



# CASE NO: Z2004148-2

## Staff and Zoning Commission Recommendation - City Council

---

Zoning Commission postponement from August 3, 2004 and continuance from August 17, 2004. City Council postponement from September 23, 2004

**Date:** December 09, 2004

**Zoning Commission Meeting Date:** September 21, 2004

**Appeal:** Yes

**Council District:** 3

**Ferguson Map:** 714 thru 717

**Applicant:** City of San Antonio

**Owner:** Multiple Property Owners

**Zoning Request:** From DR Development Reserve District to FR Farm and Ranch District and MI-1 Mixed Light Industrial District as per exhibit

**Property Location:** P-1B, P-1C, P-1D, P-2A, P-2E, P-14, CB 4187; P-1D, P-2H, P-7, CB 4188; P-2, CB 4189; P-2B, P-12, P-12D, P-12E, P-12F, CB 4180; P-7, CB 4181; P-183D, CB 4012; TRACTS A3, A4, A5, A6, B4, B5, B6, CB 4013  
City South Project

Property generally located south of the Medina River; east of State Hwy 16, west of Pleasanton Road, and north of Loop 1604 South

**Proposal:** To remove temporary DR Development Reserve Zoning and apply an appropriate zoning classification to property recently placed in limited purpose annexation by the City of San Antonio.

**Neighborhood Association:** None

**Neighborhood Plan:** Southside Initiative Community Plan

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

**Staff Recommendation:**

Consistent.

The proposed FR zoning is consistent with the Agricultural land use designation of the subject property in the Southside Initiative Community Plan. The proposed for MI-1 zoning on approximately 33 acres is consistent with the Agriculture and Light Industry land use category.

Approval.

The subject property consists mainly of large tracts of land that are currently undeveloped and/or used for agriculture purposes. The subject properties are part of a larger planning area that includes approximately 79 square miles (51,000 acres). The land use plan of the planning area indicates high density uses along Loop 410 with less intense uses and preservation of existing agriculture uses toward Loop 1604.

In addition to encouraging higher density development near Loop 410 where infrastructure capacity is greatest, the presence of a large manufacturing plant north of the subject property makes high density residential development inappropriate.

The Farm and Ranch District allows low density residential development (one unit per 25 acres) and agriculturally-related commercial uses by-right. The Flex Development Plan option allows more intense residential (one unit per 5 acres) and commercial development.

The area south of the Medina River is proposed for low intensity development. As development occurs southward, property owners may request land use plan changes to allow more intense development as deemed appropriate for individuals and the community over time.

# CASE NO: Z2004148-2

## Staff and Zoning Commission Recommendation - City Council

---

**Zoning Commission Recommendation:**

Denial

**CASE MANAGER :** Trish Wallace 207-0215

**VOTE**

**FOR** 9

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 1

**Z2004148-2**

**On August 3, 2004 Zoning Case Z2004148 was postponed.**

**ZONING CASE NO. Z2004148 – August 17, 2004**

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District to "FR" Farm and Ranch District, "RP" Resource Protection District and "MI-1" Mixed Light Industry District.

Emil Moncivais, Planning Director, stated this Master Plan Amendment is associated with the Limited Purpose Annexation that will expand the extent of the Southside Initiative south of the Medina River to: Protect the City's Public and Private investments made in the area; Ensure compatible land uses as economic development occurs; Protect historical, archeological, and environmental sensitive areas. He stated the Planning Department sponsored a public meeting on May 4, 2004 at Southside High School. Planning Commission held a Public hearing on May 12, 2004 and staff was instructed to: Meet with the property owners of the area and research and revisit issues of land use compatibility, particularly as it relates to the placement of Agriculture and Light Industry. A meeting was held with the area property owners on May 21, 2004. Staff revisited and altered the original amendment: *Agriculture and Light Industry* was reduced to strategic intersections and additional Resource Protection and Open Space was added on City and SAWS properties abutting floodplains. Planning Commission considered the amendment on May 26, 2004 and recommended denial. The revised amendment was evaluated utilizing the following criteria: Land Use; Transportation and Community Facilities. The amendment is consistent with the goals Community Plan: Preserve as much as 25% of the developable land to maintain the area's rural character and retain agricultural practices; Protect flood plains and preserve natural river and creek banks; Limit industrial uses and concentrate them with access to major arterials; Ensure buffer zones and transitional areas between industrial and other uses and Preserve rural communities. Staff recommends approval of this amendment.

