



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2403

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 3/5/2019

**Title:** ZONING CASE # Z-2019-10700016 CD (Council District 3): A request for a change in zoning from "C-2 MLOD-3 MLR-1 AHOD" Commercial Martindale Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-2 CD MLOD-3 MLR-1 AHOD" Commercial Martindale Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales (Full Service) on Lot 1, Block 1, NCB 12897, located at 4918 Rigsby Avenue. Staff recommends Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

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

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

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**  
Zoning Case Z-2019-10700016 CD

**SUMMARY:**

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

**Requested Zoning:** "C-2 CD MLOD-3 MLR-1 AHOD" Commercial Martindale Army Airfield Lighting Overlay Military Lighting Region 1 with Conditional Use for Motor Vehicle Sales (Full Service) Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 5, 2019

**Case Manager:** Dominic Silva, Planner

**Property Owner:** Ysmael Herrera

**Applicant:** Ysmael Herrera

**Representative:** Ysmael Herrera

**Location:** 4918 Rigsby Avenue

**Legal Description:** Lot 1, Block 1, NCB 12897

**Total Acreage:** 0.2250

**Notices Mailed**

**Owners of Property within 200 feet:** 18

**Registered Neighborhood Associations within 200 feet:** Jupe Manor Neighborhood Association

**Applicable Agencies:** Martindale Army Air Field, Planning Department

**Property Details**

**Property History:** The subject properties were not included in the original 36 square miles of the City of San Antonio and were originally zoned "B-2" Business District. The "B-2" Business District converted to the current "C-2" Commercial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-3"

**Current Land Uses:** Carwash

**Direction:** East

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

**Current Land Uses:** Restaurant

**Direction:** South

**Current Base Zoning:** "NP-8"

**Current Land Uses:** Residential

**Direction:** West

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

**Current Land Uses:** Retail

**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.

**Transportation**

**Thoroughfare:** Rigsby Avenue

**Existing Character:** Principal

**Proposed Changes:** None Known

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

Routes Served: 28, 30

**Traffic Impact:** A Traffic Impact Analysis is required.

**Parking Information:** 1 per 500 sf GFA of sales and service building

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject properties retaining the present zoning district designations. Examples of permitted uses within “C-2” are commercial retail, services, and restaurant.

**FISCAL IMPACT:**

None.

**Proximity to Regional Center/Premium Transit Corridor**

The subject property is not located near a Regional Center/Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval with Conditions.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The property is located within the Eastern Triangle Community Plan, and is currently designated as “Community Commercial” 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 finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed development is for mixed auto sales which is an appropriate use for the area.

**3. Suitability as Presently Zoned:**

The current “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” maintains the base zoning, while allowing consideration of a conditional use for motor vehicle sales, with any necessary conditions such as: landscape buffers, hours of operation, no temporary signage, no outside amplification, and downward facing lighting.

**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 rezoning request does not appear to conflict with the land use goals and strategies of the Eastern Triangle Community Plan.

Eastern Triangle Community Plan Goals:

Goal 7.2: Attract new businesses to the Eastern Triangle

Goal 9.1: Increase range of family oriented businesses and services within the Eastern Triangle.

**6. Size of Tract:**

The subject property is .2250 acres, which would adequately support commercial office uses.

**7. Other Factors:**

The subject property is located within the Randolph AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed 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.

Staff recommends the following conditions:

- 1) Solid screen fencing along residential districts and uses.
- 2) No temporary signs, pennants, flags or wind-waver signs.