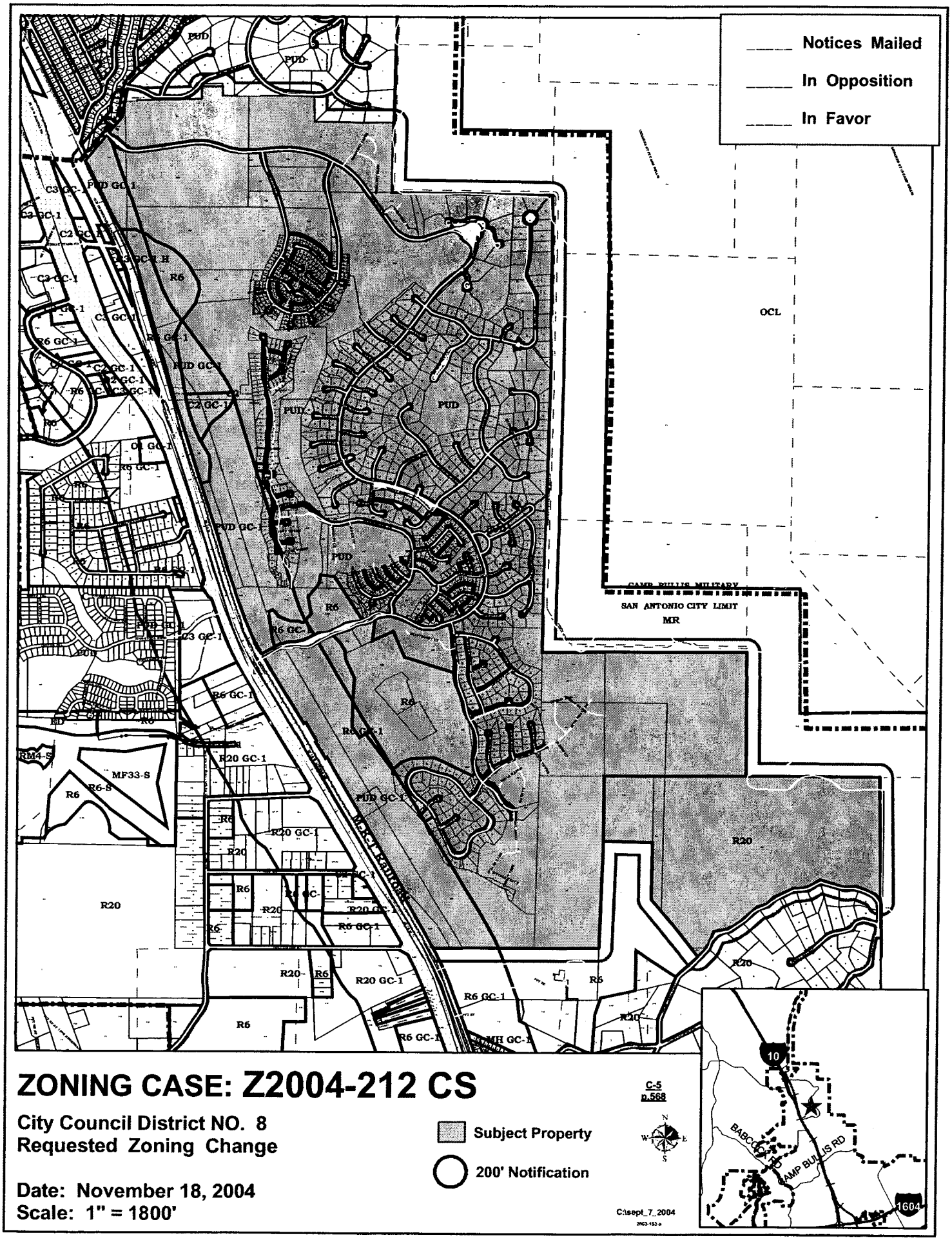

ZONING CASE: Z2004-212 CS

City Council District NO. 8
Requested Zoning Change

Date: November 18, 2004
Scale: 1" = 1800'

