

CASE NO: Z2005066

Staff and Zoning Commission Recommendation - City Council

City Council continuance from June 9, 2005

Date: June 23, 2005

Zoning Commission Meeting Date: April 05, 2005

Council District: 3

Ferguson Map: 717 C5

Applicant: Manuel Gonzales

Owner: Day, McDaniel, and Fight for the Family of Texas Inc.

Zoning Request: From FR Farm and Ranch District and RD Rural Development District to UD Urban Development District

Property Location: P-10, P-10B, P-10C, P-10D, and 16.4 acres out of P-10A and P-62, CB 4006
16795, 16196, and 16700 Highway 281 South

Property generally located southeast of Mitchell Lake, north of the Medina River, east of Pleasanton Road, and west of FM 1937

Proposal: To develop a mixed use subdivision

Neighborhood Association: None

Neighborhood Plan: South Side Initiative Community Plan

TIA Statement: A Level Three (3) Traffic Impact Analysis is Required

Staff Recommendation:

Inconsistent. The Southside Initiative Community Plan indicates that the land use for the subject property is split between Agriculture on the west side of and Rural Living on the east side of Hwy 281 South. A land use plan amendment to Urban Living on the entire subject property was heard by the Planning Commission on March 23, 2005. The Planning Commission recommended denial.

Approval of UD Urban Development on the east side of Highway 281 South (pending land use plan amendment) and Denial of UD Urban Development on the west side of Highway 281 South.

The UD Urban Development District is recommended for the east side of Highway 281 South (approximately 188 acres) due to proximity of existing higher density residential development and adjacent RD Rural Development and UD Districts. Highway 281 South will act as buffer to industrial development to the west and environmentally sensitive lands to the northwest.

Urban Development is not recommended for the west side of Highway 281 South (approximately 291 acres). The subject property and the surrounding area are currently zoned FR Farm and Ranch. The FR District is most appropriate for this area since it does not allow high density development which would be incompatible with the industrial uses to the west and environmentally sensitive lands to the northwest.

Zoning Commission Recommendation:

Approval of east side and Denial of west side of Hwy 281

CASE MANAGER : Trish Wallace 207-0215

VOTE

FOR 9

AGAINST 0

ABSTAIN 1

RECUSAL 0

Z2005066

ZONING CASE NO. Z2005066 – April 5, 2005

Applicant: Manuel Gonzales

Zoning Request: "FR" Farm and Ranch District and "RD" Rural Development District to "UD" Urban Development District.

Andy Guerrero, 3134 Renker, representing the applicant, stated they are requesting this change in zoning to allow the property (479.86 acres) be developed as mixed residential, commercial development. He stated the residential (single family) development of this project would have alleys in the back of the properties. This development would be a mixture of conventional detached single-family homes approximately 6,250 square feet in size. They would also provide park areas. He stated they would make street improvements to accommodate the additional traffic. He further stated there is approximately 35 acres that separates the habitat Mitchell Lake to the subject property. They are proposing to develop 1,570 units that consist of townhomes, fourplexes and single-family homes.

FAVOR

Ruth Lofgren, representing Mitchell Lake Wetland Society, stated they are in support of this request. She stated the plan was modified with the assistance of the Planning Department Staff, which is less dense housing in the area toward Mitchell Lake.

OPPOSE

Virginia Nicholas, representing San Antonio Conservation Society, stated they previously voiced concerns about land use in the Mitchell Lake area. She stated Mitchell Lake is a natural lake, drainage into the lake comes from the surrounding area, including the parcel under consideration. She stated they ask that consideration be given to the fact that Mitchell Lake is now a natural environmental treasure, the Mitchell Lake Wildlife Refuge. Its is managed by the National Audubon Society, one of only three such facilities in the nation located in close proximity to urban areas. Whatever development occurs should respect the need for visual buffers and buffers from run off toward the Medina River. Ideally, there should be a 150-foot green belt from the lake and from the river. She stated they do not believe the rezoning from Farm and Ranch District to Rural Development District is a step in the right direction. Therefore they do not support this request.

Z2005066

REBUTTAL

Andy Guerrero, 3134 Renker, representing the applicant, stated the plans are in the process of being modified to provide additional buffer area along the northern end to address the river and habitat. There is approximately 2,000 feet that separates the subject property and Mitchell Lake, in addition, there is a difference in elevation. The subject property is down stream from the lake.

Staff stated there were 66 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 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 Avila to find inconsistency with the neighborhood plan.

(A verbal vote was taken)

AYES: Martinez, Robbins, Kissling, Dutmer, Dixson, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Avila to recommend approval on the east side of the property and a continuance until April 19, 2005 on the west side of the property.

