



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-3156

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 6/2/2016

**Title:** ZONING CASE # Z2016136 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 Conditional Use for Three (3) Residential Dwelling Units on 0.113 acres of land out of NCB 2023, located at 2002 North Calaveras. Staff and Zoning Commission recommend Denial with Alternate Recommendation.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2016-136, 2. Z2016136 CD\_SP, 3. Z2016136 CD Minutes, 4. Draft Ordinance, 5. Ordinance 2016-06-02-0412

Date	Ver.	Action By	Action	Result
6/2/2016	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2016136 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 Conditional Use for three (3) residential dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 03, 2016

**Case Manager:** Ernest Brown, Planner

**Property Owner:** Ted H. Gonzales

**Applicant:** Ted H. Gonzales

**Representative:** Ted H. Gonzales

**Location:** 2002 North Calaveras

**Legal Description:** 0.113 acres of land out of NCB 2023

**Total Acreage:** 0.1136

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** None

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the city limits as established in 1938 and was zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "R-4" Residential Single-Family District. The subject property was platted in its current configuration as established in the Original 36 Squares Mile of the City of San Antonio City Limits. The subject property was developed in 1930 with single-family residential structure totaling approximately 948 square feet. In 2014 an additional 560 square foot detach living structure was added along with a 140 square foot shed.

**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:** All

**Current Base Zoning:** R-4

**Current Land Uses:** Single-Family Residential

**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:** North Calaveras, Texas Avenue

**Existing Character:** Local, Type A; one lane each direction

**Proposed Changes:** None known

**Public Transit:** There are no nearby VIA route to 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:** Off-street vehicle parking requirements are typically determined by the type of use and building size. The zoning application refers to a Conditional Use for a Triplex.

Minimum Parking Requirement: 1.5 per unit;

Maximum Parking Requirement: 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-0) recommend Denial with alternate recommendation of "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for two (2) Dwelling Units.

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

**1. Consistency:**

The subject property is located within the Near Northwest Neighborhood Plan and is currently designated as Urban Low Density Residential in the future land use component of the plan. The proposed "R-4" base zoning district is consistent with the adopted land use designation. The Conditional Use for three units is not consistent with the neighborhood plan.

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

Staff has found the requested Conditional Use for three dwelling units will likely have an adverse impact on the established residential single family neighborhood for the following reasons:

**3. Suitability as Presently Zoned:**

The existing "R-4" base zoning district is suitable as presently zoned.

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

Staff has concerns that the change in zoning request could have a negative impact on public health, safety and welfare.

**5. Public Policy:**

Staff has found indication of likely adverse effects on the Near Northwest Neighborhood Plan land development pattern. Urban Low Density Residential land use pattern includes single-family houses on individual lots. Detached and attached accessory dwelling units such as granny flats and garage apartments are allowed when located on the same lot as the principal residence. Only once accessory dwelling is permitted per lot. Medium Density Residential includes single-family houses, duplexes, triplexes, fourplexes, townhomes, cottage housing and accessory dwelling units.

**6. Size of Tract:**

The subject property is 0.1136 of an acre in size with an existing development and limited space for parking.

**7. Other Factors:**

A large residential duplex structure was built without permits adjacent to single-family residential structure. The structures do not comply with the setback and parking criteria of the "R-4" base zoning and is in violation.

Conditional zoning is designed to provide for a land use within an area that is not permitted by the established

zoning district but due to some inherent development qualities would be compatible to the adjacent uses under some given conditions. Three dwelling units on a small lot will begin to intensify an established single-family residential area. The proposed Conditional Use for three units would create a Medium Density Residential land use pattern.

The proposed site configuration does not comply with the base “R-4” zoning district setbacks and parking requirements for three units as well as compatibility issues with the adjacent single-family land use. The existing site location for such an intense proposed land use, in addition to the size and scale of the existing structures would not protect, preserve or enhance the character of the single-family residential community.

The 2001 conversion to “R-4” from the original zoning of “B” for the subject property allows a maximum of two units by right. Staff recommends a Conditional Use for a maximum of two dwelling units based on this conversion. If the rezoning is approved a Board of Adjustment variance will still be required for all site criteria under the “R-4” district that is not in compliance.