C-5
p.568

Subject Property

200' Notification

C:\sept_7_2004

CASE NO: Z2004212A CS

Staff and Zoning Commission Recommendation - City Council

City Council continuance from October 14, 2004

Date: November 18, 2004

Zoning Commission Meeting Date: September 21, 2004

Council District: 8

Ferguson Map: 480 A4

Appeal: No

Applicant:	**Owner**
City of San Antonio	Multiple Property Owners

Zoning Request: From R-6 and R-6 GC-1 to PUD C-2 GC-1 on 30.62 acres; From R-6 GC-1 to PUD C-2 GC-1 on 3.257 acres; From R-6 GC-1 to PUD C-1 GC-1 on 5.513 acres; From PUD R-6 GC-1 to PUD C-1 GC-1 on 4.218 acres; From R-6 to PUD O-1 on 4.379 acres; From R-6 to PUD C-1 C for a Private Club on Lot 1, Block 14, NCB 34753A; From R-6 and R-6 GC-1 to PUD C-2 C for a Private Club and PUD C-2 C GC-1 for a Private Club on 17.87 acres

Property Location: Area generaly bounded by IH-10 West on the west, Camp Bullis Military Reservation on the east, Mission Cemetery on the south and the lots on the north side of the northern section of Dominion Drive

Proposal: Apply PUD designation and other appropriate zoning classifications to private street-developed annexed property

Neighborhood Association: Dominion Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Approval. The subject properties were part of a previous zoning case, which was heard and acted upon October 14, 2004. The remaining parcels are being considered for Commercial and Office zoning as per exhibit map. The subject properties were part of an annexation in 1998. It is the policy of the City to rezone annexed property appropriately. The City began a large-area rezoning for the subject property in 1999. The subject case is to complete that process (appropriate zoning).

Zoning Commission Recommendation

Approval

VOTE	
FOR	8
AGAINST	1
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Richard Ramirez 207-5018

Case No. Z 2004 212A C S

The Dominion
Proposed Rezoning

Proposed Zoning

- PUD C-2 C for a Private Club
- PUD C-2
- PUD C-1
- PUD O-1
- PUD R-6 C for an HOA Office

Note:
Those properties situated within 1000 feet from the right-of-way line of I.H.-10 would remain within the Hill Country Gateway Corridor Overlay District

Z2004212A C S

ZONING CASE NO. Z2004212 C S – September 21, 2004

Applicant: City of San Antonio

Zoning Request: PUD R-6 and PUD R-6 GC-1 to PUD R-6 and PUD R-6 GC-1 on 251.03 acres; from R-6 and R-6 GC-1 to PUD C-2 GC-1 on 30.62 acres; from R-6 GC-1 to PUD C-2 GC-1 on 3.257 acres; from R-6 GC-1 to PUD C-1 GC-1 on 5.513 acres; from PUD R-6 GC-1 to PUD C-1 GC-1 on 4.218 acres; from R-6 GC-1, PUD R-6 GC-1, PUD R-6, PUD RM-4 GC-1 and R-20 to PUD R-6 S GC-1 for a Golf Course accessory to a Residential Subdivision and PUD R-6 S for a Golf Course accessory to a Residential Subdivision on 560.28 acres save and except Blocks 23, 24, 25, 26, and 27, NCB 16385; from PUD R-6 to PUD R-6 on Blocks 23 through 27, NCB 16385; from R-6 GC-1 and R-6 to PUD MF-25 on 69.0390 acres; from R-6 to PUD O-1 on 4.379 acres; from R-6 to PUD C-2 C for a Private Club on Lot 1, Block 14, NCB 34753A; from R-6 and R-6 GC-1 to PUD C-2 C for a Private Club and PUD C-2 C GC-1 for a Private Club on 17.87 acres; from PUD R-6 and R-6 to PUD R-6 C for a Homeowners Association Office; and from PUD R-6 GC-1, C-2 GC-1, C-2, PUD R-6, and PUD RM-4 GC-1 to PUD R-6 and PUD R-6 GC-1 on 1081.35 acres save and except 351.208 acres and save and except Lot 1, Block 14, NCB 34753A

City staff represented this case.

FAVOR

Shawn McNealus, Attorney, representing the homeowners, stated they were originally in opposition of this request. He stated they had some concerns of the development as it was originally proposed. The have been in a series of negotiations with the developer that have resulted what they believe to be fair concessions made by the developer primarily setbacks, preservation of green space between the development and his clients properties along with some deed restrictions. He stated they would like to express their support for this case.

