



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 16, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon DSD

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2023-10700363

**SUMMARY:**

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

**Requested Zoning:** “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** January 16, 2024

**Case Manager:** Mark Chavez, Zoning Planner

**Property Owner:** PMBDC, LLC

**Applicant:** Law Office of EAR, PLLC

**Representative:** Law Office of EAR, PLLC

**Location:** 333 Faust Avenue

**Legal Description:** Lots 41 and 42, Block 7, NCB 8258

**Total Acreage:** 0.1320

### **Notices Mailed**

**Owners of Property within 200 feet:** 28

**Registered Neighborhood Associations within 200 feet:** Prospect Hill Neighborhood Association

**Applicable Agencies:** Lackland Air Force Base, Planning Department

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio August 2, 1944, and originally zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to "MF-33" Multi-Family District. The subject property then was rezoned by Ordinance 97385, dated March 27, 2003, to the current "R-4" Residential Single-Family District.

### **Code & Permitting Details:**

There is no code enforcement or permitting history for the subject property.

**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:** Auto Repair Shop

**Direction:** East

**Current Base Zoning:** "R-4"

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** "C-2 S" with a Specific Use Authorization for Telephone Equipment Infrastructure

**Current Land Uses:** AT&T Utility Building

**Direction:** West

**Current Base Zoning:** "C-2 CD" with a Conditional Use for Motor Vehicle Sales

**Current Land Uses:** Retail Plaza

### **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:** Faust Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** North General McMullen Drive

**Existing Character:** Principal

**Proposed Changes:** None known.

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

**Routes Served:** 524, 75, 76 and 79.

**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 requirements for Medical- Clinic (Physician and/or Dentist) is 1 per 400 square feet of the gross floor area. The maximum will be 1 per 100 square feet of the gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current Zoning:** “R-4” Residential Single-Family District permits dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, accessory dwellings, 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 gold 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 ½ a mile from the General McMullen-Babcock 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 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 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-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The requested “C-2” Commercial District is also an appropriate zoning for the property and surrounding area. There are a variety of existing uses, ranging from single-family residential, commercial, and utility uses within a 200-foot radius of the subject property. The “C-2” base zoning designation is a more appropriate district within the mixed adjacent uses, offering commercial services for nearby businesses and residential neighborhoods.
- 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/does not appear to conflict with any public policy objective. Relevant Goals and Policies from the Comprehensive Plan may include:
  - GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
  - JEC Goal 1: Employment is focused in the city’s 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio’s residents and businesses.
- 6. Size of Tract:** The 0.1320-acre site is of sufficient size to accommodate the proposed Industrial development.
- 7. Other Factors:** The applicant intends to rezone to “C-2” Commercial District to accommodate for parking and replat with the abutting property to accommodate the commercial development.

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.