



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-1749  
**Type:** Zoning Case  
**In control:** Zoning Commission  
**On agenda:** 3/16/2021  
**Title:** ZONING CASE Z-2021-10700011 CD (Council District 5): A request for a change in zoning from "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-2 CD MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 13, Block 7, NCB 8641, located at 446 Inez Avenue. Staff recommends Denial. (Lorianne Thennes, Planner, (210) 207-7945, [lorianne.thennes@sanantonio.gov](mailto:lorianne.thennes@sanantonio.gov), Development Services Department)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Map, 2. Site Plan

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:** Zoning Case Z2021-10700011 CD

### SUMMARY:

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

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

### BACKGROUND INFORMATION:

**Zoning Commission Hearing Date:** March 16, 2021

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Teofilo Martinez

**Applicant:** Teofilo Martinez

**Representative:** Teofilo Martinez

**Location:** 446 Inez Avenue

**Legal Description:** Lot 13, Block 7, NCB 8641

**Total Acreage:** 0.1274 acres

**Notices Mailed**

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

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

**Applicable Agencies:** Lackland Air Force Base

**Property Details**

**Property History:** The subject property was annexed into the city by Ordinance 2590, dated September 5, 1945 and was originally zoned "C" Apartment District. The previous "C" district converted to "MF-33" Multi-Family District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. The property was rezoned to "R-6" by Ordinance 98691, dated January 8, 2004. The property was then rezoned to the current "C-2" by Ordinance 2015-04-02-0263, dated April 2, 2015.

**Topography:** The entire property falls within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Single-family dwellings

**Direction:** East

**Current Base Zoning:** "R-5" and "C-2"

**Current Land Uses:** Single-family dwellings, vacant commercial building

**Direction:** South

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

**Current Land Uses:** Vacant

**Direction:** West

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

**Current Land Uses:** Alderete Park, single-family dwellings

**Overlay and Special District Information:**

"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.

"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:** Inez Avenue

**Existing Character:** Local

**Proposed Changes:** None

**Public Transit:** There is one VIA bus route within walking distance of the subject property.

**Route Served:** 77

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** The minimum parking requirement for motor vehicle sales is 1 space per 500 square feet of ground floor area of sales and service building.

**ISSUE:** None.

**ALTERNATIVES:**

**Current:** The current “C-2” Commercial District permits 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.

**Proposed:** The proposed “C-2” Commercial District permits 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 proposed “CD” would allow for the use of motor vehicle sales, which is permitted in “C-3” General Commercial District by right.

**FISCAL IMPACT:** None.

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

The property is not within a regional center or a premium transit corridor.

**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 West/Southwest Sector Plan and is currently designated as “General Urban Tier.” The requested “C-2” 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. Although the base "C-2" Commercial District will remain the same, the proposed "CD" Conditional Use for Motor Vehicle Sales conditions down a more intense "C-3" use.

## **3. Suitability as Presently Zoned:**

The current "C-2" Commercial District is an appropriate zoning for the property and surrounding area. While the proposed request maintains the base zoning, the proposed Motor Vehicles Sales is a "C-3" use that is not appropriate to the area, especially with the abutting residential to the west and south of the subject site.

## **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 West/Southwest Sector Plan:

Goal ED-1: The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities

Goal ED-3: The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods

Goal ED-3.1: Ensure the development of new business locations and employment centers are compatible with the West/Southwest Sector Land Use Plan

## **6. Size of Tract:**

The subject property is 0.1274 acres, which could reasonably accommodate motor 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 rezoning. The Military has indicated 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.

The property is in the floodplain and will require unflooded access for development.