



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 15, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2022-10700292 CD

**SUMMARY:**

**Current Zoning:** "R-5 H AHOD" Residential Single-Family Historic Monte Vista Airport Hazard Overlay District

**Requested Zoning:** "R-5 CD H AHOD" Residential Single-Family Historic Monte Vista Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 15, 2022

**Case Manager:** Adolfo Gonzalez, Planner

**Property Owner:** Alexander Zgardowski

**Applicant:** Alexander Zgardowski

**Representative:** Alexander Zgardowski

**Location:** 331 West Elsmere Place

**Legal Description:** the East 10 feet of Lot 3 and Lot 4, Block 1, NCB 3966

**Total Acreage:** 0.1928

**Notices Mailed****Owners of Property within 200 feet:** 24**Registered Neighborhood Associations within 200 feet:** Monte Vista Neighborhood Association and Alta Vista Neighborhood Association**Applicable Agencies:** Not applicable**Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio and zoned "A" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

**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**Current Land Uses:** Residential Structure**Direction:** East**Current Base Zoning:** R-5**Current Land Uses:** Residential Structure**Direction:** West**Current Base Zoning:** R-5**Current Land Uses:** Residential Structure**Direction:** South**Current Base Zoning:** R-5**Current Land Uses:** Residential Structure**Overlay District Information:**

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.

The Monte Vista Historic District, is an overlay district which was adopted in \_\_\_\_\_. This district does not regulate use of the property but does enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

**Special District Information:**

None.

**Transportation**

**Thoroughfare:** Elsmere Place

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** San Pedro Avenue

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None known.

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 4, 204

**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 three (3) family residence is 1.5 parking spaces per unit. The maximum parking requirement for a three (3) family residence is 2 parking spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-5" Residential Single-Family allows dwellings (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 CD" Residential Single-Family allows dwellings (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 "CD" Conditional Use would allow three (3) dwelling units.

**FISCAL IMPACT:**

None.

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

Subject property is not located within a Regional Center and within ½ a mile from the Metro Premium Plus Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 Monte Vista Neighborhood Plan that is used as a guide in evaluating zoning cases. Therefore, a finding of consistency is based on goals and objectives of the plan and existing and surrounding zoning and uses.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area. The entire area is zoned "R-5" Residential Single-Family.
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 CD" Residential Single-Family District with a Conditional Use for three (3) dwelling units is also an appropriate zoning for the property and surrounding area. The surrounding area consists of "R-5" base zoning district with many properties containing one additional accessory dwelling unit. The proposed rezoning maintains the base "R-5" district and proposes to legally zone the three (3) existing dwelling units on the property. The layout will remain the same and structures are not being added, thus this request does not change the character of the neighborhood.
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 not appear to conflict with any Monte Vista Neighborhood Plan.  
Goal B: Prevent the demolition of any viable housing stock. Seek to retain essential residential nature of the neighborhood and the total number of available housing units.  
Goal E: Renovate the dilapidated and deteriorated structures in the area.
6. **Size of Tract:** The 0.1928 acre site is of sufficient size to accommodate the existing residential development.
7. **Other Factors:** This property is located within the Monte Vista Historic District. Any future exterior modifications or new construction will require written approval from the Office of Historic Preservation. Approval of a zoning change does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.

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.

The applicant is rezoning for the three (3) existing dwelling units on the property. The property is not owner-occupied.