



# City of San Antonio

## Agenda Memorandum

**File Number:**15-2961

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**Agenda Item Number:** 6.

**Agenda Date:** 5/19/2015

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 9

**SUBJECT:**

Zoning Case Z2015031

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-1 AHOD" Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay District

**Requested Zoning:** "C-2 MLOD-1 AHOD" Commercial Camp Bullis Military Lighting Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 19, 2015 (This is the fourth public hearing for this zoning case. The rezoning request was continued from the December 2, 2014, December 16, 2014, and January 15, 2015 hearings.)

**Case Manager:** Logan Sparrow, Planner

**Property Owner:** Asm Ferdous

**Applicant:** Kay Lewis

**Representative:** Kay Lewis

**Location:** 570 Heimer Road

**Legal Description:** 1.009 acres out of NCB 13832

**Total Acreage:** 1.009

**Notices Mailed**

**Owners of Property within 200 feet:** 21  
**Registered Neighborhood Associations within 200 feet:** None  
**Planning Team:** North Sector Plan -39  
**Applicable Agencies:** Camp Bullis

### **Property Details**

**Property History:** The subject property was annexed in 1965 and was originally zoned “Temp A” Temporary Residence District. In a later case, the property was rezoned to “A” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the "R-5" Residential Single-Family District. The lot is not platted. The subject property is developed with a residential/commercial structure that was built in 1946, according to the Bexar County Appraisal District.

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

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

**Direction:** North  
**Current Base Zoning:** “R-5”  
**Current Land Uses:** Single-Family Residential

**Direction:** South  
**Current Base Zoning:** “RM-4”, “MF-33”, “O-2”  
**Current Land Uses:** Vacant and Apartments

**Direction:** East  
**Current Base Zoning:** “MF-33”  
**Current Land Uses:** Single-Family Residential

**Direction:** West  
**Current Base Zoning:** “R-5”  
**Current Land Uses:** Single-Family Residential

**Overlay and Special District Information:** 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.

All surrounding properties carry the "MLOD-1" Military Lighting Overlay District, due to their proximity to Camp Bullis. The "MLOD-1" 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:** Heimer Road, Canyon Parke Drive, Possum Hill, Oak Shadows and Deer Run  
**Existing Character:** Local; one direction each way with sidewalks  
**Proposed Changes:** None known

**Public Transit:** VIA bus line 648 operates along Heimer Road, northwest of the subject property.

**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: Off-street vehicle parking requirements are typically determined by the type and size of use. The zoning application refers to a Day Care Center.

Day Care Center - Minimum Parking Requirement: 1 per 375 square feet Gross Floor Area (GFA); Maximum Parking Requirement: 1.5 per 375 square feet Gross Floor Area (GFA)

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the zoning request will result in the subject property retaining the residential zoning; the subject property would not be able to be developed commercial purposes, but rather be developed for residential uses consistent to the area.

**FISCAL IMPACT:**

None.

**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 North Sector Plan and is currently designated as General Urban Tier 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 found no evidence of likely adverse impacts on neighboring lands in relation to the proposed use: Day Care Center. However, staff does have concerns regarding the potential impact the “C-2” base zoning district could have on the adjacent single-family residential neighborhoods. The “C-2” base zoning district is geared to accommodate commercial and retail uses that are more intensive in character, and which generate a greater volume of vehicular traffic and/or truck traffic than the current “R-5” zoning district. The increase in traffic could have potential negative consequences on the established single-family residential neighborhoods that surround the subject property to the north, east and west. Although the proposed “C-2” base zoning district is consistent with the future land use plan, the surrounding area has been established as a residential neighborhood and not for commercial uses.

**3. Suitability as Presently Zoned:**

The existing “R-5” base zoning district is appropriate for the subject property. The surrounding blocks consist mostly of single-family dwellings and an apartment complex. The subject property is located along Heimer Road which is classified as a “Local Road” designed for residential uses.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The request does not appear to conflict with any public policy objective.

**6. Size of Tract:**

The subject property is 1.016 acres in size, which should be able to reasonably accommodate the uses permitted in the “C-3” district.

**7. Other Factors:**

If approved, in accordance with Section 35-510 of the Unified Development Code (UDC), a Type B 15 (feet) buffer will be required on the sides and rear yards of the subject property where it abuts residential zoning districts and/or residential uses.

Staff recommends the following if approved: An “NA” Nonalcoholic Sales designation to be added to the requested base zoning district.

The subject property is located within the Camp Bullis Awareness Zone/ Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, the Military did not review the request because the property is less than 10 acres in size and does not directly abut the installation.