



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-3994  
**Type:** Zoning Case  
**In control:** City Council A Session  
**On agenda:** 8/3/2017  
**Title:** ZONING CASE # Z2017139 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 Two Dwelling Units on Lot 24, NCB 3599, located at 614 West Elmira Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. ZC Minutes, 4. Draft Ordinance.pdf, 5. Ordinance 2017-08-03-0540

Date	Ver.	Action By	Action	Result
8/3/2017	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2017139 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 a Conditional Use for Two Dwelling Units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 20, 2017

**Case Manager:** Kayla Leal, Planner

**Property Owner:** Kyle Zochert

**Applicant:** Kyle Zochert

**Representative:** Kyle Zochert

**Location:** 614 West Elmira Street

**Legal Description:** Lot 24, NCB 3599

**Total Acreage:** 0.1148

**Notices Mailed**

**Owners of Property within 200 feet:** 14

**Registered Neighborhood Associations within 200 feet:** Five Points Neighborhood Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was included in the Original City Limits of San Antonio, as established in 1938 and was originally zoned "C" Apartment District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "MF-33" Multi-Family District. In a 2002 City-initiated case, the property was rezoned to the current "R-4" Residential Single-Family District. The property was platted into its current configuration in 1929 and 1961 (volume 4600 and 980, pages 103 and 250 of the Deed and Plat Records of Bexar County, Texas). The subject property is developed with a multi-unit residential structure measuring 4,001 square-feet that was built in 1915, according to the Bexar County Appraisal District.

**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:** North

**Current Base Zoning:** R-4, IDZ

**Current Land Uses:** Duplexes, Apartments, Single-Family Residential

**Direction:** East

**Current Base Zoning:** R-4

**Current Land Uses:** Single-Family Residence, Right-of-Way Section

**Direction:** South

**Current Base Zoning:** C-2P, R-4

**Current Land Uses:** Vacant Lot, I-35 Access Road

**Direction:** West

**Current Base Zoning:** R-4

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

**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:** Elmira Street

**Existing Character:** Primary Arterial Type A

**Proposed Changes:** None

**Public Transit:** The nearest VIA bus lines are number 2, 82, 88, 202, 282 and 288, which operate along North Flores Street, east of the subject property.

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

**Parking Information:** A Dwelling for Two (2) Families requires a minimum of one (1) parking space per unit and a maximum of two (2) parking spaces 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

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is located within the Midtown Regional Center.

The subject property is not within a half mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend 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 Five Points Neighborhood Plan and is currently designated as Low Density Residential in the future land use component of the plan. The requested “R-4” base zoning district is consistent with the adopted land use designation.

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

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area. There is an existing structure on the property that has been vacant. Renovating this dilapidated home will be of benefit to the neighboring community.

**3. Suitability as Presently Zoned:**

The existing “R-4” base zoning district is appropriate for the surrounding area. All of the homes in this area are single-family homes that appear to have been converted into duplexes.

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

Staff has not found any indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The request does not appear to conflict with any public policy objective since it is consistent with the adopted land use plan.

**6. Size of Tract:**

The 0.1148-acre site is of sufficient size to accommodate the proposed development. The structure already exists on the property and is also of sufficient size to accommodate a duplex with its respective amount of parking spaces.

**7. Other Factors:**

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 granting of the zoning with Conditional Use shall only be for the zoning case named in the ordinance approving the Zoning District with the specified Conditional Use provisions.

This case was the subject of a rezoning in 2015 for a conditional use for a duplex and was denied. However, the house has remained vacant and since it was originally constructed prior to 1900 as a multi-family unit structure, owners have been unable to convert it into single family. Rezoning for a duplex near the intersection of a freeway access road and adjacent to other duplexes, will improve the property and remove it from placement on the Vacant Buildings list.