



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-6466

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 10/3/2019

**Title:** ZONING CASE Z-2019-10700152 CD (Council District 5): Ordinance amending the Zoning District Boundary from "C-2 MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-1 CD MLOD-2 MLR-1 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales (Full Service) on Lot 353, NCB 8524, located at 1448 Somerset Road. Staff and Zoning Commission recommend Denial.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2019-10-03-0832

Date	Ver.	Action By	Action	Result
10/3/2019	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:**

Zoning Case Z-2019-10700152 CD

**SUMMARY:**

**Current Zoning:** "C-2 MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2019

**Case Manager:** Mirko Maravi, Planner

**Property Owner:** Eliezer and Sara C. Marroquin

**Applicant:** Jose E. Ybarra

**Representative:** Jose E. Ybarra

**Location:** 1448 Somerset Road

**Legal Description:** Lot 353, NCB 8524

**Total Acreage:** 0.4878

**Notices Mailed**

**Owners of Property within 200 feet:** 30

**Registered Neighborhood Associations within 200 feet:** Quintana Community Neighborhood Association

**Applicable Agencies:** Lackland Air Force Base

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 1259, dated August 3, 1944. The property was rezoned by Ordinance 47762, dated March 17, 1977 from "B" Residence District to "B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B-2" Business District converted to the current "C-2" Commercial District.

**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:** "C-2"

**Current Land Uses:** Commercial

**Direction:** South

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

**Current Land Uses:** Restaurant

**Direction:** East

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

**Current Land Uses:** Residential

**Direction:** West

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

**Current Land Uses:** Dental Clinic

**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 Air Force Base. 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:** Somerset Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

**Thoroughfare:** West Mayfield Boulevard

**Existing Character:** Collector

**Proposed Changes:** None Known

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

**Routes Served:** 51, 251

**Traffic Impact:** Somerset is identified on the City's Major Thoroughfare Plan as a Secondary Arterial Type A (86' ROW). ROW Dedication may be required.

**Parking Information:** The minimum parking requirement for Auto and Vehicle Sales is 1 space for each 500 square feet of the sale and service building.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "C-2". These districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic.

The requested "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.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend 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 Kelly/South San PUEBLO Community Plan and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The requested “C-1” base zoning district is consistent with the future land use designation.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. A saturation of Auto Sales locations in the immediate area is high and in a “Neighborhood Commercial” area, and the commercial intensity is not consistent with the commercial allowed in the land use. The use “Motor Vehicle Sales (Full Service)” is a use normally allowed by right in a “C-3” General Commercial District.

**3. Suitability as Presently Zoned:**

The current “C-2” Commercial District is an appropriate zoning for the property and surrounding area. Although the proposed “C-1” Light Commercial would be a down zoning, the Conditional Use would allow a use that is allowed by right in a “C-3” district, which is much more intense than “C-1” uses.

**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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Kelly/South San PUEBLO Community Plan:

**NEIGHBORHOOD COMMERCIAL:** This category provides for smaller intensity commercial uses such as small scale retail or offices, professional services, convenience retail, and shop front retail that serves a market equivalent to a neighborhood.

Examples of neighborhood commercial uses include flower shops, small restaurants, lawyer’s offices, coffee shops, hairstylist or barbers shops, book stores, copy service, dry cleaning, or convenience stores without gasoline.

**6. Size of Tract:**

The subject property is 0.4878 acres, which could reasonably accommodate light commercial uses and auto vehicle sales.

**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 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.