



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-1350

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 1/21/2020

**Title:** ZONING CASE Z-2019-10700328 (Council District 5): A request for a change in zoning from "C-3R MLOD-2 MLR-2 AHOD" General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 1, Lot 2, Block 13, NCB 7050, located at 3401, 3403, 3405, and 3407 Nogalitos Street. Staff recommends Denial. (Associated Plan Amendment PA-2019-11600096) (Michael Pepe, Planner, (210) 207-8208, Michael.Pepe@sanantonio.gov, Development Services)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:**

Zoning Case Z-2019-10700328  
(Associated Plan Amendment PA-2019-11600096)

**SUMMARY:**

**Current Zoning:** "C-3R MLOD-2 MLR-2 AHOD" General Commercial Restrictive Alcoholic Sales 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:** January 21, 2020

**Case Manager:** Michael Pepe, Planner

**Property Owner:** 3401-3407 Nogalitos Street Land Trust

**Applicant:** JL XLVII LLC

**Representative:** Joesph Lopez Jr.

**Location:** 3401, 3403, 3405, and 3407 Nogalitos Street

**Legal Description:** Lot 1, Lot 2, Block 13, NCB 7050

**Total Acreage:** 0.3251

**Notices Mailed**

**Owners of Property within 200 feet:** 22

**Registered Neighborhood Associations within 200 feet:** Palm Heights Neighborhood Association

**Applicable Agencies:** Texas Department of Transportation, Lackland Airforce Base

**Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio. The property was rezoned from "J" Commercial District to "B-3R" Restrictive Business District. The property converted to the current "C-3R" with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**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" and "C-3R"

**Current Land Uses:** Vacant retail, Single-Family Dwellings

**Direction:** East

**Current Base Zoning:** "C-3R"

**Current Land Uses:** Grocery Store, Restaurant

**Direction:** South

**Current Base Zoning:** "R-5" and "C-3R"

**Current Land Uses:** Car Repair, Single-Family Dwellings

**Direction:** West

**Current Base Zoning:** "R-5"

**Current Land Uses:** Single-Family Dwellings

**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:** Nogalitos Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

**Thoroughfare:** Gladstone

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus route are within walking distance of the subject property

Routs Served: 51, 251, 521

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

**Parking Information:**

The parking requirement for a Bar and Grill is 1 space per 100 square feet of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** "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. C-3R districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

**Proposed:** "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 a Premium Transit Corridor but is not located within a regional center.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

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

**1. Consistency:**

The subject property is located within the Nogalitos/South Zarzamora Community Plan and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The applicant is requesting a Plan Amendment from “Neighborhood Commercial” to “Regional Commercial” to accommodate the proposed rezoning. Staff and Planning Commission recommend Denial.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The request allows the intense “C-3” Commercial in close proximity to single family residential. As a basic planning principal, “C-3” is not intended to abut residential zones and uses.

**3. Suitability as Presently Zoned:**

The current “C-3R” is consistent with the surrounding properties to the north and south of the subject property. It is not consistent with the future land use designation nor the neighboring “R-5”. The requested “C-3” would be inconsistent with the surrounding properties and the future land use designation of “Neighborhood Commercial.”

The applicant is requesting to remove the “R” from the current “C-3R”, allowing the sale of alcohol for on-premise consumption.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The proposed Plan Amendment appears to conflict with the following Goals and Principles of the Nogalitos South /Zarzamora Community Plan:

3.1.4 Identify what types of businesses are needed and not present. Assess what goods and services are needed/wanted by the community.

- Conduct a community survey to determine what businesses the community desires and will support. (coffee shop, bookstore, print shop, hotel)
- Discourage any additional of auto related businesses, bargain stores and flea markets in the area. Ensure that bars are appropriately located.
- Encourage a mix of various sized stores, shops, businesses and facilities that provide all needed goods, services and entertainment (large retailers, department stores, specialty stores, small “mom and pop” businesses, computer/ technology stores, coffee shops, book stores, movies, upscale restaurants, mid-priced hotels, exercise facilities).

**6. Size of Tract:**

The subject property is 0.351 acres, which could reasonably accommodate a 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.