



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 19, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2024-10700160 S

**SUMMARY:**

**Current Zoning:** "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-5 S MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for Child Care Facility (7-12 Children)

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2024

**Case Manager:** Bronte Frere, Zoning Planner

**Property Owner:** Eliseo Cuevas and Naomi Casiano

**Applicant:** Stefani Vaughn

**Representative:** Stefani Vaughn

**Location:** 435 Precious Drive

**Legal Description:** Lot 9, Block 2, NCB 8251

**Total Acreage:** 0.1295 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 34

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

**Applicable Agencies:** Lackland, Planning Department

### **Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 2590, dated September 5, 1945, and zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to the current "MF-33" Multi-Family District. The property was rezoned by Ordinance 98010, dated August 14, 2003, to "R-5" Residential Single-Family District.

### **Code & Permitting Details:**

There is no code enforcement or permitting history for the subject property.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a floodplain.

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-5," "R-6"

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

**Direction:** South

**Current Base Zoning:** "R-5," "R-6"

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

**Direction:** East

**Current Base Zoning:** "R-6"

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

**Direction:** West

**Current Base Zoning:** "R-6," "R-6 CD"

**Current Land Uses:** Single-Family Dwellings, Apartment Building

### **Overlay District Information:**

The "MLOD-2" Lackland Military Lighting Overlay District 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.

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** Precious Drive

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Fortuna Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Public Transit:** There are no VIA bus routes within a ½ mile of the subject property.

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for a Single-Family Dwelling is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-5" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

Proposed Zoning: "R-5" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

The Specific Use Authorization is to allow for a Child Care Facility for 7-12 children.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center or within ½ a mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission recommends Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on approval criteria below.

1. **Consistency:** The subject property is located within the West/Southwest Sector Plan, amended April 2011, and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “R-5 S” base zoning district is consistent with the future land use designation.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area. The subject property is surrounded by single-family dwellings.
3. **Suitability as Presently Zoned:** The existing “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-5 S” Multi-Family District with a Specific Use for Child Care Facility (7-12 children) is not appropriate. Although the rezoning request to “R-5 S” will maintain the residential base zoning for the property, which is characteristic of the surrounding area and keeps the land use pattern consistent, the “S” Specific Use Authorization for the proposed use of a Child Care Facility for up to 7-12 children is more commercial in nature and constitutes a residential encroachment. The applicant is allowed to have up to six (6) children without rezoning. Allowance of additional children could create issues with traffic (pick-up and drop off), parking, and employee parking.
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 request does appear to conflict with public policy objectives. Relevant goals and objectives of the West/Southwest Sector Plan may include:
  - **Housing Goal HOU-3:** Housing is well maintained to help ensure the long-term viability of neighborhoods.
  - **Education Goal Strategy EDU-2.2L** Support and encourage adaptive reuse of existing buildings for community and educational purposes.
6. **Size of Tract:** The 0.1295-acre site is of sufficient size to accommodate the existing residential development.
7. **Other Factors:** The purpose of the Specific Use Authorization 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 may, under the right set of circumstances and conditions be acceptable in certain specific locations.

The applicant is rezoning to allow a Child Care Facility that permits 7-12 children.

The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

