

# CASE NO: Z2001223-2A

Continuance from May 7 and 21, 2002. City Council continuance August 8, August 22, 2002, September 26 and October 10, 2002

**Zoning Commission Meeting Date:** June 18, 2002

**Council District:** 1

**Ferguson Map:** 583 B7

**Appeal:** No

**Applicant:**

City of San Antonio

**Owner**

Borden Park LP

**Zoning Request:** to designate those properties as part of River Overlay District 2  
LOT 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053

**Property Location:** 815, 825, 835, 837, 841, 875 East Ashby Place

**Applicants Proposal:** The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River by establishing design standards and guidelines for properties located near the river.

**Staff Recommendation:**

Approval. The property, will be part of a district that will protect and enhance the overall character of the San Antonio River. The districts will promote consistency in the development process. It will prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development.

**Zoning Commission Recommendation**

Approval

**VOTE**

<b>FOR</b>	7
<b>AGAINST</b>	0
<b>ABSTAIN</b>	1
<b>RECUSAL</b>	0



Z2001223-2

**ZONING CASE NO. Z2001223-2** May 7, 2002

Applicant: City of San Antonio

Zoning Request: To designate those properties along the San Antonio River as River Overlay Districts.

Ann McGlone, Historic Preservation Officer, stated the purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River by establishing design standards and guidelines for properties located near the river.

Lloyd Jary, 2900 Scattered Oaks, stated he has been working on this Overlay for approximately 2 years. He feels this Overlay will protect the river and keep its integrity.

**FAVOR**

Barbara Johnson, representing the San Antonio Conservation Society, stated they are pleased to have the opportunity to support the San Antonio River Improvement Overlay Ordinance. From its founding in 1924, protecting and enhancing the character of the San Antonio River has been a major goal of the Conservation Society. The River Improvement Overlay Zoning will serve, as the tool to assure the future development near the river will reflect the river's historic character while demonstrating sound, state-of-the-art urban planning and design principles. The new guidelines will ensure compatible development throughout much of the central core of downtown.

**OPPOSE**

Joe Calvery, 109 W. Grayson, stated he is not in opposition nor in favor of this Overlay however he is concerned that businesses and properties will be condemned to create larger banks, lighting, parking lot and other amenities for the use of the river.

Ken Brown, 111 Soledad, stated he is not in opposition of this Overlay however he is concerned for his clients on how this will limit his uses on his property (The Old Borden's Site). He further stated he would like for his property be excluded from the Overlay boundaries.

Dr. Eddyth Worley, 623 Augusta St., stated she is neither in opposition nor in favor of this request. She stated she would like more information on what this Overlay is how this may affect her property.

Harv Jewett, 2611 N. Main, representing the Oak Farms site, stated he would like his property excluded from the Overlay.

Sandra Fritzer, stated she owns property within the proposed Overlay and would like information on this matter. She is concerned with the affects that may occur on her property should this Overlay be passed.

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## REBUTTAL

Ann McGlone, Historic Preservation Officer, stated the River Improvement Overlay is a design overlay and will not change the base zoning of the property. There will be some use restrictions that will be imposed. She further stated that businesses that are already in operation would have non-conforming rights.

Staff stated there 358 were notices mailed out to the surrounding property owners, 10 returned in opposition and 14 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

## COMMISSION ACTION

The motions was made by Commissioner McGowan and seconded by Commissioner Kissling to recommend approval.

**AYES: Mehringer, Kissling, McGowan, McAden**

**NAYS: Hophan, Morell, Martinez**

**ABSTAIN: Cardenas-Gamez, Clamp**

## THE MOTION FAILED

## COMMISSION ACTION

The motions was made by Commissioner Morell and seconded by Commissioner Clamp to recommend approval with excluding Ken Brown (Borden's Site) and Harry Jewett's (Oak Farms Site) property to be continued on May 21, 2002.

1. Property generally those properties no more than 2000 feet from the San Antonio River from US 281 on the north to Fourth Street on the south.
2. There were 358 notices mailed, 10 returned in opposition and 14 in favor.
3. Staff recommends approval.

**AYES: Cardenas-Gamez, Hophan, Clamp, McAden, Morell, Martinez**

**NAYS: Mehringer, Kissling, McGowan**

## THE MOTION CARRIED.

## RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Z2001223-2A

**ZONING CASE NO. Z2001223-2A** May 21, 2002

Applicant: City of San Antonio

Zoning Request: To designate those properties along the San Antonio River as River Overlay Districts.

Ann McGlone, Historic Preservation Officer, stated this is part of RIO-2 that was presented on May 7, 2002 Zoning Commission Meeting. This particular site is the Star Storage facility. The uses that are occurring now would continue under the River Improvement Overlay. She further stated should they want to make any changes to the property or change the physical appearance of the building they would have to follow the RIO guidelines.

