



City of San Antonio

Legislation Details (With Text)

File #: 19-3204

Type: Zoning Case

In control: City Council A Session

On agenda: 4/18/2019

Title: ZONING CASE # Z-2019-10700022 CD (Council District 7): Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Assisted Living Facility with no more than sixteen (16) residents on Lot 2, Block 22, NCB 12282, located at 4618 Manitou Drive. Staff recommends Denial. Zoning Commission recommends Approval.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2019-04-18-0346

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------|-------------------|--------|
| 4/18/2019 | 1 | City Council A Session | Motion to Approve | Pass |

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 7

SUBJECT:

Zoning Case Z-2019-10700022 CD

SUMMARY:

Current Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Assisted Living Facility with no more than sixteen (16) residents

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 19, 2019. This case is continued from the March 5, 2019 zoning hearing.

Case Manager: Patricia Franco, Planner

Property Owner: Esdras Mendoza

Applicant: Esdras Mendoza

Representative: Esdras Mendoza

Location: 4618 Manitou Drive

Legal Description: Lot 2, Block 22, NCB 12282

Total Acreage: 0.1967

Notices Mailed

Owners of Property within 200 feet: 20

Registered Neighborhood Associations within 200 feet: none

Applicable Agencies: None

Property Details

Property History: The property was annexed by the City of San Antonio in 1950 with Ordinance 13476 and was originally zoned as "A" Single-Family District. Upon the adoption of the 2001 Unified Development Code, the previous "A" base zoning district converted to "R-5" Residential Single-Family District.

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-5" and "C-1"

Current Land Uses: A School and a gas station

Direction: East

Current Base Zoning: "R-5"

Current Land Uses: Single-Family Residences and School

Direction: South

Current Base Zoning: "R-5"

Current Land Uses: Single-Family Residences

Direction: West

Current Base Zoning: "R-5"

Current Land Uses: Single-Family 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: Callaghan Road

Existing Character: Secondary Arterial Type A

Proposed Changes: None Known

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

Routes Served: 509

Traffic Impact: A Traffic Impact Analysis (TIA) determination cannot be determined at this time.

Parking Information: Minimum parking space requirements for Assisted Living Facility is 0.3 per resident plus 1 space for each employee.

ISSUE:

None.

ALTERNATIVES:

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of “R-5”. Residential Single-Family with a minimum lot size of 5,000 square feet.

FISCAL IMPACT:

None.

Proximity to Regional Center/Premium Transit Corridor

The property is located within the Near Northwest Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial. Zoning Commission (7-2) recommends Approval.

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 Near Northwest Community Plan, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-5” base zoning is compatible with the future land use designation.

2. Adverse Impacts on Neighboring Lands:

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. With the request for 12 residents, there may be traffic and parking concerns.

3. Suitability as Presently Zoned:

The current “R-5” Single-Family Residential District is an appropriate zoning for the property and surrounding area. The proposed request maintains the base “R-5” district while the “CD” allows consideration of an assisted living facility. The applicant is trying to maintain his existing assisted living facility of 12 residents. Staff recommends Denial, because the density appears to be excessive. The proposed zoning allows up to 16 residents. Staff finds that based on the square footage of the home 8 residents maximum are more appropriate.

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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Midtown Neighborhood Community Plan.

Near Northwest Neighborhood Plan Relevant Goals and Objectives:

- Objective 3.4: Housing Development Encourage new housing development that is compatible with the community's character.
- Objective 3.3: Design Standards Protect and preserve the Near Northwest's unique housing character.
- Objective 3.5: Community Promotion Promote the strengths of the Near NW Community as a place to live, work and play.

6. Size of Tract:

The subject property is 0.1967 acres, which would continue to adequately support residential use and the development of an assisted living facility.

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 following conditions shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

Staff would recommend alternate hours of operation from 7:00 a.m. to 8:00 p.m.

The applicant has been operating the assisted living facility based on State licensing for many years. It wasn't until recently when the applicant was renewing permitting at the City, and found out that the use of the home as an assisted living facility was not permitted in a residential single-family district due to more than 6 residents and zoning restrictions. The request is an effort to gain compliance with City zoning regulations and to renew the assisted living facility permitting with the State.