



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-1165

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 2/4/2021

**Title:** ZONING CASE Z-2020-10700264 (Council District 2): Ordinance amending the Zoning District Boundary from "R-5 MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District to "C-2 MLOD-3 MLR-1" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District on Lot 10 and Lot 11, NCB 10757, located at 3043 Rigsby Avenue. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Zoning Minutes, 3. Draft Ordinance, 4. Ordinance 2021-02-04-0074

Date	Ver.	Action By	Action	Result
2/4/2021	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2020-10700264

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-3 MLR-1" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District

**Requested Zoning:** "C-2 MLOD-3 MLR-1" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1

**BACKGROUND INFORMATION:**

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

**Case Manager:** Victoria Castro, Planner

**Property Owner:** Erik Salgado

**Applicant:** Erik Salgado

**Representative:** Erik Salgado

**Location:** 3043 Rigsby Avenue

**Legal Description:** Lot 10 and Lot 11, NCB 10757

**Total Acreage:** 0.4816

**Notices Mailed**

**Owners of Property within 200 feet:** 14

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

**Applicable Agencies:** Martindale Army Air Field, Texas Department of Transportation

**Property Details**

**Property History:** The property was annexed September 25, 1952 by Ordinance 18115 as "A" Single Family District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "A" Single Family District converted to "R-5" Residential Single-Family 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-2" and "C-3"

**Current Land Uses:** Vacant lots and O'Reilly

**Direction:** East

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

**Current Land Uses:** Monarca Car Sales and Walgreens

**Direction:** South

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

**Current Land Uses:** Vacant lot, Generations Credit Union and Dentist Office

**Direction:** West

**Current Base Zoning:** "C-3 R", "RM-4" and "O-1"

**Current Land Uses:** Single-Family Residences and Storage Depot

**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

**Public Transit:** VIA bus routes are within walking distance of the subject property Routes served: 30

**Traffic Impact:** A Traffic Impact Analysis (TIA) is required. Applicant did not provide proposed land use which is needed to make TIA determination. Rigsby Avenue is a TxDOT roadway. At time of platting or building permit, TxDOT review and approval will be required. Please submit documents to TxDOT for review. Rigsby Ave is a Primary Arterial Type A (120' ROW - 60' from centerline; 48' of pavement - 24' from centerline). ROW dedication and pavement construction may be required. Per UDC Table 506-3, note 5, arterials require bike facilities.

**Parking Information:** The parking requirement cannot be determined at this time, since the applicant did not provide a proposed land use, which is needed to make a determination.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The current zoning district designation of “R-5” is designed to allow a Single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

**Proposed:** The proposed zoning district designation of “C-2” is designed to 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

**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 and Zoning Commission (11-0) 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 Eastern Triangle Community 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 more consistent with the established development pattern of the surrounding area, which is composed of commercial zonings.

**3. Suitability as Presently Zoned:**

The existing “R-6” Residential Single-Family District is not appropriate for the surrounding area. The property fronts to a street categorized as a Primary Arterial A, which is not ideal for residential development. The proposed “C-2” is more suitable and provides opportunity for future commercial development within a commercial corridor.

**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 not appear to conflict with any public policy objective of the Eastern Triangle Community Plan, which encourages the following:

**ECONOMIC DEVELOPMENT**

**OVERALL GOAL:** A well trained workforce and safe, attractive corridors

Goal 7: Economic development plan

Goal 8: Thriving commercial corridors

Goal 9: Diverse businesses and services

**6. Size of Tract:**

The 0.4816 acre site is of sufficient size to accommodate a proposed commercial development.

**7. Other Factors:**

The subject property is located within the Martindale Army Air Field 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.

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.

The applicant is requesting to rezone from “R-5” to “C-2”, for the purpose of selling the property with a commercial zoning versus a residential zoning.