

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
May 17, 2011**

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.

1:00 PM – Public Hearing

2. Roll Call.

PRESENT: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

ABSENT: McFarland, Christian

3. Approval of May 3, 2011 Zoning Commission Minutes.

COMBINED HEARING:

4. **ZONING CASE NUMBER Z2011108 (Council District 9):** A request for a change in zoning from “MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District to “NC NCD-6 AHOD” Neighborhood Commercial Mahncke Park Neighborhood Conservation Airport Hazard Overlay District on Lot 5 and southwest triangle 50 feet of Lot 6, NCB 6244, 116 Elmhurst Avenue. Staff recommends approval, pending Master Plan Amendment.

Staff stated there were 24 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Mahncke Park Neighborhood Association. Staff mailed 21 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Nava seconded by Commissioner McNealy to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

5. **ZONING CASE NUMBER Z2011120 (Council District 3):** A request for a change in zoning from “I-1AHOD” General Industrial Airport Hazard Overlay District to “C-1 AHOD” Light Commercial Airport Hazard Overlay District on south irregular 96.5 feet of Lot 13, Block 31, NCB 3299, 107 Rigsby Avenue. Staff recommends approval.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and Highland Park Neighborhood Association is in favor. Staff mailed 40 notices to the Planning Team, received, and email from a Planning Team Member expressing support.

COMMISSION ACTION

The motion was made by Commissioner Nava seconded by Commissioner McNealy to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

6. ZONING CASE NUMBER Z2011071 (Council District 5): A request for a change in zoning from “C-3 AHOD” General Commercial Airport Hazard Overlay District to “C-3 IDZ AHOD” General Commercial Infill Development Zone Airport Hazard Overlay District on the south 50 feet of Lot 1 and all of Lot 2, Lot 3, Lot 4 and Lot 5, Block 1, NCB 2322, 105 South Zarzamora Street and 2918 West Commerce Street. Staff recommends denial, inconsistent with the plan.

Daniel Ortiz, representative, stated the purpose of this zoning request is to allow for expansion of existing pawnshop. He further stated the “IDZ” designation would allow flexibility in the setback but mostly importantly to address the joint parking.

Staff stated there were 27 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor and no response from Prospect Hill Neighborhood Association nor Avenida Guadalupe Association Inc. Staff mailed 22 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Nava seconded by Commissioner C. Martinez to recommend approval.

AYES: Tiller, McFarland, Ornelas, D. Martinez, Salazar, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

7. ZONING CASE NUMBER Z2011075 CD (Council District 4): A request for a change in zoning from “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District to “R-6 CD AHOD” Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Assisted Living Facility with six or more residents on Lot 29, Block 65, NCB 15859, 906 Rolling Rock. Staff recommends approval.

John Nlemadim, owner, proposing an assisted living facility.

Peter Uwakwe, representative, stated he would like to request a one-month continuance to meet with staff, discuss their site plan, and address parking issues.

Staff stated there were 18 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and Heritage Neighborhood Association is in opposition.

COMMISSION ACTION

The motion was made by Commissioner Salazar seconded by Commissioner Nava to recommend a continuance until June 21, 2011.

AYES: Tiller, Ornelas, D. Martinez, Salazar, C. Martinez, McNealy, Nava

NAY: Anguiano

THE MOTION CARRIED

8. ZONING CASE NUMBER Z2011101 (Council District 6): A request for a change in zoning from “C-3” General Commercial District and “C-3 GC-2” General Commercial Highway 151 Gateway Corridor Overlay District to “MF-33” Multi-Family District and “MF-33 GC-2” Multi-Family Highway 151 Gateway Corridor District on 21.611 acres out of NCB 17642, located along Highway 151 between Wiseman and West 1604 North. Staff recommends approval.

James Griffin, representative, stated they are proposing to develop apartments just under 300 units on the subject property. He stated they have been meeting with the surrounding property owners and associations, have addressed their concerns, and have agreed on deed restrictions.

The following citizen(s) appeared to speak:

Kevin Fletcher, Vice President of Mountainview Acres Neighborhood Coalition, they feel this is a good project and fits well with the community. He further stated they have held several meetings with the representative and have addressed issues with parking, traffic and drainage and based on the deed restrictions they are in support.

Jan Wells, read an email from the Westover Valley Neighborhood Association into the record on behalf of (see attachment).

Dee Laws, speaking on behalf of her father, stated he was not notified of such proposal. She stated they are in opposition of the proposed development. She expressed concerns with possible damage, if any, to their water well.

Jan Wells, stated not all the neighbors are in consensus. She stated they are concerned with the existing drainage issues and feels the subject property would drain into their property. She also expressed concerns with the damages that may occur to their water wells during the proposed development.

