

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
September 15, 2009**

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: Gadberry, McFarland, Valadez, Westheimer, Christian, Hawkins, Wright,
Tiller, Gray
ABSENT: Myers, Martinez

3. Approval of September 1, 2009 Zoning Commission Minutes.

COMBINED HEARING:

4. **ZONING CASE NUMBER Z2009127 (Council District 1):** A request for a change in zoning from “R-6 NCD-5” Residential Single Family Beacon Hill Area Neighborhood Conservation District to “C-2NA IDZ NCD-5” Commercial Nonalcoholic Sales Infill Development Zone Overlay Beacon Hill Area Neighborhood Conservation District on 0.273 of an acre out of Lot 9, Lot 10 and Lot 11, Block 7, NCB 1995, 731 Fredericksburg Road. Staff recommends approval.

The following citizen(s) appeared to speak:

Liz Victor, representing Beacon Hill Neighborhood Association, stated are in support of this request. She stated have they have met with the applicant and have agreed to prohibit certain uses that are allow in “C-2NA” such as pawn shops and auto repair facilities.

Staff stated there were 20 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Beacon Hill Neighborhood Association. Staff mailed 16 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner Hawkins to recommend approval.

~~AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Hawkins, Tiller, Gray~~
~~NAY: None~~

THE MOTION CARRIED

5. **ZONING CASE NUMBER Z2009141 (Council District 4):** A request for a change in zoning from "R-6" Residential Single Family District to "MF-25" Multi Family District on 4.990 acres out of Lot 21, Block 8, NCB 15417, Southside of Bertetti Drive between Tomar Drive and Tarasco Drive. Staff recommends approval.

Staff stated there were 50 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and no response from Rainbow Hills Neighborhood Associations.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner Hawkins to recommend approval.

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Hawkins, Tiller, Gray
NAY: None

THE MOTION CARRIED

6. **ZONING CASE NUMBER Z2009148 S (Council District 8):** A request for a change in zoning from "C-2" Commercial District to "C-2 S" Commercial District with a Specific Use Authorization for a Private University or College on 5.926 acres out of NCB 14939 (Per Deed Volume 14010 Page 1280-1282), 10000 IH 10 West. Staff recommends approval.

Staff stated there were 17 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor. Staff also received 5 responses in favor and 2 in opposition outside the 200 foot radius.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner Hawkins to recommend approval.

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Hawkins, Tiller, Gray
NAY: None

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

7. **ZONING CASE NUMBER Z2009119 (Council District 5):** A request for a change in zoning from "MF-33" Multi-Family District to "NC IDZ" Neighborhood Commercial Infill Development Zone Overlay on Lot 281, NCB 6185, 110 Pendleton. Staff recommends approval pending plan amendment.

Al Hansen, representative, stated the purpose of this zoning request is to allow for a convenience store.

Staff stated there were 19 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 in favor and no response from Collin Garden Neighborhood Associations. Staff mailed 32 notices to the Planning Team and staff received an email from Nogalitos/South Zarzamora Coalition expressing their opposition.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Hawkins to recommend approval pending plan amendment.

AYES: Gadberry, McFarland, Westheimer, Christian, Hawkins, Tiller, Gray

NAY: None

RECUSED: Valadez

THE MOTION CARRIED

8. **ZONING CASE NUMBER Z2009124 CD S (Council District 1):** A request for a change in zoning from "I-2" Heavy Industrial District, "I-1" General Industrial District, "C-3" General Commercial District, "C-3 R" General Commercial Restrictive Alcoholic Sales District, "C-3NA" General Commercial Nonalcoholic Sales District, "O-2" High-Rise Office District, "C-2" Commercial District, "C-2NA CD" Commercial Non-Alcoholic Sales District with a Conditional Use for Auto Repair and "C-1" Light Commercial District to "L" Light Industrial District, "C-2" Commercial District, "C-2 P" Commercial Pedestrian District, "C-2 CD" Commercial District with a Conditional Use for Auto Repair, "C-2 CD" Commercial District with a Conditional Use for a Bar/Tavern, "C-2 CD" Commercial District with a Conditional Use for a Nightclub, "C-2 CD" Commercial District with a Conditional Use for an Office Warehouse, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for Tire Repair and Muffler Sales and Installation, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for a Large Scale Printer, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for a Construction Trades Contractor, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for Auto Repair, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for Auto Sales, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for Auto Paint and Body, "C-2 P CD" Commercial Pedestrian District with a Conditional Use for a Mini Warehouse/Self-Storage, "C-1" Light Commercial District, "C-1 S" Light Commercial District with a Specific Use Authorization for a Non-Commercial Parking Lot, "C-1 CD" Light Commercial District with a Conditional Use for Auto Sales, "C-1 CD" Light Commercial District with a Conditional Use for a Tattoo Parlor/Studio, "C-1 CD" Light Commercial District with a Conditional Use for a Convenience Store with Gasoline, "C-1 CD" Light Commercial District with a Conditional Use for Auto Repair, "C-1 CD" Light Commercial District with a Conditional Use for a Car Wash, "C-1 CD" Light Commercial District with a Conditional Use for Tire Repair, "O-1" Office District, "NC" Neighborhood Commercial District, "MF-40" Multi-Family District, "MF-25" Low Density Multi-Family District, "RM-4" Residential Mixed District, "RM-4 CD" Residential Mixed District with a Conditional Use for a Day Care, "R-6"

