



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-4010  
**Type:** Zoning Case  
**In control:** City Council A Session  
**On agenda:** 8/3/2017  
**Title:** ZONING CASE # Z2017167 CD (Council District 1): An Ordinance amending the Zoning District Boundary from "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Triplex to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for an Assisted Living Facility with up to 16 Residents on Lot 4, Block 8, NCB 760, located at 412 Warren Street. Staff recommends Denial. Zoning Commission recommends Approval with a Condition.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Site Plan, 2. Location Map, 3. ZC Minutes, 4. Draft Ordinance.pdf, 5. Ordinance 2017-08-03-0534

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

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2017167 CD

**SUMMARY:**

**Current Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional use for a Triplex

**Requested Zoning:** "R-4 CD AHOD" Residential Single-Family Airport hazard Overlay District with Conditional Use for an Assisted Living Facility with up to 16 Residents

**BACKGROUND INFORMATION:**

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

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** COGO Investments, Abelardo Juarez

**Applicant:** Abelardo Juarez

**Representative:** Abelardo Juarez

**Location:** 412 Warren Street

**Legal Description:** Lot 4, Block 8, NCB 760

**Total Acreage:** 0.2378

**Notices Mailed**

**Owners of Property within 200 feet:** 30

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

**Applicable Agencies:** None.

**Property Details**

**Property History:** The subject property is located within the city limits as established in 1938 and was originally zoned “D” 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 subject property was rezoned from “R-4” to “R-4 CD” Residential Single-Family Airport Hazard Overlay District with Conditional use for a Triplex, by Ordinance 2015-01-15-0029, dated January 15, 2015.

**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-4, R-4 CD

**Current Land Uses:** Single-Family Residence, Triplex

**Direction:** East

**Current Base Zoning:** R-4

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

**Direction:** South

**Current Base Zoning:** R-4

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

**Direction:** West

**Current Base Zoning:** R-4

**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:** Warren Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Sam Houston Place

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes 2, 4, 82, 88, 95-97, 202, 282, 288, 296 are within walking distance 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:**

The minimum parking requirements are 0.3 per resident plus 1 space for each employee for an Assisted Living Facility with 7 or more residents.

**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 within the Midtown Regional Center and San Pedro Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (7-2) recommends Approval with the following conditions:

- 1) That the use be limited to no more than ten (10) residents

**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 base district of “R-4” is consistent with the land use designation; however, the request for an Adult Living Facility with sixteen residents is inconsistent with the density of the community.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The subject property is on a street that includes a variety of residential uses and densities. The introduction of an Assisted Living facility with up to sixteen residents in the middle of the neighborhood on a small lot would have an adverse impact on the neighborhood.

### **3. Suitability as Presently Zoned:**

The current "R-4 CD" Residential Single-Family District with Conditional use for a Triplex is appropriate for the surrounding area. The subject property is within a Premium Transit Corridor and the neighborhood offers a mix of housing densities. Warren Street includes a variety of zoning designations from single-family residences, triplexes, four-plexes, and multi-family.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The zoning change is requested in order to allow for an Assisted Living facility which should not have an adverse impact on the public health, safety, or welfare of the citizens of San Antonio.

### **5. Public Policy:**

The request appears to conflict with public policy objectives. The proposed zoning change will alter the land use pattern and character of the surrounding neighborhood. The introduction of an Assisted Living facility with up to sixteen residents does not support the goals of the Five Points Neighborhood Plan or the Comprehensive Plan. The rezoning request introduces a high density in the middle of a low density residential neighborhood. The request would be better suited on the periphery of the neighborhood and on a larger lot.

Goals:

Five Points Neighborhood Plan:

Goal: Preserve, rehabilitate, and improve the housing stock

- Objective: To develop a housing preservation strategy to stabilize and improve real estate values.

Comprehensive Plan:

D. Neighborhoods - Goal 1 Preserve, protect and enhance the integrity, economic viability, and livability of San Antonio's neighborhoods.

### **6. Size of Tract:**

The subject property measures 0.2378 of an acre which will not reasonably accommodate an Assisted Living facility with up to sixteen residents. The minimum parking requirements are 0.3 per resident plus 1 space for each employee for an Assisted Living Facility with 7 or more residents.

### **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.

An Assisted Living Facility with up to six residents is permitted by right with the current zoning.