



# City of San Antonio

## Agenda Memorandum

**File Number:**21-1199

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**Agenda Item Number:** Z-15.

**Agenda Date:** 2/4/2021

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 7

**SUBJECT:**

Zoning Case Z-2020-10700261 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 Auto and Light Truck Repair

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 15, 2020

**Case Manager:** Michael Pepe, Planner

**Property Owner:** Hector Terrazas

**Applicant:** Hector Terrazas

**Representative:** Hector Terrazas

**Location:** 135 Tellez Avenue

**Legal Description:** Lot 25 and Lot 26, Block 1, NCB 11998

**Total Acreage:** 0.3444

**Notices Mailed**

**Owners of Property within 200 feet:** 61

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

**Applicable Agencies:** Lackland Air Force Base

### **Property Details**

**Property History:** The subject property was annexed by Ordinance 18115 dated September 25, 1952 as "A" Residence District. The property was rezoned by Ordinance 45636 dated August 21, 1975 from "A" to B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" converted to the "C-2" Commercial 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-3NA"

**Current Land Uses:** Auto Repair Yard

**Direction:** South

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

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

**Direction:** East

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

**Current Land Uses:** Vacant

**Direction:** West

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

**Current Land Uses:** Vacant

### **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:** Tellez

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 82, 282

**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:** 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

**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 not is it located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission recommends Approval with Conditions.

If approved by Council, the Zoning Commission recommends:

- 1) No access from Tellez Avenue; and
- 2) Parking of serviced vehicles only; no onsite service or repair of Motor Vehicles.

**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-2” 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

are is primarily “R-5” Residential Single Family with residential uses. Although the property has been zoned “C-2” Commercial District for many years it is not appropriate to the area or midblock surrounded by residential. The existing zoning has allowed commercial creepage into a residential area. The requested “C-2 CD” Commercial District with a Conditional Use for Auto and Light Truck Repair is also not an appropriate zoning for the area. It 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-2” Commercial District.

#### **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 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 0.3444 acres, which could not reasonably accommodate the use of auto repair.

#### **7. Other Factors:**

This property is being rezoned in order to park vehicles that have been serviced by the adjoining Auto and Truck Repair to the north of the subject site, along Culebra Road.

The subject property is located within the Lackland Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA 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.

There also appear to be unflooded access issues from these properties. The applicant will need to work with the Stormwater Division on any proposed development to these properties.