# City of San Antonio

## Legislation Details (With Text)

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| **File #:** | 20-4090 |
| **Type:** | Zoning Case |
| | **In control:** Zoning Commission |
| **On agenda:** | 7/21/2020 |
| **Title:** | ZONING CASE Z-2020-10700136 CD (Council District 1): A request for a change in zoning from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on Lots 29 and 30, Block 4, NCB 7295, located at 409 Agnes Drive. Staff recommends Approval. (Lorianne Thennes, Planner 210-207-7945, lorianne.thennes@sanantonio.gov; Development Services Department) |
| **Sponsors:** | |
| **Indexes:** | |
| **Code sections:** | |
| **Attachments:** | 1. Map, 2. Site Plan |

| Date | Ver. | Action By | Action | Result |
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:** Zoning Case Z2020-10700136 CD

**SUMMARY:**
**Current Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units

**BACKGROUND INFORMATION:**
**Zoning Commission Hearing Date:** July 21, 2020

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Wasakul and Mousumi Azad

**Applicant:** Robert Gorena

**Representative:** Robert Gorena

**Location:** 409 Agnes Drive

**Legal Description:** Lots 29 & 30, Block 4, NCB 7295

**Total Acreage:** 0.1148 acres

**Notices Mailed**
**Owners of Property within 200 feet:** 37
**Registered Neighborhood Associations within 200 feet:** None
**Applicable Agencies:** None

**Property Details**
**Property History:** The subject property was annexed into the city by Ordinance 1941, dated May 31, 1940 and was originally zoned "C" Apartment District. The property was rezoned to "R-5" Residence District by Ordinance 45259, dated May 15, 1975. The previous "R-5" district converted to the current "R-5" Single-Family Residential District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001.

**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:** "R-5"
**Current Land Uses:** Single-family dwellings

**Direction:** East
**Current Base Zoning:** "R-5" and "RM-4"
**Current Land Uses:** Single-family dwellings, duplex

**Direction:** South
**Current Base Zoning:** "R-5" and "MF-33"
**Current Land Uses:** Single-family dwellings, duplex

**Direction:** West
**Current Base Zoning:** "R-5," "C-1" and "C-3"
**Current Land Uses:** Single-family dwellings, parking lots, acupuncture and doctor's office

**Overlay and Special District Information:**
"AHOD"
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:** Agnes Drive
**Existing Character:** Local
**Proposed Changes:** None

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

**Routes:** 3, 4, 204

**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 for two (2) dwelling units is one space per unit.

**ISSUE:** None.

**ALTERNATIVES:**
**Current:** The current "R-5" Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. This district is composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character.

**Proposed:** The proposed "R-5" Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. This district is composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character. The proposed "CD" would allow for consideration of two (2) dwelling units.

**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 the approval criteria below.**

**1. Consistency:**
The subject property is located within the North Central Community Plan and is currently designated as "Low Density Residential." The requested "R-5" 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.

**3. Suitability as Presently Zoned:**
The current "R-5" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The "CD" Conditional Use allows for consideration of additional density of two (2) dwelling units.

**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 North Central Community Plan:

Goal 3- Maintain and preserve the quality of the existing residential and commercial properties through the encouragement of rehabilitation and code compliance
Goal 4- Ensure a transition between residential and commercial areas that is aesthetically pleasing…
Goal 5- Promote future development that is compatible with existing neighborhoods and that incorporates sound stormwater management practices

**6. Size of Tract:**
The subject property is 0.1148 acres, which could reasonably accommodate two (2) dwelling units.

**7. Other Factors:**
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.