## **OPPOSE**

Marty Hunter, 17934 S. Highway 16, stated he is in opposition of his property being rezoned to industrial. He stated he does not operate any type of industrial use on his property. He has owned his property for 10 years and has been selling salvage. He stated he is zoned commercial and would like to remain commercial.

Norman Roof, 19633 Applewhite, stated as of August 3<sup>rd</sup> his property, 25 acres, appears on staff's map as industrial and now it appears to be split into two different zoning districts, which is Mixed Light Industry and Agriculture. He is requesting his 25 acres read as August 3<sup>rd</sup>'s map to read Industrial use.

Florinda Lambara, 3955 S. Loop 1604, stated she has been in contact with Zenon Solis, Planning Department and Patricia Wallace, Case Manager to get some clarification on this case. She stated when she first reviewed the map that staff had provided they were under the understanding that their entire property would be zoned light industrial. She stated they own 53 acres, which appears to be zoned for Farm and Ranch. She further stated they would like to request the property be considered for commercial use.

Ken Brown, 112 E. Pecan, representing Bill Miller Family, stated when the Southside Initiative was presented it was a Master Plan effort to provide zoning designations that were compatible with the proposed Toyota site. He stated the Miller Family has met with City staff to reach a compromise. He further stated the Miller Family still had 400 acres that remained outside Southside Initiative area and planned for development. Unfortunately they were unable to start the process due to the Southside Initiative are extending covering their remaining 400 acres. He stated plans were submitted 90 days prior to the second part of the Southside Initiative being annexed. He stated he would request the property retain its current zoning to allow for residential development.

Ernest Chacon, 2600 W. Jett Road, stated his property is being considered for Farm and Ranch district and he does not support this request. He stated he has owned his property since 1962 and would like to keep its current zoning.

Michael Hubert, stated he owns property in this area and would like to express his opposition of this zoning change. He stated that was not notified of the previous meeting that staff has held. He feels this change has not been thought out thoroughly. He stated this Farm and Ranch designation would negatively affect their property values.

Doug Schulz, 310 Neal Road, stated he express his opposition. He stated he has own property in this area since 1970 and feels they have the right to use their property as best see fit.

## **REBUTTAL**

Emil Moncivais, Planning Director, stated the have held a series of public meeting to present this request and address any concern the citizens may have. He further stated the residents could continue the current land use that they have today and expand on the land use. The purpose of this change is to protect the City's public and private investments made in the area and to ensure compatible land uses.

Norman Roof, 19633 Applewhite, stated his property has been split into two different zoning districts. His owns 25 acres and it appeared on staff's map as industrial on August 3<sup>rd</sup> meeting and now it appears to be split into two different zoning districts, which is Mixed Light Industry and Agriculture.

**Z2004148-2**

Staff stated there were 248 notices mailed out to the surrounding property owners, 21 returned in opposition and 4 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 a continuance until September 21, 2004.

1. Property is generally located south of the Medina River; east of State Highway 16; west of Pleasanton Road and north of South Loop 1604.
2. There were 248 notices mailed, 21 returned in opposition and 4 in favor.
3. Staff recommends approval.

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

**NAYS: None**

**RECUSED: McAden**

### **THE MOTION CARRIED**

### **ZONING CASE NO. Z2004148 – September 21, 2004**

Applicant: City of San Antonio

Zoning Request: "DR" Development Reserve District to "FR" Farm and Ranch District, RP Resource Protection District and "MI-1" Mixed Light Industry District.

Emil Moncivais, Planning Director, stated in January 2003 they received an Urban Land Institute Report. The report included recommendations for developing Southside Initiative area such as concentrate higher density development closer to Loop 410, Create strong neighborhoods that promote mixed uses, diverse housing, and town centers, Conserve open space and protect natural resources and Create comprehensive plan for the area. He stated in January 2003 the City annexed 57 square miles in the Southside Initiative area. Upon annexation, City zoned area Development Reserve ("DR"). "DR" is a Special District that only allows uses consistent with "R-6" (6,000 sq. ft., single family lots). "DR" is considered temporary zoning associated with the annexation process; the city must rezone to an appropriate zoning classification as soon as practicable. On February 10, 2003 Toyota selects San Antonio as the site for its 5<sup>th</sup> North American Vehicle Assembly Plant. In the Spring of 2003, Comprehensive planning

