



City of San Antonio

Agenda Memorandum

Agenda Date: December 21, 2021

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:

Zoning Case Z-2021-10700311 CD

SUMMARY:

Current Zoning: "R-6" Residential Single-Family District

Requested Zoning: "RE CD" Residential Estate District with a Conditional Use for Assisted Living for sixteen (16) residents

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: December 21, 2021.

Case Manager: Summer McCann, Planner

Property Owner: Mary Moga

Applicant: Alvin G. Peters

Representative: Alvin G. Peters

Location: 10307 Belga Drive

Legal Description: Lot 18, NCB 18293

Total Acreage: 1.97 Acres

Notices Mailed**Owners of Property within 200 feet:** 14**Registered Neighborhood Associations within 200 feet:** Verde Hills Homeowner's Association**Applicable Agencies:** None**Property Details**

Property History: The subject property was annexed into the City of San Antonio by Ordinance 79039, dated December 30, 1993 and zoned "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the portion of the property zoned "R-1" Single-Family Residence District converted to "R-6" 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-6"**Current Land Uses:** Single-Family Dwelling**Direction:** East**Current Base Zoning:** "R-6"**Current Land Uses:** Single-Family Dwelling**Direction:** South**Current Base Zoning:** "R-6"**Current Land Uses:** Single-Family Dwelling**Direction:** West**Current Base Zoning:** "R-6"**Current Land Uses:** Single-Family Dwelling**Overlay District Information:** None.**Special District Information:** None.**Transportation****Thoroughfare:** Belga Drive**Existing Character:** Local**Proposed Changes:** None Known**Public Transit:** There are no VIA bus routes within walking distance of the subject property.**Traffic Impact:** ROW dedication and improvement may be required along Belga and Verde.

Parking Information: The minimum for an Assisted Living Home with 7 or more residents is 0.3 per resident plus 1 space for each employee.

ISSUE: None.

ALTERNATIVES:

Current Zoning: “R-6” Single-family dwelling (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: “RE” 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 up to sixteen (16) 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 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 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 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.
3. **Suitability as Presently Zoned:** The existing “R-6” Residential Single-Family 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 up to 16 residents is not an appropriate zoning for the property and surrounding area. Assisted Living for up to 16 residents is permitted in areas with commercial and multi-family zoning designations and would not be appropriate within an area that is entirely single-family. Additionally, the property is permitted to have an Assisted Living Home with up to six (6) residents as presently zoned, this is more appropriate for an interior lot within a single-family neighborhood. Allowance of Assisted Living for up to sixteen (16) residents would be commercial encroachment into a residential area.

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 1.97 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 up to sixteen (16) residents.