



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-8500

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/5/2019

**Title:** ZONING CASE Z-2019-10700195 CD ERZD (Council District 9): Ordinance amending the Zoning District Boundary from "R-6 MLOD-1 MLR-2 ERZD" Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District to "R-6 CD MLOD-1 MLR-2 ERZD" Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District with Conditional Use to allow for an assisted living facility with up to sixteen (16) residents on Lot 1 and the West 45 Feet of Lot 2, NCB 14843, located at 2104 Pipestone Drive. Staff recommends Denial, with an Alternate Recommendation. Zoning Commission recommends Approval, with Conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. SAWS Report, 4. Zoning Minutes, 5. Draft Ordinance, 6. Ordinance 2019-12-05-1026

Date	Ver.	Action By	Action	Result
12/5/2019	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 9

**SUBJECT:**

ZONING CASE Z-2019-10700195

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-1 MLR-2 ERZD" Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District

**Requested Zoning:** "R-6 CD MLOD-1 MLR-2 ERZD" Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District with Conditional Use to allow for an assisted living facility with up to 16 residents

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 17, 2019

**Case Manager:** Dominic Silva, Senior Planner

**Property Owner:** SEV, Inc.

**Applicant:** Samuel & Elena Vesa

**Representative:** Samuel & Elena Vesa

**Location:** 2104 Pipestone Drive

**Legal Description:** Lot 1 and the west 45-feet of Lot 2, NCB 14843

**Total Acreage:** 0.4649

**Notices Mailed**

**Owners of Property within 200 feet:** 22

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Camp Bullis

**Property Details**

**Property History:** The subject properties were annexed by Ordinance 41429, dated October 25, 2019. The subject properties were originally zoned Temporary “R-1” Single Family Residence District and converted to the current “R-6” Residential Single-Family 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:**

**"MLOD-1"**

All surrounding properties carry the "MLOD-1" Military Lighting Overlay District, due to their proximity to Camp Bullis. The "MLOD-1" does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

**“ERZD”**

All surrounding properties carry the "ERZD" Edwards Recharge Zone District. The "ERZD" does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of

San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the “ERZD”.

### **Transportation**

**Thoroughfare:** Pipestone Drive

**Existing Character:** Local

**Proposed Changes:** None Known

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

Routes Served: 502.

**Thoroughfare:** Parkstone Boulevard

**Existing Character:** Local

**Proposed Changes:** None Known

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

Routes Served: 502.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is required.

**Parking Information:** Assisted living facility with 7 or more residents: 0.3 per resident plus 1 space for each employee

### **ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** The present zoning district designation of “R-6” Residential Single-Family District provides areas for medium to high-density residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring flexible yard and area standards. Mixed residential districts provide flexible density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

**Proposed:** The proposed “R-6 CD” allows all of the above in addition to an assisted living facility for 16 residents.

### **FISCAL IMPACT:**

None.

### **Proximity to Regional Center/Premium Transit Corridor**

The subject property is located within ½ a mile of the Stone Oak Regional Center and within a Premium Transit Corridor.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an alternate recommendation for Assisted Living with no more than 8 residents. Zoning Commission (10-0) recommends Approval with

Conditions.

**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” is consistent with the adopted 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 use, removal of trees and required parking is changing the residential character of the area. This is a primarily large lot single-family subdivision with a rural character. Encroachment of commercial uses is inappropriate in this area.

**3. Suitability as Presently Zoned:**

The current “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The request maintains the base “R-6” and the Conditional Use allows consideration of an assisted living facility. The property is subject to conditions for non-residential uses in a residential zone.

If the alternate recommendation for eight (8) residents is recommended for approval the required parking can be accomplished in the current lot configuration, without the addition of another parking area on the side yard. The required parking spaces are two (2) for the eight (8) residents and one (1) per each employee for a total of three (3). The current driveway appears to accommodate four (4) spaces.

**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 North Sector Plan.

- ED-1.3: Continue to maintain and revitalize the North Sector to retain and expand vibrant retail and commercial uses within the IH-10, IH-35, Loop 410 and Loop 1604 corridors and/or centers.
- ED-2.1: Promote development activity inside Loop 1604 that is adjacent and proximate to existing medical and research employers in the western portion of North Sector for expansion as per the Sector Land Use Plan.
- 

**6. Size of Tract:**

The subject property is 0.4649 acres, which adequately supports the existing single-family home.

**7. Other Factors:**

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.

If the rezoning is recommended for Approval, 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. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

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

Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 1 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 65% on the site.