process initiated for Southside Initiative area for purposes of providing a community based vision to guide future development, Implementing strategies from the ULI Report and providing the future land use and development standards framework to support Southside growth. He stated they held a series of public meetings and workshops to get feedback. The planning workshop generated common ideas and goals such as Greenbelts connecting rivers and creeks; Agriculture preservation; Mixed-use Town Centers; East-west roadway connections; Texas A&M University campus; Concentration of industrial uses; Commercial nodes; Public Transportation Connections; Diverse Housing and Parks. He stated Toyota finalized their agreement and on May 22, 2003 City Council approves "Starbright" agreement with Toyota. On June 25, the Planning Commission recommended approval of the plan and on June 26, City Council adopted the Plan as a component of the City's Master Plan. On May 22, 2003, an agreement was initiated appropriate zoning cases in area adjacent to Toyota properties to insure land use compatibility and on March 3, 2004, Starbright project site was conveyed and then there was a Post-closing agreement letter requesting extension of land use regulations south of Medina River to ensure land use compatibility based on existing and proposed uses and zoning in the area. He stated on May 13, 2004, City Council held their 1<sup>st</sup> Public Hearing to extend the Southside Initiative south of the Medina River to protect the City's Public and Private investments made in the area, ensure compatible land use as economic development occurs and to protect historical, archeological, and environmental sensitive areas. The plan amendment was designed to fit with the goals and objectives of the Southside Initiative Plan to preserve as much as 25% of the developable land to maintain the area's rural character and retain agricultural practices, protect flood plains and preserve natural river and creek banks, limit industrial uses and concentrate them with access to major arterials, ensure buffer zones and transitional areas between industrial and other uses and to preserve rural communities. He stated the Planning Department sponsored a public meeting on May 4, 2004 at Southside High School. The Planning Commission held a Public hearing on May 12, 2004 and instructed staff to meet with the property owners of the area and research and revisit issues of land use compatibility, particularly as it relates to the placement of Agriculture and Light Industry. A subsequent meeting was held at the One Stop Center with property owners on May 21, 2004. Staff revisited and altered the original amendment. Agriculture and Light Industry was reduced to strategic intersections and additional Resource Protection and Open Space was added on City and SAWS properties abutting floodplains. Planning Commission considered the amendment on May 26, 2004 and recommended denial. City Council considered the item on July 22, 2004 and recommended approval. He stated Council also approved the following: Limited Purpose Annexation and Interim Development Controls through September 29, 2004. On May 18, 2004, Zoning Commission was briefed on SSI Expansion Area. On August 17, 2004, Zoning Commission considers, and motions to continue for 30 days. On September 7, 2004, there was Work Session to brief commissioners on SSI expansion area status and on September 14, 2004 there was a Special Work Session to brief Zoning Commission on SSI, Toyota contract, and Defense Adjustment Management Authority (DAMA). Staff reached an agreement with the

following Mary Yturri, Doug Schulz, Michael Hubberd, Norman Roof, Ernest Chacon, Florinda and Rudolph Lambaria, Marvin and Debbie Hunter and the Miller Family.

**OPPOSE**

Orlando Salazar, 19111 Applewhite Road, he is not one of the properties that was just discussed however he stated he lives in this area and has a problem with the zoning that he received. He stated he owns 72 acres at the corner of Neal Road and Applewhite and is concerned with how this zoning change has negatively affected his property. Staff informed him that two maps were mailed out regarding to the proposed zoning. The only map that he received was that one that shows his property being zoned "MI-1". He met with staff on Thursday to further discuss his case and was informed that his property was zoned for Farm and Ranch use. He is now in the process of selling his property but is having difficulties due to the zoning change.

Leslie Salazar, 19111 Applewhite Road, stated she does not support the zoning designation that they have received. She would like her property to remain "I-1" zoning.

Daniel Lovelaid, 17300 Henderson Pass, trustee of the Willa Peters Hubberd Trust, stated they own 2 parcels one of approximately 400 acres and another is Texas Legacy Ranches Inc. He stated of the 400 acres 165 acres are proposed to be confiscated by the City of San Antonio. The 200 acres in Texas Legacy Ranches Inc., 50 acres are to be confiscated by the City for this proposed zoning change.

Christopher Weber, 9901 IH 10 W., Attorney for Willa Peters Hubberd Trust, stated the situation that Mr. Lovelaid finds himself in is that he is trustee of the trust and as trustee he is obligated to maximize the value of asset held by the Trust for the benefit of the Trust beneficiaries. He stated this proposed change would limit their uses in such a manner as to devalue the property. He further stated should Mr. Lovelaid allow this to happen without a challenge it would be in violation of his duty. He stated this change would negatively affect their property values.

Michael Hubberd, 708 E. Olmos, stated he is one of the trust beneficiaries of the Willa Peters Hubberd Trust. He stated he would like to echo the same concerns. He stated this change would negatively affect their property values as well as limit their uses. He supports Toyota into their community however he strongly opposes this zoning change.