Nancy Carlton, stated she is in opposition. She expressed concerns how this would negatively affect her well. She expressed concerns with how this development would affect her livestock and water well.

Rebecca Perez, stated she in support of the proposed apartment development. She stated their concerns have been addressed and feels would be good for the community.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and Mountainview Acres Neighborhood Coalition is in opposition.

COMMISSION ACTION

The motion was made by Commissioner C. Martinez seconded by Commissioner McNealy to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2011110 S (Council District 1): A request for a change in zoning from "C-2 AHOD S" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Medical-Hospital to "C-2 AHOD S" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Medical-Hospital with a maximum height of 111.53 feet on 0.061 acres out of Lot 9, Block 9, NCB 842, 1310 McCullough Avenue. Staff recommends approval.

Steve Drenner, representative, stated they are proposing renovation and expansion of existing hospital. He further stated the purpose of the "S" is to allow an increase in the height restriction. He stated they have meet with the Tobin Hill Neighborhood Association as well as the surrounding affected property owners and have addressed their concerns.

The following citizen(s) appeared to speak:

Paul Jimenez, Hispanic Chamber of Commerce, stated they support this proposal. He the proposed new development would create approximately 60 to 80 new professional level jobs. Furthermore, this would support economic development in the downtown area as well as promote additional development in the commercial area north of downtown.

Anthony Tobias, business owner in the area, stated he is in support of this request. He feels this would be an asset to the neighborhood as well as bring more job opportunities to the neighborhood.

Richard Moore, President of Tobin Hill Neighborhood Association, stated he has been a neighbor to Metropolitan Hospital for 45 year. He stated the ecstastic have been well presented to them and they strongly support this development.

Angie Ruiz, stated she is opposition. She feels the proposed development should be erected on the west of McCullough. She also expressed concerns with the existing drainage issues.

Betty Eckhert, stated the Methodist Hospital has not been a very good neighbor in keeping the community well informed of such proposal. She feels the proposed development should be revisited in hopes an agreement is reached.

Gabriel Sanchez, President of Tobin Hill Community Association, stated they held a meeting with representatives of Methodist Hospital to better understand their proposal. He stated they are in agreement.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 7 returned in favor and Tobin Hill Neighborhood Association is in support. Staff mailed 14 notices to the Planning Team. Staff received an email expressing opposition outside the 200-foot radius.

COMMISSION ACTION

The motion was made by Commissioner Ornelas seconded by Commissioner C. Martinez to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy

NAY: None

RECUSED: Nava

THE MOTION CARRIED

10. **ZONING CASE NUMBER Z2011068 S (Council District 4):** A request for a change in zoning from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-3NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for Machinery, Tools and Construction Equipment Sales and Service on 4.893 acres out of NCB 15172, 6600 Block of Southwest Loop 410. Staff recommends denial.

Jerry Arredondo, representative, stated they are requesting this change in zoning to allow for a rental equipment facility. He stated the purpose of "S" designation is to allow for the sales of equipment. The proposed buyer has two facilities in San Antonio and wishes to open another store. He stated the property has been vacant for many years and has become a dumping site. The owners have continuously invested in having the property clean to avoid citations from Code Enforcement. He further stated he feels this proposal would be for the neighborhood as it would bring economic development and create jobs opportunities.

The following citizen(s) appeared to speak:

Bob Hurst, does not feel the proposed business would be good for the community as the zoning request is not consistent with the future land use. He further stated the request would allow for more intense use and is incompatible with the surrounding residential land uses.

Pastor James Carey, stated their church is south to the subject property. He stated they are not necessarily in opposition however, he would like to have their questions answered prior to proceeding with the case. He stated they would like to know if the entire property would be sold and used for the rental facility. He further stated their concern is what assurance the surrounding neighbors would have that the proposed buyer will not remove portions of the property sale them for other industrial uses. After further discussion with the applicant, he agrees to the proposed change.

Jim Myers, stated he existing owner has had difficulties selling the property for many years and has not succeeded. He stated she has a potential buyer and has attempted to meet with the neighborhood association but was unable. He stated PACE (People Active in Community Efforts) does not support the propose use.

Diana Stoeltje, one of the owners, stated the property is family owner. She stated they purchase the property with the intent on development a business but due to unforeseen circumstances, they were unable to do so. She stated they have tried for many years now to sale the property but have not succeeded. As stated by Mr. Arredondo, the property has become a dumping site and the family has invested in having the property clean to avoid citations from Code Enforcement. She does not feel the property would be suitable for residential development therefore, she would like to recommend approval be granted for this request.

Staff stated there were 15 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and People Active in Community Efforts is in opposition. Staff mailed 30 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Salazar seconded by Commissioner C. Martinez to recommend approval with the condition that the plan amendment is approved.

