



# CASE NO: Z2003173-7A-1

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from September 16, 2003, October 7, 2003, and recommendation for approval of "RD" on November 4, 2003. City Council Save & Except from December 4, 2003.

Date: March 11, 2004

Zoning Commission Meeting Date: March 02, 2004

Council District: 4

Ferguson Map: 680

Appeal: No

Applicant:

City of San Antonio

Owner:

Jesus Vasquez

**Zoning Request:** From "DR" Development Reserve District and "RD" Rural Development District to "UD" Urban Development District

On all of CB 4301 P-44 and P-44A and the northeast 795 feet adjacent to Fischer Road out of CB 4301 P-45 and 46

**Property Location:** 11440 IH 35 S; 11893 Fischer Road

At the southeast corner of Interstate Highway 35 South and Fischer Road

**Proposal:** To implement the goals and objectives of the Southside Initiative Community Plan

**Neighborhood Association:** None

**Neighborhood Plan:** Southside Initiative Community Plan

**TIA Statement:** A traffic impact analysis is not required.

### Staff Recommendation:

Approval, pending City Council approval of land use plan amendment from Rural Living to Urban Living on March 11, 2004. This property is not subject to the consistency pre-determination requirement because this application was in process prior to this requirement. The Urban Living future land use category is consistent with the proposed zoning. The "UD" District allows residential and commercial development at a slightly higher density and intensity than the "RD" District. This zoning is compatible with the "RD" zoning on the remainder of the 145 acre tract. It is also compatible with the "RD" zoning to the southeast of the subject property and the "UD" zoning to the northeast.

### Zoning Commission Recommendation:

Approval

#### VOTE

FOR 10

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Trish Wallace 207-0215

**ZONING CASE NO. Z2003173** – September 16, 2003

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve; "R-4", "R-5", "R-6" Residential Single Family District; "MF-25" and "MF-33" Multi Family District, "MH" Manufactured Home; "PUD" Planned Unit Development; "NP-10" Neighborhood Preservation; "C-2" Light Commercial District; "C-3" General Commercial District; "C-2NA" Commercial Nonalcoholic Sales District; "C-3NA" Commercial Nonalcoholic Sales District; "C-3R" General District Restrictive Alcohol Sales District; "I-1" General Industrial District and "I-2" Heavy Industrial District to "UD" Urban Development District, "RD" Rural Development District, "FR" Farm and Ranch District, "MI-1" Mixed Light Industry District, "MHP" Manufactured Housing Park, "R-4" Residential Single Family District.

Bill Telford, Special Project Coordinator, stated zoning by state statute must be consistent with a City's adopted master Plan. Therefore the zoning considered for the Southside Initiative area must be consistent with the Southside Initiative Land Use Plan. He stated city staff and stakeholders, in the community forums, formulated the goals and objectives for a Community Master Plan. He further stated the new zoning districts provide for more parks and open space; more restrictive sign standards; higher landscaping standards, and requires design criteria for some structures. Subdivisions with existing development and/or approved Preliminary Overall Area Development Plan (POADP) or Master Development Plans (MDP) are not being rezoned to ensure that development within the project may proceed as presently approved. Recently approved zoning cases for properties within the Southside Initiative Plan boundary within the past six months shall retain their current zoning.

**OPPOSE**

James Langford, 14420-3 Old Somerset Road, stated he is in opposition of this proposed plan. He does not support the increase in urban development. He expressed concerns with the present high volume of traffic in the area and feels this would only add to the existing problem.

JanRuzza, 3076 Wright Carpenter Road, stated she is in support of the recommendations made by the Planning Department. She did express concerns with a traffic impact analysis not being required.

Tom Wood, 11373 Southton Road, stated he owns 50 acres within this area and is concerned with this would affect his property.

Ken Brown, 111 Soledad, representing several property owners, stated he would like having several properties removed from this proposed plan. He would like tract 14, Philips tract. This tract is approximately 80 acres. It is currently in the Farm and Ranch District. He further stated staff has agreed to bring it back and a Rural District. The next tract is 15. It is approximately 180 acres owned by Hugo Gutierrez. This case has been postponed until October 7, 2003. The following tract is the Blue Wing Club, which is currently a Hunting Club. He stated it is currently under the Farm and Ranch District and would like to remain Farm and Ranch. Tract 13 is approximately 500 acres, which is owned by John Schaffer. It currently has 500 single-family lots. Harry Hausman owns the next tract, which is approximately 50 acres. It is currently platted for single-family use. It is currently in the Farm and Ranch District and requested that it be pulled and brought back and Rural or Urban District. The Marshall tract which is 30 acres, it is Farm and Ranch District. He is requested this be considered as Urban District. Tract 12, Arcinega tract is approximately 200 acres and is Rural District. He stated they have a master plan that calls for a higher density to seek an Urban District. Tract 8, it currently has Farm and Ranch District. They are requesting Mixed Light Industry District. Tract 7 is Hunter's Pond and would like to be considered under Urban District. Tract 2 is Ballard One Tract and would like to remain "C-3". Tract 5 Ballard Two Tract is approximately 440 acres and is requesting base district consideration.

John Cooke, 2503 Old Gate, stated he would like his property to remain its "C-3" zoning designation.

Andy Guerrero, 3134 Ranker, representing Jesus M. Vasquez, stated he is requesting his property be excluded from the proposed rezoning.

Gabe Zapata, stated is requesting their support in excluding Mr. Vasquez property from the proposed rezoning plan.

