



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** July 5, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**  
ZONING CASE Z-2022-10700139

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 5, 2022. This case is continued from the June 21, 2022 hearing.

**Case Manager:** Mirko Maravi, Planning Coordinator

**Property Owner:** Luz Violeta Martinez

**Applicant:** Alan Neff

**Representative:** Alan Neff

**Location:** 1672 Rigsby Avenue

**Legal Description:** The south 157.3 feet of Lot 19, Block 1, NCB 7522

**Total Acreage:** 0.1768

**Notices Mailed**

**Owners of Property within 200 feet:** 23

**Registered Neighborhood Associations within 200 feet:** Pasadena Heights Neighborhood Association and Southeast Side Neighborhood Association

**Applicable Agencies:** Martindale Army Air Field

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1256, Dated August 2, 1944 and zoned "J" Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "J" Commercial District converted to the current "I-1" General Industrial District. Ordinance 2009-12-03-0993, dated December 3, 2009 to the current "R-6" Residential Single-Family District.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "I-1"

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

**Direction:** South

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

**Current Land Uses:** Vacant

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Vehicle Storage

**Direction:** West

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

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

**Overlay District Information:**

The "MLOD-3" Martindale Army Airfield Military Lighting Overlay District 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. The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:** N/A

## **Transportation**

**Thoroughfare:** Rigsby Avenue

**Existing Character:** Minor

**Proposed Changes:** None Known

**Public Transit:** There is public transportation within walking distance of the subject property.

**Routes Served:** 30 and 230

**Traffic Impact:** The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502. A TIA Report is not required.

**Parking Information:** The minimum parking for four (4) family dwellings is 1.5 spaces per unit.

## **ISSUE:**

None.

## **ALTERNATIVES:**

**Current Zoning:** "R-6" Residential Single-Family allows dwellings (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

**Proposed Zoning:** "RM-4" Residential Mixed District allows single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

## **FISCAL IMPACT:**

None.

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

The property is not within 1/2 a mile of a Regional Center or the Premium Transit Corridor.

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation of "RM-6" Residential Mixed District.

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

- 1. Consistency:** The subject property is not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.

2. **Adverse Impacts on Neighboring Lands:** Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing "R-6" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "RM-4" Residential Mixed District is not appropriate and would introduce higher density not already established in the area. Surrounding properties and uses are primarily single-family residential. Thus, Staff recommends and Alternate Recommendation of "RM-6" Residential Mixed District which will allow no more than two (2) dwelling units. This would be more appropriate density for the area and along a minor street.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The proposed rezoning would allow more density not characteristic of the area.
5. **Public Policy:** The rezoning request is not within a neighborhood or community plan.
6. **Size of Tract:** The subject property is 0.1768 acres, which could reasonably accommodate residential 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, JB SA was notified of the proposed request. The Military has indicated that there are no objections to the request.

The property owner intends to rezone to permit up to four (4) dwelling units.

For properties zoned "RM" or "MF" that abut lots zoned residential or are developed with a single family use, the height is restricted to the maximum height of the single family district within 50 feet of the property line. The abutting property to the east is zoned residential with a non-conforming commercial use and the abutting property to the west is zoned commercial that had a commercial use. Therefore, the subject property is allowed the current maximum height of the "RM" district.