



# City of San Antonio

## Agenda Memorandum

**File Number:**18-5527

---

**Agenda Item Number:** Z-11.

**Agenda Date:** 10/18/2018

**In Control:** City Council A Session

---

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 4

**SUBJECT:**

Zoning Case Z2108307 CD

**SUMMARY:**

**Current Zoning:** "C-3 MLOD-2 MLR-1 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region Airport Hazard Overlay District with Conditional Use for Stone Curing and Monument Manufacturing

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 18, 2018

**Case Manager:** Kayla Leal, Planner

**Property Owner:** Richard Whitcher, Jr.

**Applicant:** Richard Whitcher, Jr.

**Representative:** Richard Whitcher, Jr.

**Location:** 5443 Hillburn Drive

**Legal Description:** Lot 21, NCB 15628

**Total Acreage:** 0.2108

**Notices Mailed**

**Owners of Property within 200 feet:** 10

**Registered Neighborhood Associations within 200 feet:** Southwest Community Association  
**Applicable Agencies:** Lackland Military Base, Texas Department of Transportation

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio on December 26, 1972, established by Ordinance 41419. The subject property was zoned "Temporary R-1" Temporary Single Family Residential District which changed to "B-3" Business District, established by Ordinance 44528, dated October 31, 1974. The current "C-3" General Commercial District converted from the previous "B-3" upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001.

**Topography:** The subject property is located within the Leon Creek Watershed.

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** C-3

**Current Land Uses:** Retail Shops

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Mobile Home Park, Single-Family Residence, Vacant Lot

**Direction:** South

**Current Base Zoning:** C-3, C-2 CD, C-1, R-6

**Current Land Uses:** Auto Shop, Single-Family Residential, Church

**Direction:** West

**Current Base Zoning:** C-3

**Current Land Uses:** Retail Shops

### **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:** Hillburn Drive

**Existing Character:** Local Road

**Proposed Changes:** None known

**Public Transit:** There is a bus stop within walking distance on Old Pearsall Road along Bus Route 614.

**Traffic Impact:** A Traffic Impact Analysis (TIA) Report is not required.

**Parking Information:** A Stone Curing Facility requires a minimum of one (1) parking space per 1,500 square-

feet of the Gross Floor Area (GFA) and permits up to one (1) parking space per 300 square-feet of the GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation. The “C-3” base zoning district is intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center nor located within a half-mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend 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 United Southwest Land Use Plan and is currently designated as “Community Commercial” 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 surrounding area. There is commercial zoning to the west of the subject property and single-family residential uses to the east. The request would be downzoning this property which could provide a buffer in the intensity of the zoning districts.

**3. Suitability as Presently Zoned:**

The existing “C-3” base zoning district is not appropriate for the surrounding area. The proposed zoning is a slightly less intense commercial zoning district which will create a more appropriate buffer between the residential to the east and the “C-3” zoning to the west of the subject property.

**4. Health, Safety and Welfare:**

Staff has not found any indication of likely adverse effects on the public health, safety, or welfare. The request would be downzoning the base zoning district to a “C-2” zoning.

**5. Public Policy:**

The request does not appear to conflict with any public policy objective. The request will be decreasing the intensity in the commercial zoning district and will create consistency with the United Southwest Land Use Plan.

**6. Size of Tract:**

The 0.2108 acre site is of sufficient size to accommodate the proposed development. There is an existing structure located on the subject property.

**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 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.