Elvin Rolson, 1370 Patten Way, stated is requesting a continuation. He stated they are in the process of redevelopment 400 acres for residential use.

Cuauhtemoc Valencia, 10011 Moursund Blvd., stated he would like his 20 acres tract of land maintain its industrial use. He currently operates a Flea Market.

Wayne Hensley, 10703 Moursund Blvd., stated he would like to maintain his current "C-3" zoning designation. He currently operates a tavern.

Tom Flores, 12915 Jones Maltsberger, representing Mr. Jones, stated they are requesting their property be excluded from the proposed rezoning plan.

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Mamie Gilleland, 16800 Hwy. 281 S. stated she has owned this property since 1970. She stated it is approximately 20 acres and is requesting to maintain its manufacturing home zoning designation.

Edgar Dodson, 2432 S. W. Loop 410, stated has owned 3 parcel of property for 35 years. He stated his operates a house moving business. He further stated he is requesting his property be excluded from the proposed rezoning plan.

Alice Morrison, stated her property is currently zoned commercial. She is requested a Urban Development District zoning designation.

Maria Foley, 11245 Applewhite, stated her property is approximately 32 acres and is currently use as a mobile home park. She stated her only concern is would this proposed rezoning plan have a negative impact on their property.

Jackie Mitchell, Watson Road, stated her property is currently zoned Farm and Ranch District and would like to request it be considered for Rural District.

R. Burrell Day, 5531 Wayes Road, stated he operates a ranch and would like to request a continuance of his property to maintain its existing use.

Staff stated there were 2,600 notices mailed out to the surrounding property owners, 29 returned in opposition and 33 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 Dutmer and seconded by Commissioner Avila to recommend approval of the requested rezoning, except the continue to October 7, 2003, those property owners of which requested a continuance at the public hearing, and to postpone those properties requested postponement by the City of San Antonio.

1. An area generally bound by Loop 410 to the north, Interstate Highway 37 to the east, the San Antonio city limits to the south (1350 feet south of the centerline of the Medina River) and Interstate Highway 35 to the west.
2. There were 2, 600 notices mailed, 29 returned in opposition and 23 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, McAden, Avila, Morell, Peel**

**NAYS: None**

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**THE MOTION CARRIED**

**ZONING CASE NO. Z2003173-7** – October 7, 2003

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District to "RD" Rural Development District.

City staff represented this case.

**OPPOSE**

Andy Guerrero, 3135 Ranker, representing the owner, stated they were originally requesting "UD" District however they would like to request a "C-2" District as well. He stated at this time he would like to request a 60-day continuance to have more time to meet with city staff to further discuss this case.

Mr. Zapata, 1017 N. Main, representing the owner, stated they have owned the property for approximately 5 years. They currently have no plans for the property. He stated they are concerned that this change would limit their options.

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 Avila and seconded by Commissioner Cardenas-Gamez to recommend a continuance on Tract A until November 4, 2003.

1. Property is located along the southeast corner of I. H. 35 South and Fischer Road; on the east side of Old Somerset Road.
2. Staff recommends approval.

**AYES: Martinez, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, Avila, Peel**

**NAYS: None**

**ABSTAIN: McAden**

**THE MOTION CARRIED.**

**A SEPARATE VOTE WAS TAKEN ON TRACT B ON ZONING CASE Z2003173-7.**

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## **COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner Cardenas-Gamez to recommend approval of Tract B.

1. Property is located along southeast corner of I. H. 35 South and Fischer Road; on the east side of Old Somerset Road.
2. Staff recommends approval.

**AYES: Martinez, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel**

**NAYS: None**

## **THE MOTION CARRIED**

**ZONING CASE NO. Z2003173-7A** – November 4, 2003

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District to "RD" Rural Development District.

City staff represented this case.

## **OPPOSE**

Andy Guerrero, 3134 Renker, stated he has been working with City staff to discuss the development of this property and have requested a "UD" Urban District. He stated they have agreed to "RD" Rural Development District zoning however they would like to be granted a "UD" Urban District zoning use.

## **REBUTTAL**

Nina Nixon-Mendez, Planning Manager, stated the have met with the owner to discuss the utilizing the flex development plan. She stated they may submit a master development plan concept that would provide for mixed uses.

Emil Moncivais, Planning Director, stated he has met with the owner, who at the time had an engineer that was working on this project. He stated he also met with the engineer to develop a concept that would best be suitable for this property. He feels the proposed district is appropriate for this property at this time.

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Staff stated there were 23 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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 Avila and seconded by Commissioner Dutmer to recommend approval.

1. Property is located CB 4301, P-45 and 46, ABS 6 at 11893 Fischer Road.
2. There were 23 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Dutmer, Dixon, Sherrill, McAden, Avila, Peel**

**NAYS: None**

**ABSTAIN: Cardenas-Gamez**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2003173-7A – March 2, 2004**

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District and "RD" Rural Development District to "UD" Urban Development District.

City staff represented this case.

Staff stated there were 24 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 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 Avila and seconded by Commissioner Cardenas-Gamez to recommend approval.

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1. Property is located on the northeast 795 feet adjacent to Fischer Road out of CB 4301, P-45 and P-46, ABS 6; and all of CB 4301, P-44 and P-44A, ABS 6.
2. There were 24 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill,  
Avila, Stribling, Peel**

**NAYS: None**

**THE MOTION CARRIED**

RESULTS OF COUNCIL HEARING December 4, 2003

City Council granted a continuance until March 11, 2004

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.