Residential Single-Family District, "R-5" Residential Single-Family District, "R-4" Residential Single-Family District, "R-4 CD" Residential Single-Family District with a Conditional Use for a Non-Commercial Parking Lot on multiple properties generally located along West Avenue (approximately within 750 feet of the centerline of West Avenue), bound by Jackson-Keller Road to the north and Interstate Highway 10 (IH-10) to the south. Staff recommends approval.

Jacob Floyd, Case Manager, presented item. He stated 3723 West Avenue has been removed for renotification.

The following citizen(s) appeared to speak:

Charles Dove, Vice President of Los Angeles Heights Neighborhood Association and active community member of Greater Dellview Area Community Plan, stated they are in support, as this would help preserve and enhance their community.

Sylvia Candia, speaking on behalf of Marianna Orneales, Chair of Greater Dellview Area Community and President of Dellview Neighborhood Association, stated they strongly support of this zoning proposal.

Paul Rohlfr, spoke in opposition. He stated currently owns a commercial property within this reasoning area and is concerned with the negative impact this proposal would have on this property. He further stated he did attend the neighborhood meetings regarding this proposal and was concerned with the attendance. He stated the majority of attendees were mostly residential property owners. He has visited with his neighboring business owners and has been informed that they were unaware of this proposal therefore he would like to request a continuance to give the local businesses in this area a chance to voice their input.

Patrick Christensen, representing some property owners within this area, stated he would like to request a continuance to meet with City staff and property owners to addresses their concerns.

Carol Ligutchick, representing Bill Miller's Bar-B-Que, stated they are in opposition. She expressed concerns with the negative impact this would have on their property. She feels this would take their rights away as well making their property less valuable should the wish to sell their property.

Tony Abbott, stated he is in opposition of this proposal. He recently purchased a property within this area and is concerned how this would affect his property value.

Staff stated there were 125 notices mailed out to owners of subject parcels, 419 notices to owners of property within 200 feet, 25 returned in opposition and 15 in favor and 2 with no indication. Northwest Los Angeles Heights Neighborhood Association is in favor and no response from Dellview Area or North Central Neighborhood Association. Staff mailed 31 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner Tiller to recommend approval as presented by staff with the specific recommendation that staff make note of the commercial property owners who are presented here today and speak with Mr. Christensen regarding those who he represents who are not present here today to make sure their concerns are addressed.

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Hawkins, Tiller, Gray
NAY: None

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2009134 (Council District 3 and 5): A request for a change in zoning from "C-2" Commercial District, "C-3" General Commercial District, "C-3 RIO-4" General Commercial River Improvement Overlay District-4, "C-3NA" General Commercial Nonalcoholic Sales District, "C-3NA RIO-4" General Commercial Nonalcoholic Sales River Improvement Overlay District-4, "C-3R" General Commercial Restrictive Alcohol Sales District, "H C-2 RIO-5" Commercial Mission Historic River Improvement Overlay District-5, "H C-3" General Commercial Mission Historic District, "H C-3 CD RIO-5" General Commercial Mission Historic River Improvement Overlay District-5 with a Conditional Use for On Premise Consumption of Alcoholic Beverages, "H C-3 RIO-5" General Commercial Mission Historic River Improvement Overlay District-5, "H C-3NA" General Commercial Nonalcoholic Sales Mission Historic District, "H C-3NA CD" General Commercial Nonalcoholic Sales Mission Historic District with a Conditional Use for a Packing Plant, "H C-3NA CD RIO-5" General Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay District-5 with a Conditional Use for a Wholesale Food Distributor, "H C-3NA RIO-4" General Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay District-4, "H C-3NA RIO-5" General Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay District-5, "H C-3R" General Commercial Restrictive Alcohol Sales Mission Historic District, "H C-3R RIO-5" General Commercial Restrictive Alcohol Sales Mission Historic District River Improvement Overlay District-5, "H I-1" General Industrial Mission Historic District, "H MF-33 RIO-5" Multi-Family Mission Historic River Improvement Overlay District-5, "H O-2 RIO-5" Office Mission Historic River Improvement Overlay District-5, "H R-4" Residential Single Family Mission Historic District, "H R-5" Residential Single Family Mission Historic District, "I-1" General Industrial District, "HS I-1 RIO-4" Historic Significant General Industrial River Improvement Overlay District-4, "I-1 RIO-4" General Industrial River Improvement Overlay District-4, "O-2 RIO-4" Office River Improvement Overlay District-4, "R-4 RIO-4" Residential Single Family River Improvement Overlay District-4 to "C-1" Light Commercial District, "HS C-2 RIO-4" Historic Significant Commercial River Improvement Overlay District-4, "C-2 RIO-4" Commercial River Improvement Overlay District-4, "C-2" Commercial District, "H C-2NA RIO-4" Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay District-4, "C-2NA RIO-4" Commercial Nonalcoholic Sales River Improvement Overlay District-4, "C-2NA" Commercial Nonalcoholic Sales District, "H C-1" Light Commercial Mission Historic District, "H C-2NA" Commercial Nonalcoholic Sales Mission Historic District, "H C-2 RIO-5" Commercial Mission Historic River Improvement

