



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 7, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**  
ZONING CASE Z-2021-10700350 CD

**SUMMARY:**  
**Current Zoning:** "RE" Residential Estate District

**Requested Zoning:** "RE CD" Residential Estate District with a Conditional Use for an Assisted Living Facility for no more than ten (10) residents

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** March 1, 2022. Continued from February 15, 2022.

**Case Manager:** Summer McCann, Planner

**Property Owner:** Daniel M. and Alexandra F. Gheliuc

**Applicant:** Daniel Gheliuc

**Representative:** Daniel Gheliuc

**Location:** 6960 Pembroke Road

**Legal Description:** Lot 11D, Block N, NCB 14666

**Total Acreage:** 1.1100 Acres

**Notices Mailed****Owners of Property within 200 feet:** 14**Registered Neighborhood Associations within 200 feet:** Alamo Farmsteads Babcock Road Neighborhood Association**Applicable Agencies:** None.**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 41426 dated December 25, 1972 and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned to "R-1" Single-Family Residence District by Ordinance 48514, dated September 15, 1977. The subject property was rezoned to "R-8A" Single-Family Residential District by Ordinance 93633 dated March 22, 2001. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-8A" Single-Family Residential District converted to the current "RE" Residential Estate 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-20"**Current Land Uses:** Single-Family Dwelling**Direction:** South**Current Base Zoning:** "RE"**Current Land Uses:** Single-Family Dwelling**Direction:** East**Current Base Zoning:** "RE"**Current Land Uses:** Single-Family Dwelling**Direction:** West**Current Base Zoning:** "RE"**Current Land Uses:** Single-Family Dwelling**Overlay District Information:** None.**Special District Information:** None.**Transportation****Thoroughfare:** Pembroke**Existing Character:** Local**Proposed Changes:** None Known.

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

**Routes Served:** 604

**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 Assisted Living Facility with 7 or more residents is 0.3 per resident plus 1 space for each employee

**ISSUE:** None.

**ALTERNATIVES:**

**Current Zoning:** “RE” Rural Estate allows residential single-family dwelling (detached) with a minimum lot size of one acre (43,560 square feet) and a minimum lot width of 120 feet, accessory dwelling, public and private schools.

**Proposed Zoning:** “RE” Rural Estate allows residential single-family dwelling (detached) with a minimum lot size of one acre (43,560 square feet) and a minimum lot width of 120 feet, accessory dwelling, public and private schools.

The “CD” Conditional Use would allow for Assisted Living for no more than ten (10) residents.

**FISCAL IMPACT:** None.

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

The subject property is not located within a Regional Center or 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 Huebner/Leon Creeks Community Plan and is currently designated as “Low Density Residential Estate” in the future land use component of the plan. The requested “RE” 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 at that density is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “RE” Residential Estate District is an appropriate zoning for the property and surrounding area. The proposed “RE CD” Residential Estate District with a Conditional Use for Assisted Living for no more than ten (10) residents is not an appropriate zoning for the property and surrounding area.

Generally, Assisted Living for more than six (6) residents is permitted in areas with commercial and multi-family zoning designations and the proposed use at that density would not be an appropriate use within the area.

The subject property is an interior lot within a large lot single-family neighborhood, thus the allowance of an Assisted Living Facility for up to ten (10) residents would be a dense use. Additionally, the property is currently permitted to have an Assisted Living Facility for up to six (6) residents as presently zoned.

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 appear to conflict with the following goals, principles, and objectives of the Huebner/Leon Creeks Community Plan:
  - Goal 1 - Community Character and Quality of Life Preserve the character and quality of life of the Huebner/Leon Creeks Community.
  - Objective 1.1: Growth Management Promote new commercial and residential development that is respectful of the primarily residential character of the area.
  - Objective 1.3: Low Density Maintain the low-density development pattern.
  - 1.3.1 Promote large lot, single family zoning (i.e. 20,000 square foot or one-acre minimum lot size) and large buffer yards between existing large lot single family developments and commercial uses through creation of a Neighborhood Conservation District (NCD).
6. **Size of Tract:** The 1.1100-acre site is of sufficient size to accommodate the proposed development.
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.

The applicant is rezoning the property to allow for Assisted Living for no more than ten (10) residents.