



City of San Antonio

Agenda Memorandum

Agenda Date: December 1, 2022

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 6

SUBJECT:
ZONING CASE Z-2022-10700284

SUMMARY:

Current Zoning: "C-2NA MLOD-2 MLR-1 AHOD" Commercial Nonalcoholic Sales 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: November 1, 2022

Case Manager: Adolfo Gonzalez, Planner

Property Owner: Pedro S. Vargas

Applicant: Pedro S. Vargas

Representative: Pedro S. Vargas

Location: 629 Old Highway 90

Legal Description: Lots 15-21, save and except portions of Lots 17-21, Block 19, NCB 7441

Total Acreage: 0.2020

Notices Mailed

Owners of Property within 200 feet: 24

Registered Neighborhood Associations within 200 feet: Community Workers Council and Los Jardines Neighborhood Association

Applicable Agencies: Lackland Airforce Base

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 2590, dated September 15, 1945 and zoned "F" Local Retail District. The property was rezoned by Ordinance 68337, dated November 17, 1988 to "B-3 R" Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3 R" Restrictive Business District converted to the current "C-3 R" General Commercial Restrictive Alcohol Sales District. The property was rezoned by Ordinance 2011-05-05-0362, dated May 05, 2011 to "C-2 NA" General Commercial Nonalcoholic Sales 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: "R-6"

Current Land Uses: Residential Structure

Direction: East

Current Base Zoning: "C-2 NA"

Current Land Uses: Vacant Commercial Structure

Direction: South

Current Base Zoning: "C-2 NA"

Current Land Uses: Vacant Commercial Structure

Direction: West

Current Base Zoning: "C-2 NA CD"

Current Land Uses: Food Service

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: None.

Transportation**Thoroughfare:** 37th Street**Existing Character:** Local**Proposed Changes:** None known.**Thoroughfare:** 36th Street**Existing Character:** Local**Proposed Changes:** None known.

Public Transit: There is public transit within walking distance of the subject property. Routes Served: 76, 276

Traffic Impact: Preliminary Review Only - Detailed technical review and compliance with the UDC code will be conducted at time of platting and/or permitting. The purpose of this TIA Threshold Worksheet review is solely to determine if a TIA study is required based on the preliminary information provided at time of this review. Turn lanes as part the TIA Threshold Worksheet will be assessed once more detail technical information is provided at the time of platting and/or permitting. A TIA study may be required based on the information provided at time of platting and/or permitting.

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 restaurant establishment 1.0 spaces per 500 square feet. The maximum parking allowed for a restaurant establishment is 1.0 spaces per 40 square feet.

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.

The current "C-2NA" Commercial Nonalcoholic Sales districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

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:

Subject property is not located within Regional Center and within ½ a mile from the Metro Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Denial.

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 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 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. This area was purposely rezoned to “C-2NA” Commercial Nonalcoholic Sales and “C-3R” General Commercial Restrictive Alcoholic Sales as part of a large area rezoning where the public guided input that there be no alcohol sales or uses in this corridor.
3. **Suitability as Presently Zoned:** The existing “C-2NA” Commercial Nonalcoholic Sales District is an appropriate zoning for the property and surrounding area. The proposed “C-2” Commercial rezoning would remove the Nonalcoholic Sales requirement. On May 05, 2011, Ordinance 2011-05-05-0362 introduced a large area rezoning containing the subject property. The rezone prescribed “C-2 NA” Commercial Nonalcoholic Sales District for this area. There is an elementary school within close proximity of the site. If the school is within 300-feet of the property and it is rezoned to remove the “NA” an Alcohol Variance will be required. Although the proposed “C-2” Commercial District is consistent with future land designation, it is contrary to the large area rezoning ordinance and would not fit into the area’s existing character.
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 appear to conflict with any public policy objective of the West/Southwest Sector Plan.

Relevant Goals of the West Sector Plan may include:

LU-1: Land use pattern emphasizes compatibility and appropriateness between uses and protects neighborhoods and businesses from incompatible land uses.

6. **Size of Tract:** The 0.2020-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 applicant would like to serve beer and wine in the existing restaurant on the subject property.