



City of San Antonio

Agenda Memorandum

Agenda Date: December 2, 2021

In Control: City Council Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:

ZONING CASE Z-2021-10700261 CD

(Associated Plan Amendment PA-2021-11600092)

SUMMARY:

Current Zoning: "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "C-1 CD MLOD-2 MLR-2 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: November 2, 2021

Case Manager: Rebecca Rodriguez, Planner

Property Owner: Brighton 719 LLC and Investments Robles, LLC

Applicant: Robert Votion

Representative: Robert Votion

Location: 719 Brighton Avenue and 714 Keats Street

Legal Description: 0.478 acres out of Lot 1, on the northeast 16.66 feet of Lot 2, Lot 3, Lot 4, Lots 10 through 12, Block 10, NCB 8965
Total Acreage: 0.559

Notices Mailed

Owners of Property within 200 feet: 36

Registered Neighborhood Associations within 200 feet: None

Applicable Agencies: TxDOT

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 1391, dated September 23, 1944 and zoned "B" Residence District. The property was rezoned by Ordinance 85113, dated November 7, 1996 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 the current "R-6" Residential Single-Family 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: Single-Family Residence

Direction: South

Current Base Zoning: R-6

Current Land Uses: Single-Family Residence

Direction: East

Current Base Zoning: R-6

Current Land Uses: Single-Family Residence

Direction: West

Current Base Zoning: C-3

Current Land Uses: Commercial Business/ROW

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

Proposed Changes: None

Thoroughfare: Keats Avenue

Existing Character: Local

Proposed Changes: None

Public Transit: There are no VIA bus routes are within walking distance of the subject property.

Traffic Impact: IH-35 is a TxDOT roadway, TxDOT review and approval will be required. Please submit documents to TxDOT for review. ROW dedication and improvement may be required along Brighton and Keats. TIA review will be analyzed in detail during building permit and plat. Site plan will be required.

Parking Information: The minimum parking requirement for a motor vehicle sales business is 1 per 500 sf GFA of sales and service building.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “ R-6” Residential Single-family dwelling (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.

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.

The “CD” Conditional Use would allow Motor Vehicle Sales.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not within a Regional Center or within the Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial. Zoning Commission recommends Approval, with Conditions.

If Council approves the request the following Conditions are recommended:

- 1) An eight (8) foot solid screened fence abutting residential zoning and/or uses.
- 2) A 15-foot Type B Landscape buffer to the sides of the property.
- 3) Hours of operation limited to 9am-6pm Monday through Saturday.

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 South Central San Antonio Community Plan and is currently designated as Low Density Residential in the future land use component of the plan. The requested “C-1” 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. 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 existing “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-1 CD” Light Commercial District is not appropriate for the subject site. The property is surrounded by residences, and only one commercial property is found in proximity. Rezoning could potentially lead to pollution, noise, and additional traffic within the existing residential neighborhood. While the property is near Interstate 35, “C-1” Light Commercial uses are generally found in proximity to other commercial centers due to the uses permitted by right in this base zoning district.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does appear to conflict with public policy objectives. The proposed zoning change will conflict the following principles of South Central San Antonio Community Plan:
 - Promote economic development and integrate environmental quality protection.
 - Encourage a balance of new development and redevelopment of target areas.
 - Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations.
6. **Size of Tract:** The 0.559-acre site is of sufficient size to reasonably accommodate a 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.

Applicant is requesting to rezone the property to “C-1 CD” Light Commercial District with a Conditional Use for Motor Vehicle Sales to expand an existing motor vehicle sales business into adjoining lots. The rezoning will allow the property owner to have additional parking for the vehicles.

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.

Staff verified with Code Enforcement that there are no code violations related to zoning and/or uses for the subject properties.