AYES: Tiller, D. Martinez, Salazar, Anguiano, C. Martinez

NAY: Ornelas, McNealy, Nava

MOTION FAILS

Case will be forwarded to City Council with a recommendation of denial.

11. ZONING CASE NUMBER Z2011092 (Council District 1): A request for a change in zoning from "H R-6 CD AHOD" Residential Single-Family Lavaca Historic Airport Hazard Overlay District with a Conditional Use for multi-family not to exceed three units to "H IDZ AHOD" Infill Development Zone Lavaca Historic Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District and "C-1" Light Commercial District on Lot 23, Block 5, NCB 723, 115 Devine Street. Staff recommends approval, pending plan amendment.

Hilary Scruggs, stated she presented the plan amendment to Planning Commission and was continued therefore she would like to request a continuance until June 7, 2011.

Staff stated there were 22 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and Lavaca Neighborhood Association is in opposition. Staff mailed 12 notices to the Planning Team and received 1 in favor.

COMMISSION ACTION

The motion was made by Commissioner Ornelas seconded by Commissioner Anguiano to recommend a continuance until June 7, 2011.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

12. ZONING CASE NUMBER Z2011102 CD (Council District 6): A request for a change in zoning from "C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with a Conditional Use for Parking And/Or Storage - Long Term on 4.393 acres of land out of Lot 9, NCB 18288, 8233 Potranco Road. Staff recommends approval.

Daniel Ortiz, representative, stated he would like to request a 4-week continuance to further discuss this request with city staff, council office and surrounding property owners.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner C. Martinez seconded by Commissioner McNealy to recommend a continuance until June 21, 2011.

AYES: Tiller, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

13. ZONING CASE NUMBER Z2011115 (Council District 3): A request for a change in zoning from “UD AHOD” Urban Development Airport Hazard Overlay District to “C-2 AHOD” Commercial Airport Hazard Overlay District on Lots 1 and 2, Block 3, NCB 18087, 9903 Hunters Pond. Staff recommends approval.

Brady Braggs, representative, stated the purpose of this request is to allow development of an nursing facility. He further stated the estimated capacity would be approximately 124 beds with 120 full time jobs opportunities. He stated the purpose of the “C-2” zoning designation is to allow the flexibility move the structure 20 feet for the property line.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor. Staff mailed 31 notices to the Planning Team. Staff received a call from Community South Alliance expressing support of “C-2NA” and would like to continue discussion with the developer regarding landscape buffer, parking, lighting and signage.

COMMISSION ACTION

The motion was made by Commissioner Anguiano seconded by Commissioner D. Martinez to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, Nava

NAY: None

RECUSED: McNealy

THE MOTION CARRIED

14. ZONING CASE NUMBER Z2011116 (Council District 2): A request for a change in zoning from “C-3 AHOD” General Commercial Airport Hazard Overlay District and “C-2 AHOD CD” Commercial Airport Hazard Overlay District with a Conditional Use for a Self Service Storage to “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District on 13.69-acre tract of land out of NCB 16554, 11095 North Graytown Road. Staff recommends denial, inconsistent with the plan.

Ken Brown, representative, stated the purpose of this zoning request is to allow for residential development. He stated they presented their proposal to the Planning Commission and was granted the Low Density Residential.

Staff stated there were 6 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor. Staff mailed 31 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner D. Martinez seconded by Commissioner Salazar to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava
NAY: None

THE MOTION CARRIED

15. ZONING CASE NUMBER Z2011117 S (Council District 4): A request for a change in zoning from “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District to “C-3 AHOD S” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for Storage-Outside (Screening from Public ROWs and Adjacent Property Required) on Parcel 74D, NCB 15248, 8331 S. W. Loop 410. Staff recommends denial, pending Master Plan Amendment.

James Griffin, representative, stated a 4-week continuance was granted at the Planning Commission for the Plan Amendment therefore he would like to request a 4-week continuance to continue working with staff and surrounding neighbors.

Staff stated there were 28 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from People Active in Community Efforts. Staff mailed 30 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Salazar seconded by Commissioner C. Martinez to recommend a continuance until June 21, 2011.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava
NAY: None

THE MOTION CARRIED

16. **ZONING CASE NUMBER Z2011119 (Council District 8):** A request for a change in zoning from “PUD MF-33 GC-1 MLOD” Planned Unit Development Multi-Family Hill Country Gateway Corridor Overlay Military Lighting Overlay District and “PUD C-3 GC-1 MLOD” Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District to “PUD C-3 GC-1 MLOD” Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District on 2.8306 acres out of NCB 16390, 25000 Block of IH 10 West. Staff recommends denial of “C-3” and approval of “C-2” pending plan amendment.

