

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
December 2, 2008**

1. The Zoning Commission of the City of San Antonio met in the 1st Floor, Board Room of the Cliff Morton Development and Business Services Center at 1901 S. Alamo.
2. Roll Call

PRESENT: Gadberry, McFarland, J. Valadez, Westheimer, Sherrill, Hawkins, Myers, R. Valadez, Martinez, Gray

ABSENT: Wright

3. Approval of November 18, 2008 Minutes.

COMMISSION ACTION

(A verbal vote was taken)

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, Myers, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

1:00 PM – Public Hearing

COMBINED HEARING:

Commissioner Sherrill made a motion to approve the following rezoning cases with conditions and amendments as staff has recommended. Additionally, no citizens have signed to speak in opposition on the said cases: items 12, 13, 14 and 15. The motion was seconded by Commissioner R. Valadez.

4. **ZONING CASE NUMBER Z2009012 (Council District 6):** A request for a change in zoning from “C-3R” General Commercial Restrictive Alcoholic Sales District to “C-2” Commercial District on Lot 14, Block 2, NCB 7467, 764 West Old Highway 90. Staff recommends approval.

Staff stated there were 25 notices mailed out to the surrounding property owners, 1 returned in opposition and 2 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, Myers, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

5. ZONING CASE NUMBER Z2009013 (Council District 3): A request for a change in zoning from "I-1" General Industrial District to "C-3NA" General Commercial District, Nonalcoholic Sales on Lot 4, NCB 9485, 6700 South Flores Street. Staff recommends approval.

Staff stated there were 13 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Mission San Jose Neighborhood Appearance & Safety Committee.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, Myers, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

6. ZONING CASE NUMBER Z2009014 (Council District 4): A request for a change in zoning from "R-6" Single-Family Residential District and "I-1" General Industrial District to "C-2" General Commercial District on 10.008 acres out of NCB 15324, 5400 Block of Medina Base Road. Staff recommends approval.

Staff stated there were 12 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and People Active in Community Efforts (PACE) is in favor. Staff mailed 34 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, Myers, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

7. ZONING CASE NUMBER Z2009015 CD (Council District 7): A request for a change in zoning from "C-2" Commercial District to "C-2 CD" General Commercial District with a Conditional Use for Outside Storage of Ornamental Pieces on Lot 1, Block 23, NCB 17635, 7363 Leslie Road. Staff recommends approval.

Staff stated there were 5 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, Myers, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

8. ZONING CASE NUMBER Z2008213 S ERZD (Council District 10): A request for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Wireless Communication System on 0.0367 acres out of CB 5014, 15943 Bulverde Road. Staff recommends denial.

Vince Huebinger, representative, stated the purpose of this request it so allow for a wireless communication systems on the subject property. He stated they have been meeting with SAWS and they have reached an agreement.

Staff stated there were 5 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner McFarland and seconded by Commissioner Gray to recommend approval with SAWS recommendations.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, Myers, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2008255 ERZD (Council District 8): A request for a change in zoning from "MH ERZD" Manufacturing Housing Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on Lot 6, Block 5, NCB 15659 save and except 0.023 acres out of NCB 15659, 13315 Babcock Road and 13403 Glidden Drive. Staff recommends denial.

Andy Guerrero, representative, stated he would like to amend his request to "NC" to only the front part of the subject property that fronts on Babcock Road. He further stated the purpose of this request is to allow for a small sandwich shop.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Gray to recommend approval as amended to "NC" to only the front part of the subject property that fronts on Babcock Road.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, R. Valadez, Gray

NAY: Myers

THE MOTION CARRIED

10. **ZONING CASE NUMBER Z2008193 (Council District 8):** A request for a change in zoning from "R-20" Residential Single-Family District to "PUD R-6" Planned Unit Development Residential Single-Family District on Lots 1, 2, 3, and 4, Block 1, NCB 11670, 11327 Dreamland. Staff recommends denial.

Patrick Christensen representative, the purpose of this request is to allow for residential development on the subject property. He stated they have met with the neighborhood association and surrounding property owners to discuss their proposal.

Ted Lee, owner, stated his intent is to develop residential homes on the subject property. He stated he does not feel his proposal would be a threat to the community.

Commissioner Westheimer arrived at 1:36 pm.

