

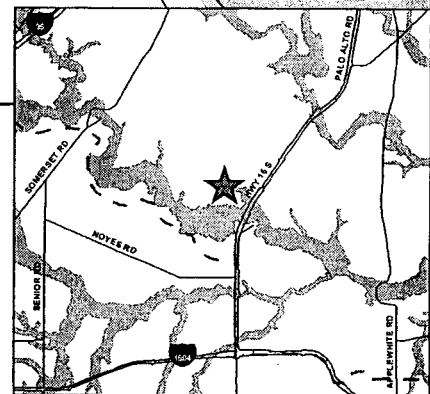
# **ZONING CASE: Z2005-235 CD**

City Council District No. 4  
 Requested Zoning Change  
 From "FR", "RD" To "RD", "RD CD"  
 Date: January 5, 2006  
 Scale: 1" = 900'

■ Subject Property  
 ○ 200' Notification



C:\Dec. 6, 2005



# CASE NO: Z2005235 CD

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from October 18, 2005 and November 15, 2005

**Date:** January 05, 2006

**Zoning Commission Meeting Date:** December 06, 2005

**Council District:** 4

**Ferguson Map:** 714 F3 & F4

**Applicant:**

Brown, P. C.

**Owner:**

Presto Tierra, Ltd.

**Zoning Request:** From "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development

432.71 acres out of CB 4298

**Property Location:** Southwest corner of Watson Road and State Highway 16

**Proposal:** To develop as a mixed-use, mixed-intensity project

**Neighborhood Association:** None

**Neighborhood Plan:** The City South Community Plan

**TIA Statement:** Level-3 Traffic Impact Analysis has been submitted with recommendations for on-site and off-site improvements

**Staff Recommendation:**

Inconsistent. The request does not conform to the land use plan of The City South Community Plan.

Approval pending plan amendment. Staff supports change from "FR" to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development. Flex Districts are the preferred zoning districts for the City South (Southside Initiative) Community Plan area. The proposed project can be accomplished using the Flex Development Plan provisions and conservation subdivision provisions of the existing "RD".

**Zoning Commission Recommendation:**

Approval, not to exceed 1560 dwelling units

**CASE MANAGER :** Richard Ramirez 207-5018

**VOTE**

<b>FOR</b>	11
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

# Neighborhood and Urban Design Division

## Zoning Case Review

**Zoning Case No.:** Z2005235

**Existing Zoning:** FR, RD

**Requested Zoning:** RD, RDCD up to 4 single family du/ac

**Registered Neighborhood Association(s):**  
None

**Neighborhood/Community/Perimeter Plan:**  
City South (Southside Initiative) Community Plan

**Future Land Use for the site:**  
Agriculture and Rural Living

**Other Comments:**

A Plan Amendment has been submitted and will be heard by Planning Commission on October 26.

Rural Living supports the principles of preserving rural residential character while retaining open space and scenic corridors. Residential uses are composed mainly of single-family dwellings on individual estate lots. Clustered subdivisions that increase residential densities, in an effort to preserve greater areas of open space and agricultural lands, are encouraged.

Agriculture uses provide primarily for the preservation of crop agriculture, ranching, and related agribusiness practices. Single-family residential units are permitted on agricultural and ranch lands. Limited commercial uses directly serving agriculture uses, such as farmers markets, nurseries, and bed and breakfasts, are permitted. Floodplain protection and buffer zones along creeks and rivers are instrumental in retaining the rural character.

A Plan Amendment has been submitted for Urban Living land use. Staff supports only an amendment from Agriculture to Rural Living Land Use. The Plan Amendment is scheduled for consideration by the Planning Commission on November 23.

**Analysis:**

☐ Request conforms to Land Use Plan

☒ Request does not conform to Land Use Plan

**Staff Recommendation:**

☐ Supports

☐ Recommends Denial

☒ Alternate Recommendation

Staff supports change from FR to RD only pending approval of plan amendment change agriculture land use to rural living land use. A condition should be placed allowing the RD CD up to 4 single family dus/acre not to exceed 78.2 acres

Flex Districts are the preferred zoning districts for the City South (Southside Initiative) Community Plan area. The proposed project can be accomplished using the Flex Development Plan provisions and conservation subdivision provisions of the RD, RD CD & MI-1 zoning districts.

