



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 3, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**  
ZONING CASE Z-2023-10700103

**SUMMARY:**

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

**Requested Zoning:** "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 20, 2023. This case was continued from the June 6, 2023 hearing.

**Case Manager:** Elizabeth Steward, Zoning Planner

**Property Owner:** Hugo Lopez

**Applicant:** Hugo Lopez

**Representative:** Hugo Lopez

**Location:** 5811 South Flores Street

**Legal Description:** Lot 1 and Lot 2, Block 1, NCB 7812

**Total Acreage:** 0.4196

**Notices Mailed****Owners of Property within 200 feet:** 32**Registered Neighborhood Associations within 200 feet:** Harlandale- McCollum Neighborhood Association and Mission San Jose Neighborhood Association**Applicable Agencies:** Lackland Air Force Base, Planning Department**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 1391 dated September 23, 1944 and was originally zoned "J" Commercial District. The property was subject to a large area rezoning under Ordinance 83932 dated April 11, 1994 which rezoned the property to "R-1" Single-family Residence District. The property was converted by the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001 from "R-1" Single-Family Residence District to "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:** R-6**Current Land Uses:** Parking Lot**Direction:** South**Current Base Zoning:** C-2 NA**Current Land Uses:** Thrift Shop**Direction:** East**Current Base Zoning:** C-2 NA**Current Land Uses:** Car Wash**Direction:** West**Current Base Zoning:** R-6**Current Land Uses:** Single Family Residence**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-2" Lackland 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:**

N/A

**Transportation**

**Thoroughfare:** South Flores Street

**Existing Character:** Minor Secondary Arterial A

**Proposed Changes:** None Known

**Thoroughfare:** Cliff Avenue

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property. Routes served: 43, 243, 515

**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 requirement for a Food Service Establishment is 1 space per 100 sf GFA

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District allows 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-2" 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.

**FISCAL IMPACT:**

None.

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

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

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval.

**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 South Central Community Plan and is currently designated as “Mixed Use” in the future land use component of the plan. The requested “C-2” 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 consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “R-6” Residential Single-Family District is not an appropriate zoning for the property and surrounding area. The subject property is located along an Arterial and the development of a residential house on a property facing that street classification would not be an appropriate land use. The requested “C-2” Commercial District is an appropriate zoning. The request aligns with the uses along the South Flores corridor. Majority of the properties along South Flores are zoned “C-2” and “C-2 NA” and are developed with low to medium intensity commercial uses. The subject property has been developed with a restaurant since the early 2000’s, the rezoning brings that use into permanent compliance.
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 South Central Community Plan.
  - Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations.
  - Encourage patterns of development that provide the full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.
  - Encourage a balance of new development and redevelopment of target areas.
6. **Size of Tract:** The 0.4196 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The subject property is located within the Lackland AFB 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.

A Nonconforming Use was approved for the existing restaurant on March 30, 2023. However, the rezoning is to allow alcohol sales if a TABC license is obtained, as the NCU did not permit that.