



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-2705  
**Type:** Zoning Case  
**In control:** Zoning Commission  
**On agenda:** 6/2/2020  
**Title:** ZONING CASE Z-2020-10700071 (Council District 7): A request for a change in zoning from "C-2NA MLOD-2 MLR-2 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 9, Block 1, NCB 13519, located at 1602 Callaghan Road. Staff recommends Approval. (Victoria Castro, Planner, (210) 207-2736, Victoria.Castro@Sanantonio.gov, Development Services).  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Map

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 7

**SUBJECT:**  
Zoning Case Z2020-10700071

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

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

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** June 2, 2020

**Case Manager:** Victoria Castro, Planner

**Property Owner:** Esto Es Mexico, Oscar de La Torre, President

**Applicant:** Alfred Plascencia

**Representative:** Adolph E. Guzman

**Location:** 1602 Callaghan Road

**Legal Description:** Lot 9, Block 1, NCB 13519

**Total Acreage:** 0.7446

**Notices Mailed**

**Owners of Property within 200 feet:** 27

**Registered Neighborhood Associations within 200 feet:** Culebra Park Neighborhood Association

**Applicable Agencies:** Lackland Air Force Base

**Property Details**

**Property History:** The property was annexed by Ordinance 18115 on September 25, 1952 and zoned "R-3" Multiple Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "R-3" Multiple Family Residence District converted to "MF-33" Multi-Family District. The subject property was rezoned by Ordinance 100546, dated March 10, 2005, from "MF-33" Multi-Family District to "C2 NA" Commercial Nonalcoholic Sales 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 NA"

**Current Land Uses:** Vacant land / Carwash (Do it yourself)

**Direction:** East

**Current Base Zoning:** "PUD R-4"

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

**Direction:** South

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

**Current Land Uses:** Shopping Center

**Direction:** West

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

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

**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:** Callaghan Road

**Existing Character:** Secondary Arterial

**Proposed Changes:** None Known

**Public Transit:** 82 and 89

**Traffic Impact:** It should be noted that if this establishment has not been use within the past year, as a restaurant with drive thru, then TIA determination will need to be re-evaluated.

Callaghan Road is identified on the city’s Major Thoroughfare Plan as a Secondary Arterial Type A (86’). ROW dedication may be required.

**Parking Information:** The parking minimum requirement for a restaurant with drive thru is 1 space per 150 sf. GFA (Gross Floor Area).

### **ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** The “C-2” district accommodates 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 current zoning district designation of “C-2 NA” is identical to “C-2” districts, except that the sale of alcoholic beverages is prohibited.

**Proposed:** The proposed zoning district designation of “C-2” accommodates 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.

### **FISCAL IMPACT:**

None.

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

The property is not within a Regional Center, but is within a premium transit corridor.

### **RECOMMENDATION:**

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

**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 West / Southwest Sector Plan and is currently designated as “General Urban Tier” in the land use component of the plan. The requested “C-2” base zoning district is consistent with the adopted 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. The proposed use is consistent with the established development pattern of the properties to the north zoned “C-2NA.”

**3. Suitability as Presently Zoned:**

The existing “C-2 NA” base zoning district is appropriate for the surrounding area. The proposed rezoning maintains the base “C-2” district but removes the “NA” Nonalcoholic Sales restriction. In general, “C-2” Commercial District zoning is suitable along corridors and acts as an adequate buffer to existing and surrounding residential areas.

**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 objective.

**ED-1.3** Stimulate and support increased activity of existing businesses

**ED-2.4** Consider rezoning corridors and nodes to permit the mix of uses

**6. Size of Tract:**

The 0.7446 acre site is of sufficient size to accommodate the proposed commercial development.

**7. Other Factors:**

The subject property is located within the Martindale Army Air Field Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JBSA were notified of the proposed request. The Military has indicated that there are no objections to this request.

The applicant is requesting to rezone for a restaurant with alcohol sales.