



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2102

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/18/2021

**Title:** ZONING CASE Z-2020-10700274 CD (Council District 5): Ordinance amending the Zoning District Boundary from "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family 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 a Conditional Use for Motor Vehicle Sales (Full Service) on Lot 11 and Lot 12, Block 31, NCB 8654, located at 420 South San Augustine Avenue. Staff recommends Denial. Zoning Commission recommends Approval with Conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2021-03-18-0192

Date	Ver.	Action By	Action	Result
3/18/2021	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:**

Zoning Case Z-2020-10700274 CD

**SUMMARY:**

**Current Zoning:** "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family 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 a Conditional Use for Motor Vehicle Sales (Full Service)

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 2, 2021. This case is continued from the January 19, 2021 hearing.

**Case Manager:** Michael Pepe, Planner

**Property Owner:** Fernando De Leon

**Applicant:** Fernando De Leon

**Representative:** Fernando De Leon

**Location:** 420 South San Augustine Avenue

**Legal Description:** Lot 11 and Lot 12, Block 31, NCB 8654

**Total Acreage:** 0.1412

**Notices Mailed**

**Owners of Property within 200 feet:** 33

**Registered Neighborhood Associations within 200 feet:** Las Palmas Neighborhood Association

**Applicable Agencies:** Lackland Air Force Base

**Property Details**

**Property History:** The subject property was annexed by Ordinance 18115 dated September 25, 1952 as “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” converted to the “R-4” Residential 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:** “R-4”

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

**Direction:** South

**Current Base Zoning:** “R-4”

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

**Direction:** East

**Current Base Zoning:** “R-4”

**Current Land Uses:** Auto Sales

**Direction:** West

**Current Base Zoning:** “R-4”

**Current Land Uses:** Vacant, Single-Family Homes

**Overlay and Special District Information:**

"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.

"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.

**Transportation**

**Thoroughfare:** San Augustine

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 75, 275

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The proposed use does not exceed the minimum threshold.

**Parking Information:** The parking minimum for Auto Repair is 1 space per 500 square feet of gross floor area including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bays.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** “R-4” Single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

**Proposed:** C-2 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 “CD” Conditional Use allows the operation of Auto Repair, pursuant to a site plan.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a regional center no is it located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (7-4) recommends Approval with Conditions.

The recommended Conditions are as follows:

1. Hours of operation Monday through Saturday 10am -7pm
2. Downward facing lighting
3. Solid screen fence abutting residential
4. San Augustine for emergency access only
5. No display of vehicles for sale on the property
6. No temporary signs or pennants
7. Maintain 20-foot front setback on San Augustine

**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 Sector Plan and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “C-1” Light Commercial 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. The proposed use increases potential sound, lighting, and vehicular impacts to the residentially zoned street.

**3. Suitability as Presently Zoned:**

The current “C-2” Commercial District is not an appropriate zoning for the property and surrounding area. The area is primarily “R-4” Residential Single Family with residential uses. “C-1” Light Commercial is not appropriate to the area or midblock surrounded by residential. The proposed zoning would represent commercial creepage into a residential area. The request takes a more intense commercial use of Auto and Light Truck Repair, normally allowed in the “C-3” General Commercial District and allows it to be conditioned down to a “C-1” Commercial District.

**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 rezoning appears to conflict with the following goals, principles, and objectives of the West Sector Plan:

LU-1.1 Limit encroachment of commercial uses into established low-density residential areas

**6. Size of Tract:**

The subject property is 0.1412 acres, which could not reasonably accommodate the use of auto sales and repair.

**7. Other Factors:**

The subject property is located within the Lackland 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 the 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.