



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 6, 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-2022-10700190 CD

**SUMMARY:**

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

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 6, 2022. This item was continued from the August 16, 2022 hearing.

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Johnny Martinez

**Applicant:** Faye Mungia

**Representative:** Faye Mungia

**Location:** 2624 Rigsby Avenue

**Legal Description:** 2.48 acres out of NCB 10832

**Total Acreage:** 2.48

**Notices Mailed**

**Owners of Property within 200 feet:** 9

**Registered Neighborhood Associations within 200 feet:** Southeast Side Neighborhood Association

**Applicable Agencies:** Martindale Army Airfield, Planning Department, Parks and Recreation, Texas Department of Transportation, and Planning Department

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and originally zoned "A" Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "A" Residence District converted to "R-5" Residential Single-Family District. The property was rezoned by Ordinance 201301170034 to the current "C-1" Light Commercial District.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain. The flood plain runs along the back of the property but does not directly touch the portion of the property up for rezoning.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Bar and Grill, Auto Body Center, Car Stereo Store

**Direction:** South

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

**Current Land Uses:** Park

**Direction:** East

**Current Base Zoning:** "C-1" "C-1 CD"

**Current Land Uses:** Pool Contractor, Auto Sales

**Direction:** West

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

**Current Land Uses:** Park, Civic Center

**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.

**Special District Information:**

None.

**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, 230

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for an auto vehicle sales facility is 1 per 600 square feet of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-1" Light Commercial districts 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.

Proposed Zoning: "C-2 CD" Commercial districts 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.

The "CD" Conditional Use would permit a motor vehicle sales on the property.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center and is not within a ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial with an Alternate Recommendation for “C-1 CD” Light Commercial with Conditional Use for Motor Vehicle Sales with Conditions.

If the Zoning Commission recommends Approval, Staff recommends the following conditions:

1. All lighting directed downward and away from residential zoning and/or uses; and
2. A Type B – 15-foot landscape buffer where the property abuts residential zoning and/or uses.
3. No temporary signage: wind-wavers, snipe signs, pennants, or bandit signs.

**Criteria for Review: According to Section 35-421, zoning amendments shall be based on 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 future land use component of the plan. The requested “C-2 CD” base zoning district is consistent with the future land use designation.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find 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 current “C-1” Light Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” Commercial District with Conditional Use for Motor Vehicle Sales is a bit too intense for this part of the block which is zoned “C-1” Light Commercial. Thus, staff recommends Denial with an Alternate Recommendation of “C-1 CD” Light Commercial with Conditional Use for Motor Vehicle Sales. This will limit the use of the property to light commercial activities and will also limit the buildings constructed on the property to 5,000 square feet with an aggregate of 15,000 square feet.
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 objectives of the Eastern Triangle Community Plan:
  - Goal 8: Expand and build thriving commercial corridors
  - Goal 9: Promote diversification of businesses and services
    - Objective 9.1: Increase range of family-oriented businesses and services within the Eastern Triangle
6. **Size of Tract:** The subject property is 2.48 acres, which can reasonably accommodate commercial use and specifically motor vehicle sales.

7. **Other Factors:** The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

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

If zoning is approved coordination with TxDOT would be needed on access along Rigsby Avenue.