



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 1, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 7

**SUBJECT:**

ZONING CASE Z-2022-10700263 CD

**SUMMARY:**

**Current Zoning:** "R-6 CD H AHOD" Residential Single-Family Historic Monticello Park Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units

**Requested Zoning:** "R-6 CD H AHOD" Residential Single-Family Historic Monticello Park Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 1, 2022. This item was continued from the October 18, 2022 hearing.

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** EG Investment Group LLC

**Applicant:** Eric Graaf

**Representative:** Eric Graaf

**Location:** 2014 West Kings Highway

**Legal Description:** Lot 25, Block 30, NCB 1942

**Total Acreage:** 0.184 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Woodlawn Lake NA and Jefferson NA

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned "B" Residence District. The property was rezoned by Ordinance 64079 dated November 20, 1986, to "R-1 S.U.P" One Family Residence District with a Special Use Permit for a Duplex. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1 S.U.P" One Family Residence District with a Special Use Permit for a Duplex converted to the current "R-6 CD" Residential Single-Family District with a Conditional Use for a Duplex.

**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 CD" "R-6"

**Current Land Uses:** Residential Dwelling

**Direction:** South

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

**Current Land Uses:** Residential Dwelling

**Direction:** East

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

**Current Land Uses:** Dollar General

**Direction:** West

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

**Current Land Uses:** Vacant, Restaurant

**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 Monticello Park Historic District, is an overlay district which was adopted in 2010. 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:** West Kings Highway

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 95, 96, 97, 103, 296, 509

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for multi-family properties is 1.5 spaces per unit.

**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. Overlay district that imposes height restriction near civilian and military airports. The "CD" Conditional Use permits a duplex on the property.

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. Overlay district that imposes height restriction near civilian and military airports.

The proposed "CD" Conditional Use would allow three (3) units on the property.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within a ½ mile of the Zarzamora Premium Transit Corridor and the Fredericksburg Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 Near Northwest Community Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “R-6 CD” 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 property resides in a neighborhood that accommodates single family zoning, with certain properties having conditional uses for additional units. The proposed detached third unit is out of character with the development pattern and overall characteristic of the neighborhood.
3. **Suitability as Presently Zoned:** The current “R-6 CD” Residential Single-Family District with a Conditional Use for two units is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with a Conditional Use for three units is not appropriate. The neighborhood was historically zoned intentionally to permit the additionally density on certain properties as a conditional use to a single-family zoning designation. The additional density would be out of character in the neighborhood. Furthermore, the zoning that exists in the area permits duplexes, triplexes, and fourplexes. The proposed third unit is detached from the existing duplex, which does not align with the existing development pattern.
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 any public policy objectives of the West/Southwest Sector Plan:
  - Goal 3 - Housing Preserve and revitalize the community’s unique mix of quality housing.
    - o Objective 3.1: Rental Housing Provide well-maintained housing for a mix of incomes.
    - o Objective 3.3: Design Standards Protect and preserve the Near Northwest’s unique housing character.
    - o Objective 3.4: Housing Development Encourage new housing development that is compatible with the community’s character.
6. **Size of Tract:** The subject property is 0.184 Acres, which can reasonably accommodate a multi-family residential development.
7. **Other Factors:** The applicant intends to rezone to “R-6 CD” to permit an already existing ADU in the back of the property operate as the third unit, in addition to the two units already permitted with the current “CD”.

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.