

CASE NO: Z2003173-22-A

Staff and Zoning Commission Recommendation - City Council

Zoning Commission postponement from September 16, 2003 and recommendation for approval of "FR" Farm and Ranch District on December 2, 2003. City Council continuance from December 4, 2003 and January 8, 2004; and postponement from January 15, 2004 and April 8, 2004.

Date: June 10, 2004

Zoning Commission Meeting Date: May 18, 2004

Appeal: Yes

Council District: 3

Ferguson Map: 684

Applicant: City of San Antonio

Owner: Reed S Lehman Grain Co.

Zoning Request: From "DR" Development Reserve District to "RE" Residential Estate District and/or "RD" Rural Development District

Property Location: Property generally located south of Southton Road and northwest of Blue Wing 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 land use plan amendment to Rural Living to be heard by City Council on June 10, 2004. This case is not subject to the consistency pre-determination requirement because the case was in process prior to this requirement. The proposed zoning would allow development of one acre residential lots.

Zoning Commission Recommendation:

Denial

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Trish Wallace 207-0215

ZONING CASE NO. Z2003173-22A – May 18, 2004

Applicant: City of San Antonio

Zoning Request: "R-4" Residential Single-Family District to "C-2" Commercial District.

David Earl, 111 Soledad, representing the applicant, stated this property was platted in 1914. This plat platted approximately 500 residential lots. At the time of the platting, this property was not in the flood plain. Since then the City of San Antonio has continued to develop to the north and they have continued to issued building permits with flooding being unmitigated and storm water unmitigated dumping out water on the Southside of San Antonio. As a result, this property has been dramatically flooded and now what was once completely out of the flood plain only has two areas that remain out of the flood plain. Over 1/3 of the property has been taken up by flood plain denying his client (**Reed S Lehman Grain Co.**) the right to use the lots that was purchased and platted. He stated his client has owned this property for many years now. He stated the City is requesting Reed S Lehman Grain Co donated almost 50% of his property. Therefore he is requesting this request be denied.

Emil Moncivais, Director of Planning, stated he would like some clarifications before this case proceeds. He stated the property is not platted. The exhibit that Mr. Earl presented is a survey done in 1914. When a property is platted it is recorded at the County courthouse, which there is not record of. In reference to the issue of the lots, the City has not requested Lehman to donate any part of their property.

Staff stated there were 44 notices mailed out to the surrounding property owners, 400 notices by property owners representing lots within parcels 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 Dutmer and seconded by Commissioner Grau to recommend denial.

1. Property generally located south of Southton Road and northwest of Blue Wing Road.
2. There were 44 notices mailed, 400 notices by property owners representing lots within parcels returned in opposition and 1 in favor.
3. Staff recommends approval.

Z2003173-22A

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

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.