



# City of San Antonio

## Agenda Memorandum

**File Number:**  
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**Agenda Item Number:** {{item.number}}

**Agenda Date:** September 7, 2021

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**  
ZONING CASE Z-2021-10700192

**SUMMARY:**

**Current Zoning:** "C-3R HL NCD-2 AHOD" General Commercial Restrictive Alcoholic Sales Historic Landmark Alta Vista Neighborhood Conservation Airport Hazard Overlay District

**Requested Zoning:** "IDZ-1 HL NCD-2 AHOD" Limited Intensity Infill Development Zone Historic Landmark Alta Vista Neighborhood Conservation Airport Hazard Overlay District with uses permitted for "C-1" Light Commercial District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 7, 2021. This case was continued from August 17, 2021.

**Case Manager:** Lorianne Thennes, Senior Planner

**Property Owner:** MP2 Urban Development

**Applicant:** MP2 Urban Development

**Representative:** Michael Perez

**Location:** 2602 North Flores Street

**Legal Description:** The south 83.34 feet of Lots 11 & 12, Block 39, NCB 1865

**Total Acreage:** 0.1731 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 31

**Registered Neighborhood Associations within 200 feet:** Alta Vista Neighborhood Association

**Applicable Agencies:** Office of Historic Preservation, Planning Department

**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the city and was originally zoned “H” Local Retail District. The property was rezoned to “B-3R” Restrictive Business District by Ordinance 86704, dated September 25, 1997. The previous “B-3R” district converted to the current “C-3R” General Commercial Restrictive Alcoholic Sales District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. The property was rezoned to “C-3R HL” by Ordinance 2021-04-15-0253, dated April 15, 2021.

**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:** “C-3R” and “R-4”

**Current Land Uses:** Single-family dwellings

**Direction:** East

**Current Base Zoning:** “C-3R” and “R-6”

**Current Land Uses:** Single-family dwellings

**Direction:** South

**Current Base Zoning:** “MF-33,” “R-6” and “RM-4”

**Current Land Uses:** Multi-family dwellings, single-family dwellings

**Direction:** West

**Current Base Zoning:** “C-2,” “RM-4” and “R-6”

**Current Land Uses:** Convenience store, ATM, single-family dwellings, duplex

**Overlay District Information:**

The “HL” Historic Landmark, “HS” Historic Significant or “HE” Historic Exceptional overlay district designation signifies the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued. 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 Alta Vista Neighborhood Conservation District (NCD-2) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

**Special District Information:**

None

**Transportation**

**Thoroughfare:** North Flores Street

**Existing Character:** Minor

**Proposed Changes:** None

**Thoroughfare:** West Russel Place

**Existing Character:** Minor

**Proposed Changes:** None

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes:** 4, 20, 90

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** The minimum parking requirement is waived in “IDZ-1.”

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: C-3R districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

Proposed Zoning: Allows rezoning requests up to 18 units per acre, and uses permitted in “C-1” and “O-1”. All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city. C-1 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.

**FISCAL IMPACT:**

None

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

The property is not within a regional center but is within 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 located within the Midtown Neighborhoods Plan and is currently designated as “Neighborhood Commercial.” The requested “IDZ-1” with uses permitted in “C-1” Light Commercial 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. There is existing “C-1” Light Commercial to the southwest of the subject site. The proposed “IDZ-1” Limited Intensity Infill Development Zone with uses permitted in “C-1” Light Commercial district is a down zone from the current “C-3R” General Commercial Restrictive Alcoholic Sales District.
3. **Suitability as Presently Zoned:** The current “C-3R” General Commercial Restrictive Alcoholic Sales District is an appropriate zoning for the property and surrounding area. However, the proposed “IDZ-1” with uses permitted in “C-1” Light Commercial District is more appropriate for the subject property and holds the applicant to development per a site plan. The proposed “IDZ-1” Limited Intensity Infill Development Zone with uses permitted in “C-1” Light Commercial district is also appropriate on the corner of two minor streets and is a much less intense zoning than the current “C-3R” General Commercial Restrictive Alcoholic Sales District.
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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Midtown Neighborhoods Plan: Goal 1: Revitalize and enhance the neighborhoods' historic commercial centers. Goal 2: Promote a safe, clean and livable environment for area residents and future generations, while preserving the traditional character of the Midtown neighborhoods. Objective 2.2: Maintain the historic character of the neighborhoods' housing while building on the increased demand for area homes to attract reinvestment by new families.
6. **Size of Tract:** The subject property is 0.1731 acres, which could reasonably accommodate a restaurant.
7. **Other Factors** The property owner intends to open a restaurant. This property is designated a local historic landmark (HL). Any proposed exterior alterations associated with the proposal will require approval from the Office of Historic Preservation. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for exterior modifications. The subject property has a base zone of "C-3R" General Commercial Restrictive Alcoholic Sales District which allows intensive commercial uses, except that the sale of alcoholic beverages for on-premises consumption is prohibited. The applicant is requesting a zoning change to "IDZ-1" Light Intensity Infill Development Zone with uses permitted for "C-1" Commercial District, to allow for a neighborhood restaurant and café with flexible standards for setbacks and parking for the development. The future land use for the subject property is currently designated as "Neighborhood Commercial" which is intended to support smaller intensity commercial uses within walking distance of neighborhood residential areas. Surrounding properties have a base zoning district of "C-2" Commercial District, "C-3R" General Commercial Restrictive Alcoholic Sales District, and "MF-33" Multi-Family District.