James Griffin, representative, stated they have been working closely with city staff and surrounding property owners and have agreed to amend their request as staff has recommended to “C-2”. He stated they have gained support from the Stage Run Homeowners Association, The Dominion and The Northside for Organized Development Organization.

Staff stated there were 3 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor. Staff mailed 42 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Nava seconded by Commissioner D. Martinez to recommend approval of “C-2” pending plan amendment.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: None

THE MOTION CARRIED

17. **ZONING CASE NUMBER Z2011121 S (Council District 1):** A request for a change in zoning from “C-2 AHOD NCD-1” Commercial Airport Hazard Overlay South Presa/South St. Mary's Streets Neighborhood Conservation District to “C-2 AHOD NCD-1 S” Commercial Airport Hazard Overlay South Presa/South St. Mary's Streets Neighborhood Conservation District with a Specific Use Authorization for a Bar/Tavern on 0.0283 acre tract of land out of Lot 1, Block 4, NCB 732, 1014 South Presa Street. Staff recommends approval.

Roger Jimenez, representative, stated he is requesting this change in zoning to allow for bar on the subject property. He stated he has been in contact with the surrounding neighborhood association and has received letters of support the Lavaca and King William Neighborhood Associations. He stated this facility would be upscale similar to Blue Star. They would provide there parking and their hours of operation would be from 6:00 pm til 1:00 am.

The following citizen(s) appeared to speak:

Charles Kane, stated he would like this request be denied. He stated there are existing bars in the neighborhood and have had numerous incidents from the patrons leaving these bars and authorities have had to get involved. He also expressed concerns with the parking, light and noise pollution.

Staff stated there were 28 notices mailed out to the surrounding property owners, 1 returned in opposition and 2 returned in favor no response from Lavaca Neighborhood Association. Staff mailed 12 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Ornelas seconded by Commissioner Anguiano to recommend approval.

AYES: Tiller, Ornelas, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava
NAY: None

THE MOTION CARRIED

18. Amending Chapter 35, Unified Development Code of the City Code of San Antonio, Texas regarding regulation of uses within the River Improvement Overlay Districts to allow an existing use to be conforming.

Andre Gilles, Planning Manager, presented item and recommends approval.

COMMISSION ACTION

The motion was made by Commissioner Anguiano seconded by Commissioner Nava to recommend approval.

AYES: Tiller, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava
NAY: Ornelas

THE MOTION CARRIED

19. **ZONING CASE NUMBER Z2011076-A (Council District 3):** A request for a change in zoning from “H I-2 AHOD RIO-6” Heavy Industrial Mission Historic Airport Hazard Overlay River Improvement Overlay District-6 to “H I-2 S AHOD RIO-6” Heavy Industrial Mission Historic Airport Hazard Overlay River Improvement Overlay District-6 with a Specific Use Authorization for Petroleum-Manufacturing or Processing on 17.615 acres out of NCB 10931, 7811 South Presa Street. Staff recommends approval.

Andre Gilles, Planning Manager, presented item.

The following citizen(s) appeared to speak:

Rob Killen, representative, stated Nu Star recently purchased the subject property with the intent of making needed improvements. He stated they are proposing to utilize the structure as a Petroleum-Manufacturing facility. He stated they have been in meeting with city staff, council office and surrounding neighborhood associations. He further stated they presented their plan amendment to Planning Commission, which was approved on May 16, 2011.

Brad Barron, Nu Star, stated as Mr. Killen mentioned we just recently purchased the property and will rehabilitate and address all code violations to meet building code. He stated their intent is to be a good neighbor and have a safe operation.

Virginia Van Cleave, San Antonio Conversation Society, stated they have serious concerns with the proposed industrial use along the historic Riverwalk. She stated the San Antonio River is a part of history and their intent is to help preserve and protect the river. She further stated the RIO was specifically created to discourage industrial uses along the historic waterway and the Spanish colonial-era missions that have stood for centuries along its banks. She stated allowing such use would only hinder the Riverway.

Staff stated there were 75 notices mailed out to the surrounding property owners. Staff received a letter of support from South Central Alliance of Neighborhoods.

COMMISSION ACTION

The motion was made by Commissioner Anguiano seconded by Commissioner C. Martinez to recommend approval.

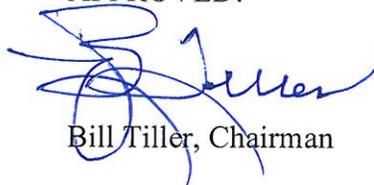
AYES: Tiller, D. Martinez, Salazar, Anguiano, C. Martinez, McNealy, Nava

NAY: Ornelas

THE MOTION CARRIED

20. There being no further business, the meeting was adjourned at 4:30 p.m.

APPROVED:



Bill Tiller, Chairman

ATTEST:



Executive Secretary