The following citizen(s) appeared to speak:

Joel Garcia, spoke in opposition.

Mike Makowki, spoke in opposition.

Neill Walsdorf, spoke in opposition.

Carl Saks, spoke in opposition.

Joyce White, spoke in opposition.

Jack MaGuire, spoke in opposition.

Christine Chemell, spoke in opposition.

Commissioner Martinez arrived at 2:24 pm.

Yolanda Rodriguez, spoke in opposition.

Natalie Flores, spoke in opposition.

Staff stated there were 35 notices mailed out to the surrounding property owners, 24 returned in opposition and 2 returned in favor and Whispering Oak Subdivision is in opposition. Staff received 14 letters expressing opposition outside the 200-foot radius and a petition with 60 signatures expressing opposition from Dreamland Oaks Subdivision.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner McFarland to recommend a continuance until December 16, 2008.

AYES: Gadberry, McFarland, J. Valadez, Sherrill, Hawkins, R. Valadez, Gray

NAY: Westheimer, Myers

THE MOTION CARRIED

11. ZONING CASE NUMBER Z2008209 (Council District 9): A request for a change in zoning from "R-6" Residential Single-Family District to "MF-25" Multi-Family District on Parcel 22 and Parcel 8, NCB 16325, 12800 Block of West Avenue. Staff recommends approval.

Habib Erkan, representative, stated the purpose of this request is to allow for townhome/garden home development with deed restrictions. He stated they have been in contact with the neighborhood association who are in support of this proposal.

The following citizen(s) appeared to speak:

Ken Kuring, representing the Bluffview Homeowners Association, stated they have met with the representative and they are in agreement with this zoning request with the qualification of the deed restrictions.

Staff stated there were 21 notices mailed out to the surrounding property owners, 3 returned in opposition and 2 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Sherrill to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Sherrill, Hawkins, Myers, Martinez, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

12. ZONING CASE NUMBER Z2009011 CD (Council District 7): A request for a change in zoning from "MF-33" Multi-Family District to "MF-33 CD" Multi-Family District with a Conditional Use for a Day Care Center on Lot 22 and east 15.34 feet of Lot 21, Block 14, NCB 1956, 1730 West Huisache Avenue. Staff recommends approval.

Mrs. Morin, representative, stated the purpose of this request is to allow for a day care center.

Staff stated there were 13 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Jefferson Neighborhood Association and Woodlawn Lake Community Association. Staff mailed 34 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, Westheimer, Sherrill, Hawkins, Myers, Martinez, R. Valadez, Gray
NAY: J. Valadez

THE MOTION CARRIED

Commissioner McFarland left at 2:48 pm.

13. ZONING CASE NUMBER Z2008258 CD (Council District 5): A request for a change in zoning from "I-2" Heavy Industrial District, "I-1" General Industrial District, "MF-33" Multi-Family District and "R-4" Single-Family Residential District to "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Auto and Light Truck Repair Land Use; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Bar/Tavern Land Use; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Warehousing Land Use; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District; "C-2" Commercial District; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and an Eight-Unit Dwelling; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Three-Unit Dwelling; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Two-Unit Dwelling; "R-4" Single-Family Residential District with a Conditional Use for a Non-Commercial Parking Lot; "R-4" Single-Family Residential District with a Conditional Use for a Three-Dwelling Unit; and "R-4" Single-Family Residential District on Multiple properties generally bound by Ruiz Street to the north,

Buena Vista Street to the south, North Salado Street to the east and North Colorado Street to the west. Staff recommends approval pending Downtown Neighborhood Plan update.

Rudy Nino, Senior Planner, presented item.

The following citizen(s) appeared to speak:

Andy Centeno, property owner, requested he maintain his current "I-2" zoning designation.

Staff stated there were 293 notices mailed out to the surrounding property owners, 2 returned in opposition and 0 returned in favor and no response from Prospect Hill Neighborhood Associations.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner J. Valadez and seconded by Commissioner Myers to find inconsistent with the neighborhood plan.

(A verbal vote was taken)

AYES: Gadberry, J. Valadez, Westheimer, Sherrill, Hawkins, Myers, Martinez, R. Valadez, Gray

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner J. Valadez to recommend approval.

Commissioner Westheimer asked if a friendly amendment would be accepted to include the following three (3) properties 1323, 1401 and 1423 thru 1427 W. Martin as "C-2 IDZ".

