



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 2, 2021

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2021-10700261

(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-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**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:** Southeast triangular 29.62 feet 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-3” General Commercial districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**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.

The applicant amended their Plan Amendment request to Neighborhood Commercial and will be amending their zoning request to “C-1 CD” Light Commercial with Conditional Use for Motor Vehicle Sales.

Although the request is being amended, Staff does not support any additional encroachment into the neighborhood.

**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-3” 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-3” General 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-3” General Commercial uses are generally found in commercial centers and major arterial ways due to the intensive 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-3” General Commercial District 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.

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