



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2394

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/21/2019

**Title:** ZONING CASE # Z-2018-900085 CD (Council District 3): Ordinance amending the Zoning District Boundary from "C-1 MLOD-2 MLR-2 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "C-3 CD MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Funeral Home to "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 a Funeral Home with Stone Curing-Monument Manufacturing/Storage on Lot 13, NCB 8205, located at 432 Boswell Street. Staff and Zoning Commission recommend Approval, with Conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2019-03-21-0259

Date	Ver.	Action By	Action	Result
3/21/2019	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**

Zoning Case Z-2018-900085 CD

**SUMMARY:**

**Current Zoning:** "C-1 MLOD-2 MLR-2 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "C-3 CD MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Funeral Home

**Requested Zoning:** "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 a Funeral Home with Stone Curing-Monument Manufacturing/Storage

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 19, 2019

**Case Manager:** Marco Hinojosa, Planner

**Property Owner:** MPIO, Inc.

**Applicant:** MPIO, Inc.

**Representative:** Brown & Ortiz, P.C.

**Location:** 432 Boswell Street

**Legal Description:** Lot 13, NCB 8205

**Total Acreage:** 8.57

**Notices Mailed**

**Owners of Property within 200 feet:** 44

**Registered Neighborhood Associations within 200 feet:** None.

**Applicable Agencies:** Lackland JLUS and Planning Department

**Property Details**

**Property History:** The subject property was annexed on August 3, 1944 by Ordinance 1391. The subject property was rezoned from "D" Apartment District to "B-1" Business District by Ordinance 84398, dated July 11, 1996. The property converted from "B-1" Business District to the current "C-1" Light Commercial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. The property was further rezoned from "C-1" to "C-3 CD" General Commercial with a Conditional Use for a Funeral Home by Ordinance 2016-10-06-0778, dated October 6, 2016.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential Dwellings

**Direction:** East

**Current Base Zoning:** "C-2" and "C-3"

**Current Land Uses:** Retail Center

**Direction:** South

**Current Base Zoning:** "C-3", "C-2", and "I-1"

**Current Land Uses:** Restaurant and Retail Center

**Direction:** West

**Current Base Zoning:** "C-2" and "C-3"

**Current Land Uses:** Community Center, Restaurant and Retail Center

**Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of

construction plans by both the Development Services Department and the Federal Aviation Administration.

"MLOD-2"

All surrounding properties carry the "MLOD-2" Military Lighting Overlay District, due to their proximity to Lackland. The "MLOD-2" 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.

**Transportation**

**Thoroughfare:** Boswell Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property. Routes served: 44, 243, 559

**Thoroughfare:** SW Military Drive

**Existing Character:** Primary Arterial Type A

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property. Routes served: 44, 243, and 559

**Traffic Impact:** A Traffic Impact Analysis (TIA) cannot be determined at this time.

**Parking Information:** The minimum parking requirements for a funeral home is 1 space per 4 seats.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "C-1" and "C-3". "C-1" 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. "C-3" districts are designed to provide for more intensive commercial uses than those located within the "NC," "C-1," "C-2" or "C-3" zoning districts. "C-3" uses are typically characterized as community and regional shopping centers, power centers and/or assembly of similar uses into a single complex under either single ownership or the structure of a property owners or condominium styled organization. "C-3" districts should incorporate shared internal circulation and limited curb cuts to arterial streets.

**FISCAL IMPACT:**

None.

**Proximity to Regional Center/Premium Transit Corridor**

The subject property is located within half a mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend Approval with Conditions.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval

criteria below.

**1. Consistency:**

The property is located within the South Central San Antonio Community Plan, and is currently designated as “Regional Commercial” in the future land use component of the plan. The requested “C-2” base zoning is compatible with the future land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The current “C-1” base zoning district is an appropriate zoning district for the property and surround area. However, the portion of the property that is zoned “C-3” is not appropriate for the area as it abuts existing residential zoning and uses. Basic planning principles discourage intense commercial uses adjacent to residential areas.

**4. Health, Safety and Welfare:**

Staff has not found indication of likely adverse effects on the public health, safety, or welfare. The proposed “C-2 CD” would allow light and moderate neighborhood serving commercial activities and the added conditional use allows the Commission to consider any needed conditions such as proper buffering, lighting, fencing and hours of operation.

**5. Public Policy:**

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the South Central San Antonio Community Plan

- Objective 1 - Economic Development: Develop and enhance the community’s commercial corridors by improving streetscape appearances and recruiting businesses to employ and provide goods/services to residents.

**6. Size of Tract:**

The subject property is 8.57 acres, which would adequately support a funeral home.

**7. Other Factors:**

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 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.

Staff and Zoning Commission recommend the following conditions:

1. Screening required for outside storage.
2. No free-standing pole or LED signs.
3. No temporary signs, pennants, flags or wind-wavers.
4. Downward facing lighting.
5. No outside amplification systems.