Commissioner J. Valadez stated he would like that decision be made by City Council.

Chairman Gadberry called for a seconded to the main motion.

Commissioner Westheimer seconded the motion for approval.

Chairman Gadberry called for an amendment.

The motion was made by Commissioner Westheimer and seconded by Commissioner Gray to recommend approval as presented except the following three (3) properties to be designated "C-2 IDZ".

Roll call to include the amendment to the motion.

AYES: Gadberry, Westheimer, Sherrill, Hawkins, Myers, Martinez, R. Valadez, Gray

NAY: J. Valadez

THE MOTION CARRIED

Roll call for the amendment motion.

AYES: Gadberry, Westheimer, Sherrill, Hawkins, Myers, Martinez, R. Valadez, Gray

NAY: J. Valadez

THE MOTION CARRIED

Commissioner Myers left at 3:21 pm.

Commissioner Hawkins left at 3:28 pm.

3:30 P.M. TIME CERTAIN ITEM

14. ZONING CASE NUMBER Z2009010 S (Council District 2): A request for a change in zoning from "I-2 EP-1" Heavy Industrial Event Parking Overlay District, "I-1" General Industrial District, "I-1 EP-1" General Industrial Event Parking Overlay District, "IDZ CD" Infill Development Zone District with a Conditional Use for Multi Family Dwellings not to exceed 90 units per acre, "HS H IDZ" Historic Significant, Infill Development Zone Dignowity Hill Historic District, "HS IDZ" Historic Significant, Infill Development Zone District, "HS IDZ" Historic Significant, Infill Development Zone with uses permitted in "C-1" Light Commercial District and a Meeting Facility, "L EP-1" Light Industrial Event Parking Overlay District, "C-3" General Commercial District, "C-3 EP-1" General Commercial Event Parking Overlay District, "H C-3" General Commercial Dignowity Hill Historic District, "HS C-3" Historic Significant, General Commercial District, "C-3R" General Commercial Restricted Alcohol Sales District, "C-3R EP-1" General Commercial Restricted Alcohol Sales Event Parking Overlay District, "C-3 S" General Commercial District with a Specific Use Authorization for a Pet Cemetery, "C-3NA EP-1" General Commercial Nonalcoholic Sales Event Parking Overlay District, "C-2" Commercial District, "C-2 EP-1" Commercial Event Parking Overlay District, "C-2NA EP-1" Commercial Nonalcoholic Sales Event Parking Overlay District, "C-1 CD EP-1" Light Commercial Event Parking Overlay District with a Conditional Use for a Convenience Store with Gasoline and Carwash, "HS O-2 EP-1" Historic Significant, Office Event Parking Overlay District, "MF-33 EP-1" Multi Family Event Parking Overlay District, "HS MF-33 EP-1" Historic Significant, Multi Family Event Parking Overlay District, "MF-25 EP-1" Multi Family Event Parking Overlay District, "RM-4" Residential Mixed District, "RM-4 EP-1" Residential Mixed Event Parking Overlay District, "H RM-4" Residential Mixed Dignowity Hill Historic District, "R-4 EP-1" Residential Single Family Event Parking Overlay District, "HS R-4 EP-1" Historic Significant, Residential Single Family Event Parking Overlay District, and "R-5 EP-1" Residential Single Family Event Parking Overlay District to "AE-1" Arts and Entertainment District, "H AE-1" Arts and Entertainment Dignowity Hill Historic District, "HS AE-1" Historic

