



# City of San Antonio

## Agenda Memorandum

**File Number:**16-3157

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**Agenda Item Number:** 3.

**Agenda Date:** 6/7/2016

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:**

Zoning Case Z2016132

(Associated Plan Amendment 16035)

**SUMMARY:**

**Current Zoning:** "C-2" Commercial District and "NP-10" Neighborhood Preservation District

**Requested Zoning:** "C-2" Commercial District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 7, 2016. Continued from the May 3, 2016 meeting.

**Case Manager:** Mary Morales-Gonzales, Planner

**Property Owner:** Francisco & Maria Mayela Garcia

**Applicant:** Roger Jimenez

**Representative:** Roger Jimenez

**Location:** 4642 Rigsby Avenue and 2406 Tyne Drive

**Legal Description:** Lot 8, NCB 12894 and Lot 35, NCB 12891

**Total Acreage:** 0.7949

**Notices Mailed**

**Owners of Property within 200 feet:** 13

**Registered Neighborhood Associations within 200 feet:** Jupe Manor and Dellcrest Area Neighborhood Associations

**Applicable Agencies:** None

**Property Details**

**Property History:** The northern lot is developed with a 2,475 square foot restaurant with an additional 1,552 square feet in canopy area. The southern lot of the subject property is undeveloped. The property was annexed in 1952 and was originally zoned F and Temporary A, respectively. Upon adoption of the 2001 Unified Development Code, the previous base zoning district on the northern lot of the subject property converted to the current “C-2” Commercial District and the southern lot of the subject property was converted to “R-5” Single-Family Residential District. On May 21, 2015, the southern lot was part of a large area rezoning and was rezoned to the current “NP-10” Neighborhood Preservation District.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** C-2, C-3

**Current Land Uses:** Restaurant, Meat Market and Vacant Commercial

**Direction:** South

**Current Base Zoning:** NP-15

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

**Direction:** East

**Current Base Zoning:** C-2

**Current Land Uses:** Lumber Company and Parking Lot

**Direction:** West

**Current Base Zoning:** C-2NA, R-5

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

**Overlay and Special District Information:** None.

**Transportation**

**Thoroughfare:** Rigsby Avenue

**Existing Character:** Principal Primary Arterial A

**Proposed Changes:** None known

**Thoroughfare:** Tyne Drive

**Existing Character:** Local Road

**Proposed Changes:** None known

**Public Transit:** The VIA bus route # travels along Rigsby Avenue with multiple stops near the subject property.

**Traffic Impact:** The traffic generated by the proposed zoning change does not exceed the threshold requirements; therefore, a TIA report is not required.

**Parking Information:** The applicant proposes the zoning change to allow for the use of the southern lot of the subject property to be used as a parking lot for customers of the restaurant located on the northern lot of the

subject property.

In addition, the zoning change request would allow expansion of the current restaurant building. In the event the restaurant is expanded, the property owner will be required to meet parking requirements based on the total square footage of the restaurant building, which will limit the size of the building according to the area available for the required customer parking and adhere to B Type bufferyard requirements, i.e., 15 feet bufferyard from residential uses.

Restaurant - Minimum of 1 per 100 square feet; Maximum of 1 per 40 square feet

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current base zoning.

**FISCAL IMPACT:**

None.

**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 property is located within the Eastern Triangle Community Plan and is designated as Low Density Residential in the future land use component of the Plan. The requested "C-2" base zoning district is not consistent with the adopted land use designation. The applicant submitted a plan amendment to change the land use classification to "Community Commercial." Staff recommends approval. Planning Commission recommended Denial.

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

The proposed zoning change will allow the existing restaurant to come into conformance with the Unified Development Code and the associated development standards. In addition, the proposal to primarily utilize the southern portion of the subject property as a non-commercial parking lot provides a buffer between the residential lots to the south of the property.

**3. Suitability as Presently Zoned:**

The existing C-2 and NP-10 base zoning is appropriate for the surrounding area.

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

Staff has not found any indication of likely adverse effects on public health, safety and welfare.

**5. Public Policy:**

The rezoning request supports the Eastern Triangle Community Plan's objective of focusing on South WW White Road and Rigsby Avenue as commercial corridors and encouraging the establishment of more service industry businesses.

**6. Size of Tract:**

The 0.7949 acre site is of sufficient size to accommodate the proposed development.

**7. Other Factors:**

None.