**Reviewer:** Zenon F. Solis

**Title:** Planner II

**Date:** 10/13/2005

**Manager Review:** Nina Nixon-Mendez

**Date:** 11/14/2005

**Z2005235 CD**

**ZONING CASE NO. Z2005235** – October 18, 2005

Applicant: Brown, P. C.

Zoning Request: “FR” Farm and Ranch District, “RD” Rural Development District and “MI-1” Mixed Light Industrial District to “MPCD” Master Planned Community District.

Jelynn LeBlanc Burley, Asst. City Mgr., stated they have been working with the applicant regarding this zoning case and would like to request a continuance on this case to further discuss their proposal.

Ken Brown, 112 E. Pecan, stated in meeting with Mrs. Burley, Asst. City Mgr., they are agreeable with the continuance.

Staff stated there were 39 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 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 Avila and seconded by Commissioner Marshall to recommend a continuance until November 15, 2005.

1. Property is located on 532.59 acres out of CB 4298 at the southwest corner of Watson Road and State Highway 16.
2. There were 39 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends denial.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill,  
McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2005235 CD** – November 15, 2005

Applicant: Brown, P.C.

## **Z2005235 CD**

Zoning Request: "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development.

Daniel Ortiz, 112 E. Pecan, representing the owner, stated that they would like to request a continuance until December 6, 2005 to allow them to work with City staff on the development agreement on the property.

### **OPPOSE**

James Langford, 14420-3 Old Somerset Rd., representing 10 residents in the area, stated that only one resident received a notice regarding the rezoning. He stated that most of the residents in the area want to keep the area designated as Rural development type. He further stated that he does not know why anyone would want to live across a raceway that operates until 2:00 a.m. in the morning.

Virginia Nicolas, 107 King William, representing the Conservation Society, stated that the Conservation Society recommends density of the request to change the zoning for the 455-acre tract of and near Watson Road and State Highway 16. The integrity of the City South Plan should be maintained by using the Flexible Zoning option as a vehicle for producing development that is in keeping with the rural character of the area.

### **REBUTTAL**

Daniel Ortiz, 112 E. Pecan, stated that they agree with the comments from the Conservation Society that the Flex zoning district should be used. He further stated that, that is why they amended their zoning application to reflect the "RD" development at the last meeting.

Staff stated there were 94 notices mailed out to the surrounding property owners, 2 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 Avila and seconded by Commissioner Rodriguez for a continuance until December 6, 2005.

**Z2005235 CD**

1. Property is located on 455 acres out of CB 4298 at the southwest corner of Watson Road and State Highway 16.
2. There were 94 notices mailed, 2 returned in opposition and 3 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill,  
McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED.**

**ZONING CASE NO. Z2005235 CD – December 6, 2005**

Applicant: Brown, P.C.

Zoning Request: "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development.

Ken Brown, 112 E. Pecan, representing the owner, stated that they are requesting "RD C" for the 322 acres to allow for 4 units per acre. He further stated that the majority of the property is already zoned "RD" subdivision is going to be a conservation subdivision and the remainder 322 acres will be zoned "RD C" with 1560 units which equals to 4 units per acre. He asked for the Commission's approval of the amended request and allows them to move forward to City Council.

**OPPOSE**

James Langford, 14420-3 Old Sommerset Road, stated that he is opposed to the rezoning request because he would like to see the property remain as it is. He further stated that they do not need any additional traffic on Watson Road. He noted that the San Antonio Conservation Society is also opposed to the change of zoning.

**REBUTTAL**

Brice Mozegamba, Pape-Dawson Eng., stated that they did do a Level 3, TIA on the property and the full site plan has not been developed yet.

Ken Brown, 112 E. Pecan, asked the Commission for their support to move this case forward to City Council for final approval.

**Z2005235 CD**

Staff stated there were 94 notices mailed out to the surrounding property owners, 3 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 INCONSISTENCY OF THE MASTER PLAN**

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner McAden to find inconsistency with the neighborhood plan.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill,  
McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED.**

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner McAden to recommend approval with the condition that the development not exceed 1560 units

1. Property is located on 455 acres out of CB 4298.
2. There were 94 notices mailed, 3 returned in opposition and 4 in favor.
3. Staff recommends approval pending plan amendment.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill,  
McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED.**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.