Significant, Arts and Entertainment District, "HS H AE-1" Historic Significant, Arts and Entertainment Dignowity Hill Historic District, "AE-1 S" Arts and Entertainment District with a Specific Use Authorization, "H AE-1 S" Arts and Entertainment Dignowity Hill Historic District with a Specific Use Authorization, "AE-2" Arts and Entertainment District, "AE-2 EP-1" Arts and Entertainment Event Parking Overlay District, "AE-2 S" Arts and Entertainment with a Specific Use Authorization District, "AE-2 S EP-1" Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization, "HS AE-2 S" Historic Significant, Arts and Entertainment District with a Specific Use Authorization, "AE-3 EP-1" Arts and Entertainment Event Parking Overlay District, "HS AE-3 EP-1" Historic Significant, Arts and Entertainment Event Parking Overlay District, "AE-3 S EP-1" Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization, "AE-4 EP-1" Arts and Entertainment Event Parking Overlay District, "AE-4 S EP-1" Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization. Specific Use Authorizations include: Dry Cleaning - Limited to 5 Employees, Auto Parts Retail, Wireless Communication Systems, Floor Covering - Retail, Dwelling-1 Family, Hotel, Air Conditioning/Refrigeration-Service and Repair, Electric Repair - Light Equipment, Auto Paint & Body - Repair with outside storage of vehicles and parts permitted but completely screened from view of adjacent property owners and public roadways, Auto & Light Truck Repair, Motel, Bail Bond Agency, Mini Warehouse, Antique Store, Meeting Facility, Convenience Store (with gasoline and carwash), School - Private University or College, Dwelling - Multifamily (25 units/acre maximum), Carwash, Auto Upholstery - Sales and Installation Completely Enclosed, Parking & Transient Vehicle Storage, Food & Food Products - Processing, Cabinet or Carpenter Shop, Convenience Store (with gasoline), Alcohol - Bar and/or Tavern, Warehousing, Beverage - Manufacturing or Processing, Laundry - Plant, Metal Products - Fabrication, Motor Vehicle Sales (full service), Fairground and/or Stadium, Office Warehouse (Flex Space) - Outside Storage Not Permitted, Truck Repair and Maintenance on multiple properties generally bound by Center Street and East Commerce Street to the north, Palmetto Street to the east, Wyoming Street to the south, and Cherry Street to the west; Belmont Street to the north, Terrell Street to the east, Del Rio and Montana Streets to the south, and New Braunfels Avenue to the east; and Aniol Street and Gambler Road to the north, IH-10 East to the east, Baxter and Como Streets and Hub Avenue to the south, and Onslow Street and a Union Pacific railroad right-of-way to the west. Staff recommends approval pending Downtown Neighborhood Plan update and the Arena District/Eastside Community Plan update.

Michael Taylor, Senior Planner, presented proposed zoning district.

John Osten, Senior Planner, presented zoning case.

The following citizen(s) appeared to speak:

Yale Philips, spoke in favor.

Patrick Christensen, spoke in favor.

Charles E. Williams, spoke in favor.

Leo Gomez, spoke in favor.

Shelia McNeil, Councilwoman, spoke in favor.

Debra Lolmaugh, spoke in favor.

Albert Garcia, spoke in favor.

James Cardenas, spoke in opposition.

Nettie Hinton, spoke in opposition.

Minnie L. Dilworth, spoke in opposition.

Charlotte Broussard, spoke in opposition.

Diane Green, spoke in opposition.

Staff stated there were 1,124 notices mailed out to the surrounding property owners, 11 returned in opposition and 15 returned in favor and 5 did not mention any opinion. Staff mailed out 57 notices to the Planning Team.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner R. Valadez to find inconsistent with the neighborhood plan.

(A verbal vote was taken)

AYES: Gadberry, J. Valadez, Westheimer, Sherrill, R. Valadez, Gray

NAYS: None

RECUSED: Hawkins

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner R. Valadez to recommend approval-pending enabling ordinance for the zones.

AYES: Gadberry, J. Valadez, Westheimer, Sherrill, R. Valadez, Gray

NAY: None

RECUSED: Hawkins

THE MOTION CARRIED

15. Consideration and action to identify a Zoning Commissioner to attend the January 15, 2009 City Council meeting and speak on behalf of the Zoning Commission with regard to the proposed amendments to the Unified Development Code as part of the 2008 biennial update program.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner R. Valadez to recommend Commissioner Wright as the Zoning Commission spokesperson regarding the proposed amendments to the Unified Development Code as part of the 2008 biennial update program.

AYES: Gadberry, J. Valadez, Westheimer, Sherrill, R. Valadez, Gray

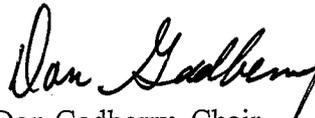
NAY: None

THE MOTION CARRIED

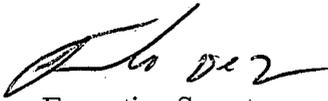
16. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:24 p.m.

APPROVED:


Don Gadberry, Chair

ATTEST:


Executive Secretary