



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 4, 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-2022-10700103 CD

**SUMMARY:**  
**Current Zoning:** “R-6” Residential Single-Family District

**Requested Zoning:** “R-6 CD” Residential Single-Family District with a Conditional Use for Assisted Living Facility with no more than fifteen (15) residents

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** May 17, 2022

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Sanjay Kumar and Nishi Thakur

**Applicant:** Sanjay Kumar and Nishi Thakur

**Representative:** Brown & Ortiz P.C

**Location:** 10558 and 10548 Mountain View Drive

**Legal Description:** Lot 3-4, Block 2, NCB 17637

**Total Acreage:** 0.9182 Acres

**Notices Mailed**  
**Owners of Property within 200 feet:** 13

**Registered Neighborhood Associations within 200 feet:** Mountain View Neighborhood Coalition  
**Applicable Agencies:** None

### **Property Details**

#### **Property History:**

The subject property is currently zoned “R-6” Residential Single-Family District. The property was annexed into the City of San Antonio by Ordinance 85089 dated December 30, 1996, and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” 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-6"

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** “R-6”

**Current Land Uses:** Residential Dwelling, Vacant

**Direction:** East

**Current Base Zoning:** “R-6”

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** "O-1" "R-6"

**Current Land Uses:** Residential Dwelling, Church

**Overlay District Information:** None.

**Special District Information:** None.

### **Transportation**

**Thoroughfare:** Mountain View Drive

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** Rogers Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None Known

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

**Routes Served:** 606

**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 no more than 16 residents is 0.3 spaces per bed plus 1 space for each employee.

**ISSUE:** None.

**ALTERNATIVES:**

**Current Zoning:** “R-6” Residential Single-Family allows dwellings (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

**Proposed Zoning:** “R-6 CD” Residential Single-Family allows dwellings (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

The “CD” Conditional Use would permit an Assisted Living Facility with no more than 15 residents.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Highway 151 and Loop 1604 Regional Center and is within a ½ mile of the Huebner-Grissom 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 and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-6” 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 and would add a layer of intensity that is inappropriate for a residential neighborhood.
3. **Suitability as Presently Zoned:** The current “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with a Conditional Use for Assisted Living Facility with no more than 16 residents is not appropriate for the property or surrounding area. Generally, Assisted Living for more than six (6) residents is permitted in areas with commercial and multi-family zoning designations. In this case the property is “R-6” Residential Single-Family and is an interior lot within a neighborhood predominantly comprised of single-family residences.
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, and objectives of the SATomorrow Highway 151 and Loop 1604 Regional Center Plan:
  - Neighborhood Character: Preserve the character of neighborhoods through the use of buffers, setbacks, and appropriate transitions between different zoning districts.
  - Goal 1: Create a cohesive identity for the area while preserving Hill Country Character.
6. **Size of Tract:** The subject property is 0.9182 Acres, which can reasonably accommodate the proposed development.
7. **Other Factors:** The applicant intends to develop an assisted living facility with a maximum of fifteen (15) residents.

Presently, the property owner could operate an assisted living facility for no more than six (6) residents without rezoning the property.

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.