1. Property is located on P-10, P-10B, P-10C, P-10D and 16.4 acres out of P-10A and P-62, CB 4006 at 16795, 16196 and 16700 Highway 281 South.
2. There were 66 notices mailed, 1 returned in opposition and 3 in favor.
3. Staff recommends approval.

Z2005066

**AYES: Martinez, Robbins, Kissling, Dutmer, Dixon, McAden, Avila, Stribling,
Peel**

NAYS: None

ABSTAIN: Sherrill

THE MOTION CARRIED

ZONING CASE NO. Z2005066-A – April 19, 2005

Applicant: Manuel Gonzales

Zoning Request: "FR" Farm and Ranch District and "RD" Rural Development District to
"UD" Urban Development District.

Andy Guerrero, 3134 Renker, representing the applicant, stated he would like to request a
30-day continuance on this case to continue working with City staff on this case.

Staff stated there were 66 notices mailed out to the surrounding property owners, 1
returned in opposition and 3 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 a continuance until May 17, 2005.

1. Property is located on P-10, P-10B, P-10C, P-10D and 16.4 acre out of P-10A and P-
62, CB 4006 at 16795, 16196 and 16700 Highway 281 South.
2. There were 66 notices mailed, 1 returned in opposition and 3 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005066-A – May 17, 2005

Applicant: Manuel Gonzales

Z2005066 A

Zoning Request: "FR" Farm and Ranch District and "RD" Rural Development District to "UD" Urban Development District.

Andy Guerrero, 3134 Renker, representing the applicant, stated they are proposing mixed residential use on the subject property. He stated this case was continued from April 19th Zoning Commission to address some issues that were raised regarding the habitat of Mitchell Lake. He stated they amend their development to provide additional open space along the northern end of the property. He further stated they met with San Antonio Conservation Society to present their amended proposal. He stated they have received support from Dr. Ruth Lofguen.

FAVOR

Ruth Lofguen, 434 Hermine Boulevard, stated they are in support of this request. She stated after seeing the changes Mr. Guerrero presented she feels this development would be an upscale, permanent, secured, well managed development that would be a stable neighbor to their wildlife habitat.

Angel Gonzales, 7123 Snowden Crest, stated he has been in contact with Toyota with regards to this proposed development. He stated, Aaron Seaman, a representative from Toyota has indicated they support of this development with the condition that there be a 3 mile radius from the site to the paint stack.

OPPOSE

Virginia Nichols, representing San Antonio Conservation Society, stated they remain to be concerned about the request to change the zoning of this critically located parcel of land from Farm and Ranch District and Rural Development District to Urban Development District. This property is South East of Mitchell Lake and East of the confluence of the creek leading from the lake and the Medina River making it one of the most environmentally sensitive properties in City South. The property's adjacency to these waterways is also a key to the development of the concept of the emerald necklace, a linear park system that will be the highlight of the development of this area. Also, proximity of this parcel to a major industrial facility now under construction, with all of the predictable noises, smells and emission makes it potentially undesirable as the site for dense residential development. She further stated the comprehensive master planning by the City of San Antonio for this area has deliberately set aside areas of City South that should retain their rural character. Zoning for this land as Farm and Ranch and Urban Development District is appropriate and in accordance with the community's expectations for the development of this important part of the City. She stated the density of residential units far exceeds the density, which has been appropriately planned for this area. Therefore they would like to request this zoning case be denied.

Z2005066 A

REBUTTAL

Andy Guerrero, 3134 Renker, representing the applicant, stated the purpose of the continuance from April 19th meeting was to meet with San Antonio Conservation Society and Dr. Ruth Lofguen to present their amended proposal. He stated in meeting with them, the applicant agreed to provide some detention ponds at the southern end of the property. He feels their concerns have been addressed.

Staff stated there were 66 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 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 Dixon to find inconsistency with the neighborhood plan.

(A verbal vote was taken)

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

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Avila to recommend approval.

AYES: Robbins, Dutmer, Dixon, Avila, Peel
NAYS: Kissling, Sherrill, McAden, Stribling
ABSTAIN: Martinez

THE MOTION FAILED

COMMISSION ACTION

The motion was made by Commissioner Stribling and seconded by Commissioner Sherrill to recommend denial.

Z2005066 A

1. Property is located on P-10 and P-10C, CB 4006 at 16795 Highway 281 South.
2. There were 66 notices mailed, 1 returned in opposition and 3 in favor.
3. Staff recommends denial.

AYES: Martinez, Kissling, Dutmer, Dixon, Sherrill, McAden, Stribling

NAYS: Robbins, Peel

ABSTAIN: Avila

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING June 9, 2005

City Council granted a continuance until June 23, 2005

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.