



# City of San Antonio

## Agenda Memorandum

**File Number:** 13-1139

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**Agenda Item Number:** 4.

**Agenda Date:** 12/19/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 4

**SUBJECT:**

Zoning Case Z2014004 CD

**SUMMARY:**

**Current Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Two Dwelling Units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 19, 2013

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Jimmy Kopeck

**Applicant:** Jimmy Kopeck

**Representative:** Jimmy Kopeck

**Location:** 107 Fernleaf Avenue

**Legal Description:** Lot 2, Block 2, NCB 9851

**Total Acreage:** 0.1377

**Notices Mailed**

**Owners of Property within 200 feet:** 36

**Neighborhood Associations:** Quintana Community Neighborhood Association

**Planning Team Members:** 33-Kelly/South San PUEBLO Community Plan

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in August of 1944 and was originally zoned “B” Residence District. In a 1977 City-initiated large-area case, the property was rezoned to “R-1” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current “R-6” Residential Single-Family District. There is an existing residential structure on the subject property that measures approximately 992 square feet and was constructed in 1951. The property is platted in its current configuration.

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

**Adjacent Zoning and Land Uses**

**Direction:** All

**Current Base Zoning:** “R-6”

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

**Direction:** South (along Southwest Military Drive)

**Current Base Zoning:** “C-2”

**Current Land Uses:** Restaurant, duplexes and undeveloped land

**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:** Fernleaf Avenue

**Existing Character:** Local Street; 1 lane in each direction without sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Holder Avenue

**Existing Character:** Local Street; 1 lane in each direction without sidewalks

**Proposed Changes:** None known

**Public Transit:** The closest VIA bus lines are numbers 550 and 551 which operate along Southwest Military Drive, south of the subject site.

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

**Parking Information:** Off-street vehicle parking requirements for residential uses are determined by the number of dwelling units.

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

**ISSUE:**

None

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current residential classification, prohibiting the proposed Conditional Use for Two Dwelling Units.

**FISCAL IMPACT:**

None. The zoning request is eligible for the Inner City Reinvestment Infill Policy Fee Waiver. The Development Services Department fees will be reimbursed through grant funding.

**RECOMMENDATION:**

Staff recommends denial. Zoning Commission (10-0) 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 Kelly/South San PUEBLO Community Plan and is currently designated as Low Density Residential in the future land use component of the plan. The requested “R-6” base zoning district is consistent with the adopted land use designation.

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

Staff finds no likely adverse impact on the surrounding neighborhood related to the zoning change request. However, the surrounding residential neighborhood is solidly single-family; and approval of the zoning change request would allow a slight increase in density within the interior of the neighborhood. Increased density is most appropriate along higher-order streets at the periphery of established neighborhoods.

**3. Suitability as Presently Zoned:**

The current “R-6” Residential Single-Family District is appropriate for the subject property and surrounding area.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request.

**5. Public Policy:**

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

**6. Size of Tract:**

The subject site is 0.1377 acres in size, which should reasonably accommodate the proposed dwelling units and required parking.

**7. Other Factors:**

The applicant has applied for “R-6 CD” Residential Single-Family District with a Conditional Use for Two Dwelling Units in order to bring an existing duplex use into compliance. The subject property was originally built as a single-family dwelling under the “B” zoning district, which allowed for both single-family dwellings and duplexes. Although previous zoning allowed the current use, the existing duplex cannot be registered as a legal nonconforming use because the property owner cannot prove legal establishment or continuous use. While most of the properties in the immediate area have single-family zoning, there are several duplexes located along Southwest Military Drive, at the periphery of the neighborhood.

The conditional 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 consideration or unique development requirements may be compatible with adjacent land uses under given conditions.