



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 21, 2024

**In Control:** City Council

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**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-1 MLOD-2 MLR-1 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 20, 2024. This item was continued at the December 5, 2023 and December 19, 2023, January 16, 2024, and February 6, 2024 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-1" Light Commercial Districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses.

Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail – no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. 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 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 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-1” 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 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-1” Light Commercial District is also appropriate. The change in zoning would bring a longstanding small business, operating through non-conforming use rights into compliance with zoning regulations.
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-1” to permit the convenience store currently operating 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.