



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-4160

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 6/1/2021

**Title:** (Continued from 05/18/2021) ZONING CASE Z-2021-10700065 CD (Council District 3): A request for a change in zoning from "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family 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 9, Lot 10, Lot 11, and Lot 12, Block 170, NCB 9453, located at 3320 Commercial Avenue. Staff recommends Approval. (Michael Pepe, Senior Planner, (210) 207-8208, michael.pepe@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:** 3

**SUBJECT:**

Zoning Case Z-2021-10700065 CD

**SUMMARY:**

**Current Zoning:** R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family 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 Conditional Use for Motor Vehicle Sales

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 1, 2021. This case is continued from the May 4, 2021 and May 18, 2021 hearings.

**Case Manager:** Michael Pepe, Senior Planner

**Property Owner:** Danny Pena

**Applicant:** Danny Pena

**Representative:** Danny Pena

**Location:** 3320 Commercial Avenue

**Legal Description:** Lot 9, Lot 10, Lot 11, and Lot 12, Block 170, NCB 9453

**Total Acreage:** 0.2984

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** None

**Applicable Agencies:** Lackland Air Force Base

**Property Details**

**Property History:** The property was annexed on March 7, 1947, by Ordinance 4745, and it was originally zoned as Temporary "A" Residence District. The property was rezoned to "R-1" by Ordinance 66677, dated February 25, 1988. The "R-1" was then converted to "R-6" Residential Single Family with the adoption of the 2001 Unified Development Code by Ordinance 93881, dated May 3rd, 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:** "C-3NA"

**Current Land Uses:** Auto Repair

**Direction:** East

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

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

**Direction:** West

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

**Current Land Uses:** Small Office

**Direction:** South

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

**Current Land Uses:** Vacant

**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:** Commercial

**Existing Character:** Collector

**Proposed Changes:** None Known

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

Routes Served: 46

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not available at this time.

**Parking Information:** The parking minimum for Motor Vehicle Sales is 1 space per 500 square feet of gross floor area of sales and service building.

### **ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** The present zoning district designation of "R-6" allows Single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

**Proposed:** The proposed "C-2" Commercial 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 "CD" Conditional Use would allow for motor vehicle sales.

### **FISCAL IMPACT:**

None.

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

The property is not part of a regional center nor is it 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 future land use component of the plan. The requested "C-2" base zoning district is consistent with the future land use designation.

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

Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. This enables development of a site on a commercial corridor and limits more intense commercial activities to a site plan. Additionally, the property is further removed from nearby residential by public right of way easements.

**3. Suitability as Presently Zoned:**

The current “R-6” zoning is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” would also be an appropriate zoning for the scale of the neighborhood, the classification of the street, and for the neighboring properties. The Conditional Use would allow the applicant to operate a “C-3” use, but potentially mitigate impact through the application of conditions such as the limitation of hours of operations, downward facing lighting, landscape buffering and limitation of signage.

**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:

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 subject property is 0.2984 Acres, which could reasonably accommodate Commercial uses.

**7. Other Factors:**

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 applicant is rezoning to develop a small car lot.