



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 16, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 6

**SUBJECT:**

ZONING CASE Z-2022-10700087 S

**SUMMARY:**

**Current Zoning:** “R-4” Residential Single-Family District

**Requested Zoning:** “R-4 S” Residential Single-Family District with a Specific Use Authorization for Licensed Childcare

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 3, 2022

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Rose Yepiz and Eric Yepiz

**Applicant:** Eric Yepiz

**Representative:** Rose Yepiz

**Location:** 9831 Village Briar

**Legal Description:** Lot 123, Block 1, NCB 18851

**Total Acreage:** 0.1214 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 29

**Registered Neighborhood Associations within 200 feet:** Hidden Meadow Neighborhood Association

**Applicable Agencies:** Planning Department, Parks and Recreation

**Property Details**

**Property History:** The property is currently zoned “R-4” Residential Single-Family District. The property was annexed into the City of San Antonio on December 30, 1989, by Ordinance 68296, and originally zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 71383 dated April 12, 1980, to “R-7” Small Lot Home District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-7” Small Lot Home District converted to the current “R-4” Residential Single-Family District.

**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”

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** “R-4”

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** “R-4”

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** “R-4”

**Current Land Uses:** Residential Dwelling

**Overlay District Information:** None.

**Special District Information:** None.

**Transportation**

**Thoroughfare:** Village Briar

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 606, 610

**Traffic Impact:** Preliminary Review Only - Detailed technical review and compliance with the UDC code will be conducted at time of platting and/or permitting. The purpose of this TIA Threshold Worksheet review is solely to determine if a TIA study is required based on the preliminary information provided at time of this review. Turn lanes as part the TIA Threshold Worksheet will be assessed once more detail technical information is provided at the time of platting and/or permitting. A TIA study may be required based on the information provided at time of platting and/or permitting.

**\*\*The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502\*\***

A TIA Report is not required.

**Parking Information:** The minimum parking requirement for a childcare facility is 1 per 375 square feet of gross floor area. The applicant needs three (3) parking spaces for the existing 1,244 square feet of residential/classroom space.

**ISSUE:** None.

**ALTERNATIVES:**

**Current Zoning:** “R-4” Residential Single-Family allows dwellings (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

**Proposed Zoning:** “R-4 S” Residential Single-Family allows dwellings (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

The "S" Specific Use Authorization would permit a Licensed Childcare Facility.

**FISCAL IMPACT:** None.

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

The subject property is not located within a Regional Center and is not in proximity to a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Denial.

**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 Northwest Community Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-4” 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, as it is in a neighborhood comprised solely of single-family residences.
3. **Suitability as Presently Zoned:** The current “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-4 S” Residential Single-Family District with a Specific Use Authorization for Licensed Childcare is not an appropriate zoning for the property. Although the property owner already operates a childcare facility the current use is limited to six (6) children. The proposed Specific Use introduces more children and more commercial-like activity to a residential neighborhood. This intensity is out of character with that of the surrounding single-family dwellings in the area.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. Traffic and parking the area during drop off and pick up times may create traffic congestion in the area.
5. **Public Policy:** The request does appear to conflict with the public policy objectives of the Northwest Community Plan:
  - Developing a distinct community by preserving neighborhoods
  - Residential development: Residential development that includes community amenities within the low-density residential areas is encouraged in areas outside of commercial nodes.
6. **Size of Tract:** The subject property is 0.1214 acres and can reasonably accommodate the existing single-family residence.
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 intends to rezone to expand a licensed childcare center to permit the maximum number of children that can be enrolled to more than 12, which is their current maximum. Per current Code, a rezoning is required for childcare centers with more than six (6) children within a residential neighborhood.