



City of San Antonio

Agenda Memorandum

Agenda Date: January 16, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:
ZONING CASE Z-2023-10700295

SUMMARY:

Current Zoning: "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

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

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: January 16, 2023. This item was continued at the December 5, 2023 and December 19, 2023 hearings.

Case Manager: Ann Benavidez, Zoning Planner

Property Owner: Sukhmander Singh and Devinder G Singh

Applicant: Muhammad Ramzan

Representative: Muhammad Ramzan

Location: 151 Cortez Avenue

Legal Description: Lots 26 and 27, Block 3, NCB 8132

Total Acreage: 0.2076 acres

Notices Mailed**Owners of Property within 200 feet:** 49**Registered Neighborhood Associations within 200 feet:** Las Palmas Neighborhood Association**Applicable Agencies:** Lackland Airforce Base, Planning Department**Property Details**

Property History: The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned "J" Commercial District. The property was rezoned by Ordinance 72,510 dated October 18, 1990 to "R-7" Small Lot Home Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the property zoned "R-7" Small Lot Home Residence District converted to the current "R-6" Residential Single-Family District.

Code & Permitting Details:

No relevant code details on the subject property.

Nonconforming Use rights were granted to the property on July 30, 1992, for the use "Retail Groceries with Beer To-Go"

A Certificate of Occupancy permit was issued in September 2005, for "Convenience Store with To-Go Alcohol Sales"

Topography: The property does not include any abnormal physical features such as slope or incursion in a flood plain.

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** "R-4"**Current Land Uses:** Residential Dwelling**Direction:** South**Current Base Zoning:** "R-4"**Current Land Uses:** Residential Dwelling**Direction:** East**Current Base Zoning:** "R-4"**Current Land Uses:** Residential Dwelling**Direction:** West**Current Base Zoning:** "R-4"**Current Land Uses:** Residential Dwelling**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:

No special district information.

Transportation

Thoroughfare: Cortez Avenue

Existing Character: Local Street

Proposed Changes: None Known

Thoroughfare: South San Bernando Street

Existing Character: Local Street

Proposed Changes: None Known

Thoroughfare: Wall Street

Existing Character: Local Street

Proposed Changes: None Known

Public Transit: There are VIA bus routes within walking distance of the subject property.

Routes Served: 75, 524, 275

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: The minimum parking requirement for most retail-oriented uses is 1 parking space per 300 square/feet of gross floor area.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "R-4" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed 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.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center but is within a ½ mile of the General McMullen-Babcock Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial with an Alternate Recommendation of “C-1” Light Commercial District.

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 in April 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 the surrounding area, which is predominately single-family residential.
3. **Suitability as Presently Zoned:** The current “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-2” Commercial District is not appropriate. The proposed “C-2” Commercial District would permit commercial uses incompatible with the established development pattern, which is largely single-family residential. Staff recommends Denial, with an Alternate Recommendation for “C-1” Light Commercial District. This will enable the property owners to continue using the property as it has been historically utilized, which is as a Convenience Store. Additionally, the alternate recommendation will limit the use of the property to light commercial activities and will also limit the buildings constructed on the property to 5,000 square feet with an aggregate of 15,000 square feet.
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/Southwest Sector Plan:
 - 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
6. **Size of Tract:** The subject property is 0.2076 Acres, which can reasonably accommodate the proposed development.
 7. **Other Factors** The applicant intends to rezone to “C-2” to permit various commercial uses on the property.

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.

Nonconforming Use rights were granted to the property on July 30, 1992, for the use “Retail Groceries with Beer To-Go”. The Non-Conforming Use rights have not been renewed since their original issuance in 1992 and would need to be reevaluated. The rezoning of the property would allow a convenience store by right with proper permitting.