



# City of San Antonio

## Agenda Memorandum

**File Number:**13-849

---

**Agenda Item Number:** Z-3.

**Agenda Date:** 11/21/2013

**In Control:** City Council A Session

---

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 3

**SUBJECT:**

Zoning Case Z2013140 CD

**SUMMARY:**

**Current Zoning:** "R-5" Residential Single-Family District

**Requested Zoning:** "R-5 CD" Residential Single-Family District with a Conditional Use for a Boarding Home with No More than 16 Residents

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 2, 2013

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Valentin & Diane D. Andrade

**Applicant:** Valentin Andrade

**Representative:** Valentin Andrade

**Location:** 2522 Hollyhill Drive

**Legal Description:** Lot 6, Block 7, NCB 12914

**Total Acreage:** 0.1928

**Notices Mailed**

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

**Neighborhood Associations:** Jupe Manor Neighborhood Association

**Planning Team Members:** 25-Eastern Triangle Community Plan

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in September of 1957 and was originally zoned “A” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current “R-5” Residential Single-Family District. The subject property is developed with a residential structure measuring approximately 2, 269 square-feet in size that was built in 2009.

On May 3, 2013, the subject property owner completed the City’s Boarding Home registration process and was issued a Temporary Certificate of Occupancy for a Boarding Home at 2522 Hollyhill Drive. Although the certificate of occupancy does not specify the number of residents allowed, the registration process and the current zoning district limit the number of residents to six (6). All certificates of occupancy include an occupant load, which is the total number of occupants that a structure may accommodate at any given time. The subject property’s current certificate of occupancy indicates an occupant load of sixteen (16), including all residents, staff, and visitors.

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

**Adjacent Zoning and Land Uses**

**Direction:** North and South

**Current Base Zoning:** “R-5”

**Current Land Uses:** Vacant Lots and Single-Family Residences

**Direction:** West across Hollyhill Drive

**Current Base Zoning:** “R-5” and “MF-33”

**Current Land Uses:** Vacant Lot and Single-Family Residences

**Direction:** East

**Current Base Zoning:** “C-3NA”

**Current Land Uses:** Vacant Lots

**Transportation**

**Thoroughfare:** Hollyhill Drive

**Existing Character:** Local Street; 1 lane in each direction with sidewalks.

**Proposed Changes:** None known

**Public Transit:** VIA bus lines 20 and 30 operate along Rigsby Avenue to the north of the subject property.

**Traffic Impact:** A Traffic Impact Analysis is not required.

**Parking Information:** Assisted Living, Boarding Home, or Community Home with 7 or more residents.

Minimum Parking Requirement: 0.3 space per bed, plus 1 space for each employee

Maximum Parking Requirement: 1 space per bed, plus 1 space for each employee

The conditional use site plan indicates 2 parking spaces located in the existing driveway. A boarding home with sixteen residents and five employees would require at least ten parking spaces.

**ISSUE:**

Jupe Manor Neighborhood Association is in opposition to the rezoning request.

**ALTERNATIVES:**

A denial of this zoning request would result in the subject property retaining the current residential zoning classification, prohibiting the proposed Conditional Use for a Boarding Home with No More than 16 Residents.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**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 Eastern Triangle Community Plan and is currently designated as Low Density Residential in the future land use component of the plan. The “R-5” base zoning district is consistent with the adopted land use designation.

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

The conditional use zoning procedure is designed to provide for a land use within an area 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.

The subject property is not currently operating as a Boarding Home. Staff supports use of the subject property as a boarding home with six or fewer residents, which is allowed by-right in residential single-family zoning districts. However, increasing the number of permitted residents at the subject property may be contrary to the character of the surrounding neighborhood.

**3. Suitability as Presently Zoned:**

The existing single-family zoning district is appropriate for the subject property; and the district permits assisted living facilities, community homes, and boarding homes with six or fewer residents. The purpose of the requested zoning change is to allow up to 16 residents. In addition to City of San Antonio regulations, the proposed facility will be subject to State of Texas licensing and inspections.

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

Staff has concerns regarding parking on the subject property. The conditional use site plan identifies two parking spaces located in the existing driveway, and includes a note explaining that the property owner intends to seek a variance from the minimum parking requirement. The subject property is located on a local street, which may create traffic problems if on-street parking is utilized.

Staff recommends denial on the basis that the requested intensity of the proposed boarding home appears to be excessive based on the lot size, square footage of the residence, and the potential nuisance that additional traffic and accommodations for off-premise parking would create for neighboring properties. The conditional use provisions in the UDC allow for the introduction of uses of a greater intensity than currently allowed in residential zoning districts if the use is compatible with adjacent land uses and has unique development considerations.

**5. Public Policy:**

The request does not appear to conflict with any established public policy objective. The requested base zoning district is consistent with the adopted land use plan.

**6. Size of Tract:**

The applicant proposes no new construction on the subject property. The property is of sufficient size for the existing structure and driveway; however, the property’s configuration may not accommodate additional on-site

parking required for the proposed use. Further, the property will have to accommodate at least one ADA van-accessible parking and loading space.

**7. Other Factors:**

In May of 2013, the applicant registered the boarding home with no more than six residents, as required by the City of San Antonio. According to the applicant, should the zoning change be approved, a variance from the minimum parking requirements will be requested through the Board of Adjustment. The Board of Adjustment may adjust the minimum or maximum parking requirements based on a showing by the applicant that a hardship is created by a strict interpretation of the parking regulations.

According to Section 35-422(e)(3), the following conditions apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Hours of operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

Should the requested zoning be approved, staff recommends waiver of the hours of operation limitation as the facility offers 24-hour care.