



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 4, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**

ZONING CASE Z-2021-10700319

**SUMMARY:**

**Current Zoning:** "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "RM-4 MLOD-2 MLR-2 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "C-2NA MLOD-2 MLR-2 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 21, 2022

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Julia Keck

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

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

**Location:** 1286 Bandera Road

**Legal Description:** Lot 58, Block H, NCB 8358

**Total Acreage:** 0.351 acres

**Notices Mailed****Owners of Property within 200 feet:** 23**Registered Neighborhood Associations within 200 feet:** Donaldson Terrace Neighborhood Association, University Park Neighborhood Association**Applicable Agencies:** Lackland Airfield Base**Property Details****Property History:**

The property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and zoned "A" Single-Family Residence District. Ordinance 37,306 dated March 6, 1969, rezoned a portion of the property to "B-1" Business District. Ordinance 40,281 dated January 13, 1972, rezoned the property to "B-2" Business District and "R-2" Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, converted to the current "C-2" Commercial District and "RM-4" Residential Mixed 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-4" "MF-33"**Current Land Uses:** Residential Dwelling**Direction:** South**Current Base Zoning:** "C-2" "C-3 NA"**Current Land Uses:** Tire Shop, Funeral Home**Direction:** East**Current Base Zoning:** "C-1", "C-3R", "C-2NA", "C-3R", "C-2NA", "R-4", "R-5", "I-1"**Current Land Uses:** Appliance Store, Towing Shop, Single-Family Dwellings**Direction:** West**Current Base Zoning:** "C-3R", "C-3"**Current Land Uses:** Car Lot**Overlay District Information:**

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. 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.

**Special District Information:** None.

**Transportation****Thoroughfare:** Bandera Road**Existing Character:** Primary Arterial A**Proposed Changes:** None Known**Public Transit:** There is two (2) bus routes within walking distance.**Routes Served:** 88, 228

**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 requirements for Apparel and Accessory Store is 1 parking space per 300 GFA.

**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.

“RM-4” Residential Mixed District allows single-family dwellings (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

**Proposed Zoning:** “C-2NA” 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 sale of alcohol is prohibited in “C-2NA”.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 Near Northwest Community Plan and is currently designated as “Community Commercial” in the future land use component of the plan. The requested “C-2NA” base zoning district is consistent with the future land use designation.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The property is located along Bandera Road, which has an established commercial development pattern. The site is also directly abutting commercial zoning designations, with intensities ranging from “C-1” Commercial District to “C-3R” General Commercial Restrictive Alcoholic Sales District.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District is appropriate but the existing “RM-4” Residential Mixed District is not appropriate zoning for the property and surrounding area. The proposed base zoning of “C-2NA” Commercial Nonalcoholic Sales District would provide uniform and consistent zoning across the property, and would prohibit the sale of alcohol on the property.
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 not appear to conflict with any public policy objectives of the Near Northwest Community Plan.
  - Objective 2.2: Business Development
    - 2.2.2 Encourage new business development to locate in existing commercial areas in need of revitalization and promote existing business enhancement.
    - 2.2.5 Identify priority locations to investigate whether a business has the appropriate zoning.
6. **Size of Tract:** The 0.351- acre site is of sufficient size to accommodate the existing commercial development.

7. **Other Factors:** At the Zoning hearing the applicant amended their request from “C-2 CD” Commercial District with Conditional Use for Outside Storage to “C-2NA” Commercial Nonalcoholic Sales District.

The subject property is located within the Lackland Airfield 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.

A majority of the property is already zoned “C-2” Commercial District. The proposed rezoning is to align the current “RM-4” Residential Mixed District with the current “C-2” Commercial zoned portion of the property, so that retail accessory structure for Starline Costumes (established 1977) and associated parking conform to zoning.

There will be no new additions or construction to the existing site or structures. If the structure is demolished in the future, any new construction will need to meet setback and buffer yard requirements if the property is rezoned to “C-2NA” Commercial Nonalcoholic Sales District. All Building Code requirements are also applicable.