



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 2, 2023

**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-2022-10700322

(Associated Plan Amendment PA-2022-11600112)

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "NC MLOD-2 MLR-2 AHOD" Neighborhood Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 20, 2022

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Juan Rodriguez

**Applicant:** Killen, Griffin, and Farrimond, PLLC

**Representative:** Killen, Griffin, and Farrimond, PLLC

**Location:** 815 Brighton Avenue

**Legal Description:** 0.157 acres out of NCB 8965

**Total Acreage:** 0.157

**Notices Mailed****Owners of Property within 200 feet:** 20**Registered Neighborhood Associations within 200 feet:** NA**Applicable Agencies:** Lackland Army Base, Planning Department, Texas Department of Transportation**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944, and originally zoned "B" Residence District. The property was rezoned by Ordinance 76368 dated August 27, 1992, to "R-5" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-5" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

**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-5"**Current Land Uses:** Residential Dwelling**Direction:** South**Current Base Zoning:** "R-5"**Current Land Uses:** Residential Dwelling**Direction:** East**Current Base Zoning:** "C-1 CD" "C-3" UZROW**Current Land Uses:** Interstate Highway 35, Used car lot**Direction:** West**Current Base Zoning:** "R-5"**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:**

None.

**Transportation**

**Thoroughfare:** Brighton Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Interstate 35

**Existing Character:** Interstate

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus stops in proximity to the subject property.

**Routes Served:** 46, 246

**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 a hardware store would be 1 parking space per 300 sq/ft of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-5" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

Proposed Zoning: "NC" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center or within a ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation of "R-5 CD" Residential Single-Family District with a Conditional Use for Hardware Sales – Retail. Zoning Commission 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 located within the Lone Star Community Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “NC” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Neighborhood Commercial”. Staff recommends Denial. The Planning Commission recommends Approval.
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.
3. **Suitability as Presently Zoned:** The current “R-5” Residential Single-Family District is an appropriate zoning for the subject property and surrounding land use. The proposed “NC” Neighborhood Commercial District is not appropriate. While the subject property does essentially abut Interstate Highway 35, it is the first property of an established single-family residential neighborhood. The introduction of any commercial activity into a residential neighborhood constitutes commercial encroachment, and also creates opportunity for incompatible land uses and inappropriate transitions. The proposed development could be accomplished with a “CD” Conditional Use, that would maintain the “R-5” base zoning district while also requiring a detailed site plan. Staff recommends Denial, with an Alternate Recommendation of “R-5 CD” Residential Single-Family District with a Conditional Use for Hardware Sales - Retail. Additionally, this alternate recommendation eliminates the need for a Plan Amendment, which will preserve the integrity of the established residential development pattern.
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 objectives of the Nogalitos/South Zarzamora:
  - Objective 2.1 Neighborhood Character and Appearance Protect and preserve the character of the neighborhoods and commercial corridors while improving their physical appearance
  - Objective 3.1 Diverse Businesses Attract and support a variety of businesses in a walkable, mixed-use environment.
6. **Size of Tract:** The subject property is 0.157 acres , which can reasonably accommodate the proposed development.
7. **Other Factors** The applicant intends to rezone to “NC” Neighborhood Commercial District to establish a hardware retail store on the property.

The subject property is located within the Lackland Army Base 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.