



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-5133

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 9/1/2020

**Title:** (Continued from 08/18/2020) ZONING CASE Z-2020-10700151 CD (Council District 2): A request for a change in zoning from "C-3 MLOD-3 MLR-2" General Commercial Martindale Army Airfoeld Military Lighting Overlay Military Lighting Region-2 District to "C-1 CD MLOD-3 MLR-2" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region-2 District with a Conditional Use for an RV Park on 0.2941 acres out of NCB 10319, located at 2050 Rigsby Avenue. Staff recommends Approval. (Victoria Castro, Planner, (210) 207-2736, Victoria.Castro@Sanantonio.gov, Development Services).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2020-10700151 CD

**SUMMARY:**

**Current Zoning:** "C-3 MLOD-3 MLR-2" General Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region-2 District.

**Requested Zoning:** "C-1 CD MLOD-3 MLR-2" Light Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region-2 District with a Conditional Use for Recreational Vehicle Park

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 1, 2020. This case is continued from the August 4, 2020 and August 18, 2020 zoning hearings.

**Case Manager:** Victoria Castro, Planner

**Property Owner:** Glenn P. Austin

**Applicant:** Glenn P. Austin

**Representative:** Glenn P. Austin

**Location:** 2050 Rigsby Avenue

**Legal Description:** 0.2941 acres out of NCB 10319

**Total Acreage:** 0.2941

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** Commanche Community Neighborhood Association

**Applicable Agencies:** Martindale Army Airfield

**Property Details**

**Property History:** The property was annexed by Ordinance 18115 on September 25, 1952 and zoned "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General 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-3 CD", "I-1" and "R-4"

**Current Land Uses:** Jackson Motor Sales Truck and Trailer Repair and Single-Family Residence

**Direction:** East

**Current Base Zoning:** "R-4" and "R-5"

**Current Land Uses:** Vacant Building, Vacant Land and Single-Family Residences

**Direction:** South

**Current Base Zoning:** "C-3" and "R-4"

**Current Land Uses:** Vacant Land and Single-Family Residences

**Direction:** West

**Current Base Zoning:** "C-3", "C-2" and "R-4"

**Current Land Uses:** Excelsior Printing Company and Single-Family Residences

**Overlay and Special District Information:**

"MLOD-3"

All surrounding properties carry the "MLOD-3" Military Lighting Overlay District, due to their proximity to Martindale Army Airfield. The "MLOD-3" 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:** Rigsby Avenue

**Existing Character:** Primary Arterial A

**Proposed Changes:** None Known

**Thoroughfare:** Amity Road  
**Existing Character:** Local  
**Proposed Changes:** None Known

**Public Transit:** 30

**Traffic Impact:** Traffic Impact Analysis (TIA) can't be determined at this time.

**Parking Information:** The parking requirement for a Recreational Vehicle Park is Not Applicable.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The current zoning district designation of "C-3" 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.

**Proposed:** The proposed zoning district designation of "C-1" is designed to accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses. Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail - no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The "CD" Conditional Use will allow for a Recreational Vehicle Park.

**FISCAL IMPACT:**

None.

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

The property is not within a Regional Center and is not 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 Eastern Triangle Community Plan and is currently designated as

“Neighborhood Commercial” in the land use component of the plan. The requested “C-1” base zoning district is consistent with the adopted land use designation.

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

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested “C-1” is a downzone from the existing “C-3” district.

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

The existing “C-3” base zoning district is not appropriate for the surrounding area, since it is intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 base zoning districts. The proposed “C-1” Light Commercial is consistent with the area and the land use. The proposed “CD” Conditional Use allows consideration of a Recreational Vehicle Park which is typically allowed by right in the “L” Light Industrial District. The Conditional Use also allows consideration of any conditions on the use if necessary, such as fencing, buffering, hours of operation and other similar restrictions.

## **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 request does appear to conflict with any public policy objective of the Eastern Triangle Community Plan, which encourages the following:

### **Goal 9: Promote diversification of businesses and services**

**Objective 9.1:** Increase range of family-oriented businesses and services within the Eastern Triangle.

**9.1.1.** Attract local and national businesses that reach a larger community.

**9.1.5.** Actively seek out small medical offices to locate in the area.

**9.1.8.** Promote a diverse selection of local stores to retain current residents and encourage others to locate in the Eastern Triangle.

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

The 0.2941 acre site is of sufficient size to accommodate the proposed commercial development.

## **7. Other Factors:**

The subject property is located within the Martindale Army Airfield Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JBSA were notified of the proposed request. The Military has indicated that there are no objections to this request.

The applicant is requesting to rezone from “C-3” to “C-1 CD”, to allow for a Recreational Vehicle Park.

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 not be compatible with adjacent land uses under given conditions.