Rob Killen, 100 W. Houston, representing the Chacon Family, stated they are in opposition of this request. He stated they have met with City staff numerous times regarding this change in zoning and to discuss their options. He stated staff has not changed their recommendations therefore no agreement was made. He stated the Chacon property is proposed mostly for "FR" Farm and Ranch zoning which will remove all practical use of their property and limited to Farm and Ranch. Staff presented other options all of which are unworkable and impractical for the Chacon Family. He stated the Chacon Family would like a zoning district that would allow a density that would allow only one unit per acre. He further stated Toyota does not high density in and around this area and the Chacon's request is considered low density.

Ernest Chacon, 2600 W. Jett Road, stated he is in opposition of the Farm and Ranch designation and oppose the use of their land as a buffer zone for Toyota. He stated he stated they have put their property up for sale due to age and health issues. He further stated this change has devaluated their property in such a way that he is having difficulties selling the property.

Ken Brown, 112 E. Pecan, representing the Miller Family, stated they are in opposition of this case. He stated there were some agreements made with Toyota but it essentially rendered their property useless. He stated the Miller Family had a portion of their property in the 1<sup>st</sup> part of the Southside Initiative and was rezoning Resource Protection because it was abutting the River. The Miller Family still has approximately 400 acres right outside the moratorium at which was also included in the SSI. He stated the Miller Family have Master Development Plans on file that show a mixtures of uses such as commercial, industrial, single family and multi family development. These plans were in prior to the effective date of the new annexation. He stated they have begun negotiations with City staff but no agreement was reached.

Al Votion, 184 Neal Road, stated he strongly opposes this zoning change. He stated they have been out in this area for many years now and have invested their time and their money in maintaining the farm and ranch. He stated he is for new development and is for enhancing the community however he feels the City has approached this matter incorrectly. He does not support the proposed zoning change. He stated this would negatively affect is property.

Daniel Ortiz, 112 E. Pecan, representing Mr. Saenz, stated they are in opposition of this zoning request. He stated his client owns to properties that are subject to zoning case. He stated his client wish to continue their current use. He further stated his client would like to be excluded for this zoning request.

Carol Lagutchik, 430 S. Santa Rosa, representing the Miller Property, stated the Miller Family invite Toyota into the community however they have some concerns with how the surrounding properties will be negatively affected.

**Z2004148-2**

Ken Brown, 112 E. Pecan, representing Marty Hunter, stated the Hunter property is approximately 14 acres. The triangular piece of property is between a proposed roadway and a flood plain. Staff has recommended industrial use. He stated his client accepts the industrial zoning designation with the exception that it could be utilized with a Flex District, which would allow commercial/retail use.

## **REBUTTAL**

Emil Moncivais, Director of Planning, stated as part as their recommendation he would like to also include the Salazar's property and then come back and amend the plan to address their issues in term of industrial uses for that area. He stated Norman Roof's and Lambaria property staff is comfortable with industrial use for those properties. Hunter's property they would have to amend the plan to allow him Flex District.

Staff stated there were 248 notices mailed out to the surrounding property owners, 21 returned in opposition and 4 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.

## **FINDING OF CONSISTENCY OF THE MASTER PLAN**

### **COMMISSION ACTION**

The motion was made by Commissioner Dutmer and seconded by Commissioner Grau to find consistency of the neighborhood plan.

**AYES: Martinez, Grau, Kissling, Dutmer, Sherrill, Avila, Stribling, Peel**

**NAYS: None**

**RECUSE: McAden**

### **THE MOTION CARRIED**

### **COMMISSION ACTION**

The motion was made by Commissioner Dutmer and seconded by Commissioner Grau to recommend approval save and except the following properties: Mary Yturri, Doug Schulz, Michael Hubberd and the Peters Land and Trust, Norman Roof, Ernest Chacon, Lambarria Family, Hunter Family, Miller Family, Presto Tierra, Salazar Family and Votion Family and Mr. Votion's Mother's property on 1700 Block of Pleasanton Road also that City Council make a plan amendment to the properties that are not consistent with the full plan.

**Z2004148-2**

1. Property generally located south of the Medina River, east of State Highway 16; west of Pleasanton Road and north of South Loop 1604.
2. There were 248 notices mailed, 21 returned in opposition and 4 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Kissling, Dutmer, Sherrill, Avila, Stribling, Peel**

**NAYS: None**

**RECUSE: McAden**

**THE MOTION CARRIED.**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.