Sector Plan.
  - Goal ED-1 The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities
  - ED-1.3 Stimulate and support increased activity of existing businesses
  - ED-3.1 Ensure the development of new business locations and employment centers are compatible with the West/Southwest Sector Land Use Plan
6. **Size of Tract:** The 0.3444 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 a Construction Contractor Facility.

The zoning request includes a request for nonresidential uses adjacent (refer to definition in Appendix A as there is a difference between abutting and adjacent) to an existing single family residential use, the applicant is required to construct and maintain a 6 foot solid screen fence, prior to obtaining a Certificate of Occupancy, per Section 35-514(d). The applicant can request City Council modify or exempt this requirement.