John Reinhart, 555 E. Ramsey, stated he has been working on this case for approximately 3 years now. He stated there are 2 entrances into the Dominion on IH-10 and the other on Alley Road. He stated the vase majority of the frontage of the IH-10 is the Leon Creek and it is all a flood plain. He further stated the Rail line has been abandon by Union Pacific. He stated the adjacent landowners have purchased parts of the rail line and other parts have been purchased by TxDot (Texas Department of Transportation) for their use for IH-10 widening projects.

Z2004212A C S

Eugene Portillo, 7800 IH-10 W., Manager of the Dominion Homeowners Association, stated they were under the understanding that certain pieces of property were to be pulled from this proposed zoning change. He stated they have worked with various developers for the last years and a half and have made concession based on the restriction that were put on the property back in 1984 when it was originally done. They are in support of this request with the conditions that the 3 parcels be withdrawn from this development.

OPPOSE

Rudy Cran, 25 Winthrop Downs, homeowner in the Dominion, stated he is in opposition of this request. He stated they have met with Mr. Portillo to further discuss this propose change and were informed that this property is rental property, which would consist of 180 condominiums. The developer also informed them that these would be single-family residences. He stated they in support of a retirement community where the residence own the property they live in. He further stated Mr. Reinhart's comment of having two entrances is incorrect. He stated the entrance they have proposed would be on Dominion Drive before you reach the security gate. The rear entrance to the Dominion would have not access to this proposed development. He stated they oppose the multi family and would like to retain the existing zoning district.

Paige Cummings, 33 Winthrop Downs, stated she has lived in the Dominion for approximately 10 year. She is concerned with the lack of information that has been provided to the homeowners. They are concerned with the type of development that would be built. They support the single family housing units however they oppose the apartment and leased property as proposed. She stated they received notification from the City on this case on Friday, which she feels is not enough time to do research on the proposed development.

Eugene Portillo, 7800 IH-10 W., Manager of the Dominion Homeowners Association, stated several citizens here are in opposition to he multi family. He stated their intent is to get the PUD overlay and the proper zoning as it has been annexed. There have been meetings with the development committee, board of directors and articles in their newsletter that is published by the Dominion. They have also discussed it at their last annual meeting about future developments that were coming thru. He feels this proposed development has been announced and advertised in a timely manner so that the residence would be properly informed.

John Reinhart, 555 E. Ramsey, stated the portion that is being zoned "MF-25", it is part of the Dominion however it will have its own entrance. He stated they have agreed to wall off this development so that it does not have access into the remaining part of the Dominion however working with City staff their concerns were emergency egress/ingress in the event that the one entrance became blocked off. He stated they are providing a gated back entry.

John Scarpulla, 2105 Great Navajo, stated his property is south of the proposed Golf Course and his concern is with Golf Course and the way the Dominion irrigates their Golf Courses. He stated the homes in the Dominion are provided water by the City of San Antonio Water Systems, which comes from the Aquifer. The current Dominion Golf Course is irrigated by wells, which are located on the Course. He stated there at least two wells on the property that is being considered for a Golf Course. He stated to his knowledge the only irrigation for the Golf Course is from these wells and these wells tap into the Trinity Glen Rose Aquifer. He stated this is the same source of water for the vase majority of homes in the Forest Creek Subdivision. It stands a reason that the new Golf Course would double the water use from the Trinity Glen Rose Aquifer.

Debbie Cran, 25 Winthrop Downs, stated has lived in the Dominion for almost a year now. She stated she has been in contact with the surrounding property owners and was informed that according to the Dominion Homeowners Association this change is occurring. She stated the Business Journal indicated this development would be single family development however she was informed by zoning staff that it would be multi family development. She stated they support new development of Single Family development only. She would also like to add that Homeowners Association has not educated the residence of this proposed development as they have indicated they have.

REBUTTAL

John Reinhart, 555 E. Ramsey, stated they have some existing townhouses in the Dominion. He stated there was a blanket "R-6" put on the Dominion when annexed. He stated after reviewing they became aware that there were various properties that had restrictions. He further stated the Dominion Homeowners Association has several committees such as the Development Committee who has been working with on the zoning issue for approximately a year and a half. He stated would like to clarify Mrs. Cran's comment on no communication with the residents and the homeowners association. He stated they had no clue that the zoning had already been agreed upon until notices were received by City staff.

