



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 17, 2023

**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-2022-10700317

**SUMMARY:**

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

**Requested Zoning:** "C-1 CD MLOD-3 MLR-2 AHOD" Light Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Auto - Glass Tinting.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** January 17, 2023. This item was continued from the December 20, 2022 hearing.

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Berridge Investments LLC

**Applicant:** Gerardo Gomez

**Representative:** Gerardo Gomez

**Location:** 1686 Rigsby Avenue

**Legal Description:** the south 157.3 feet of Lot 22, Block 1, NCB 7522

**Total Acreage:** 0.1768 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 25

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

**Applicable Agencies:** Martindale Army Airfield, Planning Department

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1256 dated August 2, 1944, and was originally 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 "I-1" General Industrial District. The property was rezoned by 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 flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "I-1" "MF-33"

**Current Land Uses:** Residential Dwelling, Restaurant/Bakery

**Direction:** South

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

**Current Land Uses:** Residential Dwelling

**Direction:** East

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

**Current Land Uses:** Church

**Direction:** West

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

**Current Land Uses:** Vehicle storage lot

**Overlay District Information:**

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.

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:** Minor

**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 window tinting facility is 1 parking space per 500 square feet of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “R-6” Residential Single-Family District single-family dwelling (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: “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.

If approved, the “CD” would permit an auto window tinting business on the property.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

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

**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 does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The current “R-6” Residential Single-Family District is an appropriate zoning for the subject property and surrounding land use. Given the proximity of single-family zoning to the east of the subject property, the proposed “C-1 CD” Light Commercial District with a Conditional Use for Auto-Glass Tinting is also appropriate. The subject property is sized and placed appropriately to accommodate light commercial uses, and the conditional use will permit the proposed land use while holding the development to prescribed site plan with any necessary conditions. Additionally, the uses permitted will be restricted to light commercial activities while also limiting the buildings constructed on the property to 5,000 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 appear to conflict with any public policy objectives of the SA Tomorrow Comprehensive Plan:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF Policy 8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers, and transit corridors.
  - GCF Policy 14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
6. **Size of Tract:** The subject property is 0.1768 Acres, which can reasonably accommodate the proposed development.
7. **Other Factors:** The applicant intends to rezone to “C-1 CD” Light Commercial District with a Conditional Use for Auto-Glass Tinting to establish a window tinting business on the property.

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.

The “C-1” Light Commercial District will require for parking areas to be located behind the front facade of the principal use and the required side setback is 10-feet and the rear setback is 30-feet.

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.