**FAVOR**

Loretta Huddleston, 107 King Williams, representing the San Antonio Conservation Society, stated allowing this site to be excluded from the River Overlay boundaries would show disrespect for the process and would create a gaping hole for what is clearly a logical part of the district.

Banks Smith, 112 E. Pecan, attorney for San Antonio Conservation Society, stated they desire this site be included in the River Overlay District. He stated the property is on the River; the only thing that separates it from the river is a grass easement that is owned by the City of San Antonio. He further stated the uses would not be affected by this Overlay.

Steve Gram, representing the San Antonio River Authority, stated they have developed a master plan for the San Antonio River. He further stated there would be a physical trail link, also architects are making sure there is linkage to the urban fabric of the adjacent properties and community. This project is more than just improving the River. It is about improving economically those areas adjacent to the river and that is the intent of the RIO

**OPPOSE**

Ken Brown, 111 Soledad, representing the Star Storage site, stated he is for improvements on the river such as hike and bike trails, landscaping, however he does not feel his client's operation should be excluded from within these boundaries. He stated his client has invested money in renovation of this facility and is concerned that his client's uses will be limited.

**REBUTTAL**

Ann McGlone, Historic Preservation Officer, stated all the uses that they are currently doing now are conforming under "I-1" and would continue to be conforming and could expand under this ordinance.

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Staff stated there were 358 notices mailed out to the surrounding property owners, 10 returned in opposition and 14 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Kissling and seconded by Commissioner McAden to recommend approval.

**AYES: Mehringer, Kissling, Hophan, McAden, Morell**

**NAYS: Clamp**

**ABSTAIN: Cardenas-Gamez, Martinez**

**THE MOTION FAILED**

**COMMISSION ACTION**

The motion was made by Commissioner Morell and seconded by Commissioner Clamp to recommend a continuance until June 18, 2002.

1. Property is located on Lot 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053 at 815, 825, 835, 837, 841, 875 East Ashby Place.
2. There were 358 notices mailed, 10 returned in opposition and 14 returned in favor.
3. Staff recommends approval.

**AYES: Mehringer, Cardenas-Gamez, Hophan, Clamp, McAden, Morell, Martinez**

**NAYS: Kissling**

**THE MOTION CARRIED.**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

Z2001223-2A

**ZONING CASE NO. Z2001223-2A** June 18, 2002

Applicant: City of San Antonio

Zoning Request: To designate those properties along the San Antonio River as River Overlay Districts.

Ann McGlone, Historic Preservation Officer, stated this property is located on 281, which abuts the River where the bike trails will be. This particular property is within the River Improvement Overlay District 2. She further stated the current uses are conforming uses. She stated the purpose of this RIO District is to protect the public investment.

**FAVOR**

Loretta Huddleston, representing the San Antonio Conservation Society, stated they regret the continuance granted on the E. Ashby properties. She further stated they have been working on this Overlay for approximately 3 year and have had numerous meeting regarding this Overlay. She stated allowing properties such as these on E. Ashby would show disrespect for the process and would create a gaping hole in what is clearly a logical part of the district.

**OPPOSE**

Ken Brown, 111 Soledad, representing the owner, stated they purchased the property in 1999, which was zoned "I-1". He stated they believe this site is clearly oriented to 281. He is concerned that should they be included within the boundaries, they would be limited uses. He feels these limitations would effect their investment. He stated his is not opposing the overlay however he would like to be excluded from this overlay.

**REBUTTAL**

Ann McGlone, Historic Preservation Officer, stated this property has a large part of its frontage on 281 and there is absolutely no access to this property from 281. Access to this property is going through a residential street or along the river. She further stated she recommends this property be included within the RIO District 2 boundaries.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Kissling and seconded by Commissioner Hophan to recommend approval.

**Z2001223-2A**

1. Property is located on Lot 11, 12, 12A, 12B, 12C, 13 and 14, NCB 3053 at 815, 825, 835, 837, 841 & 875 East Ashby Place.
2. Staff recommends approval.

**AYES: Mehringer, Kissling, McGowan, Hophan, McAden, Morell, Martinez**

**NAYS: None**

**ABSTAIN: Cardenas-Gamez**

THE MOTION CARRIED.

RESULTS OF COUNCIL HEARING August 8, 2002

City Council granted a continuance on this case until August 22, 2002.

RESULTS OF COUNCIL HEARING August 22, 2002

City Council granted a continuance on this case until September 26, 2002.

RESULTS OF COUNCIL HEARING September 26, 2002

City Council granted a continuance on this case until October 10, 2002.

RESULTS OF COUNCIL HEARING October 10, 2002

City Council granted a continuance on this case until December 12, 2002.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.