



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 6, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**  
ZONING CASE Z-2022-10700124 CD

**SUMMARY:**

**Current Zoning:** "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Multi-Family Complex not to exceed 25 buildings and 50 units and "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Multi-Family Complex not to exceed 25 buildings and 50 units

**Requested Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Repair and "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 Auto Repair

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 6, 2022

**Case Manager:** Elizabeth Steward, Planner

**Property Owner:** Torresday Jesus Manuel & Natividad

**Applicant:** Torresday Jesus Manuel & Natividad

**Representative:** Patrick Christensen, P.C.

**Location:** 203 West Buchanan Boulevard

**Legal Description:** 3.728 acres out of NCB 11129

**Total Acreage:** 3.72

**Notices Mailed**

**Owners of Property within 200 feet:** 20

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Planning Department

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned "B" Residence District. The property was rezoned by Ordinance 66677, dated February 28, 1988 to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to "R-6" Residential Single-Family District. The property was rezoned by Ordinance 100056, dated December 9, 2004 to the current "R-6 CD" Residential Single-Family District with Conditional Use for a Multi-Family Complex not to exceed 25 buildings and 50 units.

**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 Dwelling

**Direction:** South

**Current Base Zoning:** RM-4 and R-6

**Current Land Uses:** Outdoor Flea Market

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** R-6

**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:**

N/A.

**Transportation**

**Thoroughfare:** West Buchanan Boulevard

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 44

**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 Auto and Light Truck Repair is 1 space per 500 sf GFA including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay. The maximum parking limit for Auto and Light Truck Repair is 1 space per 375 sf GFA including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay.

**Thoroughfare:** West Buchanan Boulevard

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 44

**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 Auto and Light Truck Repair is 1 space per 500 sf GFA including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay. The maximum parking limit for Auto and Light Truck Repair is 1 space per 375 sf GFA including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “R-6 CD” Residential Single-Family allows dwellings (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

The “CD” Conditional Use allows a Multi-Family Complex not to exceed 25 buildings and 50 units.

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 proposed “CD” Conditional Use would allow Auto Repair.

**FISCAL IMPACT:**

None.

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

Subject property is located within ½ mile from the Texas A&M San Antonio Regional Center but is not within ½ a mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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. The surrounding area is largely developed as single-family homes.
- 3. Suitability as Presently Zoned:** The existing “R-6 CD” Residential Single-Family with Conditional Use for a Multi-Family Complex not to exceed 25 buildings and 50 units is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for an Auto Repair Facility brings a use allowed by right in the “C-3” General Commercial District with more intense commercial uses to the property, which is not appropriate for the property or area. While Conditions could be placed on the request for buffers, fencing, lighting and hours of operation, the rezoning appears to be completely out of

character with the surrounding properties and introduces commercial encroachment into a primarily residential area.

4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The proposed request is for an Auto Repair Facility which is abutting single family homes, which can result in excess noise, traffic and pollution.
5. **Public Policy:** The request does appear to conflict with any public policy objectives of the West/Southwest Sector Plan.

**Relevant Goals and Policies of the Comprehensive Plan may include:**

**GCF Goal 5:** Growth and city form support improved livability in existing and future neighborhoods.

**Relevant Goals and Strategies of the West/SW Sector Plan may include:**

**Goal LU-1:** Land use patterns emphasize 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 3.72 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The applicant intends to construct an Auto Repair Facility.

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 zoning request includes a request for nonresidential uses or multifamily 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.

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.