Staff stated there were 1,152 notices mailed out to the surrounding property owners, 31 returned in opposition and 37 returned in favor and no response from Dominion Neighborhood Association.

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 Stribling and seconded by Commissioner Dutmer to recommend approval.

Z2004212A C S

1. Properties are located in an area generally bounded by IH-10 North on the west, Camp Bullis Military Reservation on the east and Mission Cemetery on the south.
2. There were 1,152 notices mailed, 31 returned in opposition and 37 in favor.
3. Staff recommends approval.

AYES: Martinez, Kissling, Dutmer, Sherrill, McAden, Avila, Stribling, Peel
NAYS: Grau

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING October 14, 2004

City Council granted a continuance until November 18, 2004

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
INTERDEPARTMENTAL CORRESPONDENCE SHEET

TO: Mayor and Council

FROM: Councilman Art A. Hall, District 8

COPIES TO: Terry Brechtel, City Manager; Florencio Pena, Director Development Services; Roderick Sanchez, Assistant Director Development Services; Andrew Martin, City Attorney; Yolanda Ledesma, Acting City Clerk; Gayle McDaniel, Assistant to Council, Assistants to the Mayor; File

SUBJECT: Rezoning of The Dominion

DATE: September 9, 2004

I am requesting Council concurrence, to direct City Staff, to place on the September 21st Zoning Commission agenda for their recommendation, and to City Council on October 14th for final action, the rezoning of The Dominion to zoning compatible with existing uses. This area of the Dominion comprises:

1. 13.44 acres out of a 24.044 acre tract out of the A. Gugger Survey Number 323, Abstract Number 284, Bexar County Block 4758;
2. 155.63 acres out of a 255.742 acre tract out of the Anton Gugger Survey Number 323, Abstract Number 284, Bexar County Block 4758, and the August Liebe Survey Number 6, Abstract Number 1219, Bexar County Block 4759;
3. 1011.153 acres out of the Ludovic Calguhoun Survey Number 24, Abstract Number 133, the Manuel Tarin Survey Number 25, Abstract Number 742, the J.M. Arocha Survey Number 26, the John H. Gibson Survey Number 3, and the John H. Gibson Survey Number 5, Bexar County, Texas; and
4. 146.80 acres out of the John W. Smith Survey Number 27, Abstract Number 708, Bexar County Block 4732, the P. Toepperwein Survey Number 26 ¼, Abstract Number 765, Bexar County Block 4751, the C. Schasse Survey Number 4, Abstract Number 1024, Bexar County Block 4750, and the J. H. Gibson Survey Number 3, Abstract Number 300, Bexar County Block 4753.
5. 104.23 acres out of the J.M. Arocha Survey Number 26, Abstract 27, County Block 4752 and the J.H. Gibson Survey Number 3, Abstract 300, County Block 4753 and the C. Schasse Survey Number 4, Abstract 1024, County Block 4750.
6. 145.4 acres out of a 214.747 acre tract out of the A. Gugger Survey Number 323, Abstract Number 284, NCB 34758, the August Liebe Survey Number 6, Abstract Number 1219, NCB 34759, and the City of San Antonio Survey Number 2/23, Abstract Number 178, NCB 34781.
7. 5.513 acres, more or less, out of the Manuel Tarin Survey Number 25, Abstract Number 742, County Block 4754
8. 3.257 acres, being part of a 100-foot railroad right-of-way, out of the M. Torin Survey Number 25, Abstract 742, County Block 4754 (NCB 34754).
9. 30.62 acres out of the J.M. Arocha Survey Number 26, Abstract 27, County Block 4752, and the John W. Smith Survey Number 27, Abstract 708, County Block 4732 (NCB 34752).

These properties were annexed into the city and were promised in their annexation agreement that they would be appropriately rezoned. Your favorable consideration of this request is most appreciated. Thank you.

Art A. Hall, District 8

Ed Garza, Mayor

Patti Radle, District 5

Roger O. Flores, District 1

Enrique M. Barrera, District 6

Joel Williams, District 2

Julián Castro, District 7

Ron H. Segovia, District 3

Carroll W. Schubert, District 9

Richard Perez, District 4 w/discussion to sell pay for the cost to Rezone?

Chip Haass, District 10