



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-1780

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/2/2017

**Title:** ZONING CASE # Z2017037 CD (Council District 10): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for an Assisted Living Facility for up to 12 Residents on Lot 41, Block 26, NCB 15105, located at 12119 San Miguel Street. Staff and Zoning Commission recommend Denial. (Continued from February 9, 2017)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Z2017037 CD Minutes, 4. Draft Ordinance.pdf, 5. Ordinance 2017-03-02-0145

Date	Ver.	Action By	Action	Result
3/2/2017	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 10

**SUBJECT:**

Zoning Case Z2017037 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 Conditional Use for an Assisted Living Facility for up to 12 Residents

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** January 17, 2017

**Case Manager:** Erica Greene, Planner

**Property Owner:** Mark and Joyce Kyle

**Applicant:** Mark Kyle

**Representative:** Mark Kyle

**Location:** 12119 San Miguel Street

**Legal Description:** Lot 41, Block 26, NCB 15105

**Total Acreage:** 0.1616

**Notices Mailed**

**Owners of Property within 200 feet:** 37

**Registered Neighborhood Associations within 200 feet:** Citizens on Alert

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio in 1971 following the adoption of Ordinance #39443 and was zoned "A" Single Family Residence District. A 1988 case, Ordinance #66918 zoned the subject property as "R-1" One 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.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-6

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

**Direction:** West

**Current Base Zoning:** R-6

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

**Direction:** South

**Current Base Zoning:** R-6

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

**Direction:** East

**Current Base Zoning:** R-6

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

**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:** San Miguel Street

**Existing Character:** Local Street

**Proposed Changes:** None

**Public Transit:** The nearest VIA bus route is #14 within walking distance 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:** Residential: Assisted Living Facility: requires a minimum of 0.3 per resident plus 1 space for each employee and a maximum of 1 per resident plus 1 space for each employee

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission recommends Denial (6-4).

**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 North Sector Plan, and is currently designated as Suburban Tier in the future land use component of the plan. The requested "R-6 base zoning district is consistent with the future land use designation.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. An assisted living facility with up to twelve residents is too intense of a commercial use for the residential location of this property. The property is surrounded entirely by single-family residential uses and is in the middle of a neighborhood. The site plan as proposed will not accommodate the off street parking spaces as required per the Unified Development Code.

**3. Suitability as Presently Zoned:**

The current "R-6" base zoning district is appropriate for the subject property's location. The request to allow for an assisted living facility within a residential neighborhood is not appropriate.

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

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

**5. Public Policy:**

The rezoning request does not support the goals of the North Sector Plan that support the efforts to designate, preserve and enhance existing and future neighborhoods within the North Sector.

**6. Size of Tract:**

The subject property totals 0.1616 acres in size, which should reasonably accommodate the uses permitted in “R-6” Residential Single-Family.

**7. Other Factors:**

The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may under the right set of circumstances and conditions be acceptable in certain specific locations.

The site plan proposes on street parking which does not meet the minimum off street parking requirements. A parking adjustment waiver from the Board of Adjustment will be required if the zoning is approved.