

CASE NO: Z2003173-2B

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from September 16, 2003, October 7, 2003 and November 4, 2003. City Council continuance from December 4, 2003, postponement from January 8, 2004, and continuance on April 8, 2004 for one week.

Date: April 15, 2004

Zoning Commission Meeting Date: November 18, 2003

Council District: 3

Ferguson Map: 715

Appeal: No

Applicant:
City of San Antonio

Owner:
Ila Faye Miller (Tract III)

Zoning Request: From "DR" Development Reserve District to "RP" Resource Protection District

CB 4180 P-2B AND P-12

Property Location: 7983 Neal Road, 261 Neal Road

The general area of Jett Road and the intersection of South Applewhite Road and east Neal 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. The proposed zoning is consistent with the "Resource Protection and Open Space" land use designation in the Southside Initiative Community Plan. The proposed zoning district allows development that reflects and preserves the rural character and culture of the Southside community including preserving sensitive areas and promoting public safety. The subject property is two parcels with an acreage of approximately 385 acres of which approximately 100 acres is within the city limits.

Zoning Commission Recommendation:
Forward to City Council without recommendation

<u>VOTE</u>	
FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Richard Ramirez 207-5018

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.

Z2003173-2B

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.

Cuaauhtemoc 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.

Z2003173-2B

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

Z2003173-2B

THE MOTION CARRIED

ZONING CASE NO. Z2003173-2 – October 7, 2003

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District to "RP" Resource Protection District.

City staff represented this case.

OPPOSE

Eldon Rolson, 1370 Pantheon Way, stated he owns 397 acres on the north side of Neal Road. He stated they are currently in the process of working with Denton Development and is requesting a 60-day continuance to refine the land use plan and continue to work with City staff.

Jack Finger, 339 W. Woodlawn, Ave., stated he feels the developer has not been cooperative and feels action should be taken. He further stated he would like to change his opposition to being in favor. He stated he is for an increase of lot sizes.

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 a continuance on Tract 3 until November 4, 2003.

1. Property is located along Jett Road and the intersection of South Applewhite Road and East Neal 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 TRACTS 1 AND 2 OF ZONING CASE Z2003173-2

Z2003173-2B

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Avila to recommend approval of Tracts 1 and 2.

1. Property is located along Jett Road and the intersection of South Applewhite Road and east Neal Road.
2. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2003173-2B – November 4, 2003

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District, "RP" Resource Protection District.

City staff represented this case.

OPPOSE

Eldon Roalson, 1370 Pantheon Way, representing the owner, stated he like to request a continuance until November 18, 2003 to continue to meet with City Council staff and the Zoning Commissioner for this case to further discuss this case.

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 Sherrill to recommend a continuance until November 18, 2003.

1. Property is located on 261 and 7983 Neal Road.
2. Staff recommends approval.

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

NAYS: McAden

Z2003173-2B

THE MOTION CARRIED.

ZONING CASE NO. Z2003173-2B – November 18, 2003

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District to "RP" Resource Protection District.

Nina Nixon-Mendez, Planning Manager, stated they have met with Mr. Laddie Denton who is the engineer on the proposed project. She stated he has presented some revised plans that would reflect the Resource Protection within the city limits with higher residential density to the south. She stated they also had the opportunity to determine where the city limit line lies.

OPPOSE

Eldon Roalson, 1370 Pantheon Way, representing the Miller Family, stated they are in opposition of this request. He further stated this is a friendly residential site and there is a large flood plain buffer that buffers their property from the Toyota site. He also stated the Toyota facilities are planned for the far west end of Applewhite Road. He further stated access to this site would be primarily to the east of Pleasanton Road and U. S. 281 to the East. Also, Neal Road east to the U. S. 281 South is a direct access point to the school system. He stated he feels residential use is the most obvious use for this area. Therefore he is requesting to recommend denial of this request.

REBUTTAL

Nina Nixon-Mendez, Planning Manager, stated their recommendation still stand for "RP" use for this property. She stated she feels Resource Protection District would be suitable for this property primarily due to it being adjacent to the Medina River. She stated to the north would be a heavy industrial area that could have impact with respect obnoxious odors as well as noise

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 Grau to recommend approval.

Z2003173-2B

AYES: Grau, Cardenas-Gamez, Dutmer, Dixon, Avila

NAYS: Kissling, Sherrill, McAden, Peel

THE MOTION FAILED

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Grau to recommend to move to Council with no recommendation for Zoning Commission.

1. Property is located on 261 and 7983 Neal Road.
2. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING December 4, 2003

City Council granted a continuance until January 8, 2004

RESULTS OF COUNCIL HEARING January 8, 2004

City Council granted a continuance until April 8, 2004

RESULTS OF COUNCIL HEARING April 8, 2004

City Council granted a continuance until April 15, 2004

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.