



City of San Antonio

Legislation Details (With Text)

File #: 19-2859
Type: Zoning Case
In control: City Council A Session
On agenda: 4/4/2019
Title: ZONING CASE # Z-2019-10700018 CD (Council District 4): Ordinance amending the Zoning District Boundary from "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "R-6 CD MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for four (4) residential dwelling units on Lot 10, Block 37, NCB 8926, located at 838 Peabody Avenue. Staff and Zoning Commission recommend Denial.
Sponsors:
Indexes:
Code sections:
Attachments: 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance

Date	Ver.	Action By	Action	Result
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DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 4

SUBJECT:
Zoning Case Z-2019-10700018 CD

SUMMARY:

Current Zoning: "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Requested Zoning: "R-6 CD MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for four (4) residential dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 5, 2019

Case Manager: Dominic Silva, Planner

Property Owner: Humza Chowdhry

Applicant: Andres Santos

Representative: Andres Santos

Location: 838 Peabody Avenue

Legal Description: Lot 10, Block 37, NCB 8926

Total Acreage: 0.15

Notices Mailed

Owners of Property within 200 feet: 38

Registered Neighborhood Associations within 200 feet: Quintana Community Neighborhood Association

Applicable Agencies: Lackland Air Force Base

Property Details

Property History: The subject properties were not included in the original 36 square miles of the City of San Antonio and were originally zoned "R-1" Single Family Residential District by Ordinance 47762. The "R-1" Single Family Residential District converted to the current "R-6" Single-Family Residential District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

Topography: The subject property is not located within the 100-year flood plain.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: "R-6"

Current Land Uses: Residential

Direction: East

Current Base Zoning: "R-6"

Current Land Uses: Residential

Direction: South

Current Base Zoning: "R-6"

Current Land Uses: Residential

Direction: West

Current Base Zoning: "R-6"

Current Land Uses: Residential

Overlay and Special District Information:

"AHOD"

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: Peabody Avenue

Existing Character: Local

Proposed Changes: None Known

Public Transit: VIA bus routes are within walking distance of the subject property.

Routes Served: 251, 515, 524

Thoroughfare: Spindle Avenue

Existing Character: Local

Proposed Changes: None Known

Public Transit: VIA bus routes are within walking distance of the subject property.

Routes Served: 251, 515, 524

Traffic Impact: A Traffic Impact Analysis is required.

Parking Information: 1 per unit.

ISSUE:

None.

ALTERNATIVES:

Denial of the requested zoning change would result in the subject properties retaining the present zoning district designations. Examples of permitted uses within “R-6” are single-family residential with a minimum lot size of 6,000 square feet and uses such as foster homes and public/private schools.

FISCAL IMPACT:

None.

Proximity to Regional Center/Premium Transit Corridor

The subject property is located within ½ a mile of a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission (9-0) 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 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 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. The proposed development is for four (4) dwelling units which increases the density in the area. The neighborhood consists of primarily “R-6” Single-Family zoning with 1 to 2 units per lot, the proposed rezoning creates excess density.

3. Suitability as Presently Zoned:

The current “R-6” Single-Family Residential District is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” maintains the base zoning, while allowing additional consideration of a conditional use for additional residential units.

4. Health, Safety and Welfare:

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

5. Public Policy:

The rezoning request does not appear to conflict with the land use goals and strategies of the Kelly/South San Pueblo Community Plan.

Kelly/South San Pueblo Community Plan Goals:

Goal 7.2: Attract new businesses to the Eastern Triangle

Goal 9.1: Increase range of family oriented businesses and services within the Eastern Triangle.

6. Size of Tract:

The subject property is .2250 acres, which would adequately supports residential uses.

7. Other Factors:

The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request.

The Conditional Use zoning procedure is designed to provide for a land use 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.

There is a permitted, primary residence on the lot fronting Peabody. The rear accessory structure was permitted in 2011. The structure was an accessory, not a dwelling unit but work was not completed on the project. In December 2018, when the property owner wanted to continue the project, it was determined by Code Enforcement that the scope of the original permit had been exceeded and rezoning was required.