



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3666

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/20/2015

**Title:** ZONING CASE # Z2015036 CD (Council District 1): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single Family Airport Hazard Overlay District with a Conditional Use for Two (2) Dwelling Units on Lot 24, NCB 3599 located at 614 West Elmira Street. Staff and Zoning Commission recommend Denial. (Continued from June 4, 2015)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2015-036\_Location Map, 2. Z2015036 CD Zoning Minutes, 3. Z2015036 CD DRAFT ORDINANCE, 4. Z2015036 CD Site Plan (Updated)

Date	Ver.	Action By	Action	Result
8/20/2015	1	City Council A Session	Motion to Deny	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2015036 CD

**SUMMARY:**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Two Dwelling Units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** January 20, 2015 (This is the second public hearing for this zoning case. The rezoning request was continued from the December 16, 2014 Zoning Commission public hearing.)

**Case Manager:** Shepard Beamon, Planner

**Property Owner:** Cogo Investments

**Applicant:** Abelardo Juarez

**Representative:** Abelardo Juarez

**Location:** 614 West Elmira Street

**Legal Description:** Lot 24, NCB 3599

**Total Acreage:** 0.1148

**Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** Five Points Owners Association

**Planning Team:** Five Points Neighborhood Plan-23

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the city limits as established in 1938 and was originally zoned "C" Apartment District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "MF-33" Multi-Family District. In a 2002 City-initiated case, the property was rezoned to the current "R-4" Residential Single-Family District. The property was platted into its current configuration in 1929 and 1961 (volume 4600 and 980, pages 103 and 250 of the Deed and Plat Records of Bexar County, Texas). The subject property is developed with a residential structure measuring 4,001 square-foot that was built in 1915, according to the Bexar County Appraisal District.

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North, East and West

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single-Family Residences, Vacant and Multi-Family Residences

**Direction:** South

**Current Base Zoning:** "C-2" and "R-4"

**Current Land Uses:** Multi-Family Residences, Vacant and Fine Silver Manufacturing

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Transportation**

**Thoroughfare:** West Elmira Street

**Existing Character:** Local Street; one way in each direction with sidewalks

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus lines are number 2, 82, 88, 202, 282 and 288, which operates along North Flores Street, east of the subject property.

**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:** Dwelling, 2 Family - Minimum Parking Requirement: 1space per unit. Maximum Parking Requirement: 2 spaces per unit.

There also appears to be some question as to the ability of the applicant to meet the parking requirements as outlined in Table 526-3a - Parking in Residential Use Districts of the UDC. The applicant has indicated that there are two dwellings units; thus, requiring two (2) parking spaces.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the zone change request will not allow the property to have two dwelling units; but rather remain single-family residential.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-0) recommend denial.

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

**1. Consistency:**

The property is located within the Five Points Neighborhood Plan and is currently designated as Low Density Residential in the future land use component of the plan. The requested “R-4” base zoning district is consistent with the adopted land use designation.

Low Density Residential land use includes single-family homes on individual lots. The land use plan strives to preserve the existing housing stock.

**2. Adverse Impacts on Neighboring Lands:**

Granting of the Conditional Use will likely have an adverse impact on the neighboring lands. Approval of the requested conditional use for Two Dwellings Units will likely increase in traffic and on-street parking on a local street designed for single-family residential uses and traffic.

While most of the properties in the area have single-family residential zoning, there are several multi-family dwellings in the immediate vicinity. However, seeing as there is an existing mix of residential uses in the area, the requested conditional use is compatible with the surrounding neighborhood.

**3. Suitability as Presently Zoned:**

The existing “R-4” base zoning district is appropriate for the subject property. A majority of the area is similarly zoned. However, the area does have a mixture of densities resulting from various zone changes, non-conforming uses and zoning code violations. The mixture of densities has caused various issues regarding an increase in traffic and on-street parking. Therefore, special consideration should be given to the parking requirements

**4. Health, Safety and Welfare:**

Staff has found indication of likely adverse effects on the public health, safety, or welfare due to this zoning request. Staff is concerned with the potential increase in traffic and on-street parking that will occur from the

requested Conditional Use for two dwelling units.

**5. Public Policy:**

The request does not appear to conflict with any public policy objective.

**6. Size of Tract:**

The subject property is 0.1148 acres. The existing structure is large enough for the proposed conditional use for two dwelling units. However, staff is concerned the required off-street parking requirement as shown on the submitted site plan will be insufficient and impractical.

**7. Other Factors:**

In accordance with section 35-526(e)(4) of the Unified Development all parking areas containing three (3) or more parking spaces shall include a turnaround which is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way.

In order for the request to meet the parking requirements the applicant will need to do one of the following : 1) Reconfigure the current site plan ; 2) request a variance through the Board of Adjustment; 3) amend the zoning change request.