Overlay District-5, "H C-2" Commercial Mission Historic District, "H C-2NA RIO-5" Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay District-5, "H C-3" General Commercial Mission Historic District, "H IDZ" Infill Development Mission Historic District with uses permitted in "MF-33" Multi-Family and "C-2" Commercial Districts, "H MF-33 RIO-5" Multi-Family Mission Historic River Improvement Overlay District-5, "H MF-33" Multi-Family Mission Historic District, "H O-1 RIO-5" Office Mission Historic River Improvement Overlay District-5, "H R-6 RIO-4" Residential Single Family Mission Historic River Improvement Overlay District-4, "H R-6 RIO-5" Residential Single Family Mission Historic River Improvement Overlay District-5, "MF-18 RIO-4" Multi-Family River Improvement Overlay District-4, "MF-25" Multi-Family District, "MF-33 RIO-4" Multi-Family River Improvement Overlay District-4, "MF-33" Multi-Family District, "O-1 RIO-4" Office River Improvement Overlay District-4, "R-4 RIO-4" Residential Single Family River Improvement Overlay District-4, "R-6" Residential Single Family District, "R-6 RIO-4" Residential Single Family River Improvement Overlay District-4 on multiple legal descriptions for property generally located within 200 feet of Roosevelt Avenue between the terminus of St. Mary's Street and Southeast Military Drive and 300 feet of Roosevelt Avenue between Southeast Military Drive and Southeast Loop 410 and remaining portions of said property located outside of said distance from Roosevelt Avenue on multiple addresses. Staff recommends approval pending plan amendment.

Michael Taylor, Case Manager, presented item. He stated Zoning Commission continued from August 18, 2009 Zoning Commission Meeting and directed staff to provide additional opportunities for public input. He stated City Staff held two open house sessions on September 8th in the morning and afternoon. Staff mailed out notices to all property owners who received official notice of the zoning change. He stated after public input staff has made a few changes to staff recommendation to address their concerns.

Commissioner Wright arrived at 1:54 pm.

The following citizen(s) appeared to speak:

Bebb Frances, representing ICP Industries, stated they are in support of this proposal. He stated they have met with city staff and the council office and will continue to work with them to ensure they have the proper zoning designation.

Garrett Dinkler, Vice President of East Pyron/Symphony Lane Neighborhood Association, stated they in favor of this proposal.

Dean Perry, business owner, stated he is opposition of this request as he feels this would negatively affect his property and limit his uses.

James Barton, business owner, stated he is in opposition of this request. He expressed concerns with the negative impact this proposal would have on his property.

Juan Torres, business owner, stated he is in opposition.

Carlos Valle, business owner, spoke in opposition.

Ernest Calderon, business owner, spoke in opposition.

Garry Nelson, business owner, spoke in opposition.

Carol Brown, stated he supports the overall plan however he would like request a few properties be excluded and dealt with separately as each property has exceptions.

Wayne Holly, stated he strongly opposes this request as this change would plant many restrictions on their property.

Mike Tapia, stated he is also in opposition of this request. He stated he understand they would be grandfathered however grandfathering is not permanent.

Carol Lagutchick, representing Bill Miller's Bar-B-Que, stated they are in opposition of this request.

Tony Shaker, stated he is in opposition. He stated this proposal would limit their uses and in some prohibit possible expansion of their buildings.

Margaret Carrizales, business owner, stated she also in opposition as this would negatively affect their property.

Frank Shaker, stated in he is opposition. He stated he has attended the neighborhood meetings and still is in opposition. He does not feel the community would benefit from this proposal.

Staff stated there were 175 notices mailed to subject parcels, 577 notices within 200 feet, 25 returned in opposition (13 from subject properties) and 12 in favor (1 from subject property) and 3 not checked and East Pyron/Symphony Lane Neighborhood Association and Mission San Jose Neighborhood Appearance & Safety Committee are in favor. Staff mailed 20 notices to the South Central Planning Team and 16 notices to Stinson Steering Committee.

COMMISSION ACTION

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

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Wright, Tiller, Gray
NAY: Hawkins

THE MOTION CARRIED

10. **ZONING CASE NUMBER Z2009135 (Council District 3 and 5):** A request for a change in zoning from multiple zoning districts to multiple zoning districts to adopt the Roosevelt Avenue Metropolitan Corridor Overlay District (MC-1) on multiple legal descriptions for property generally located within 200 feet of Roosevelt Avenue between the terminus of St. Mary's Street and Southeast Military Drive and 300 feet of Roosevelt Avenue between Southeast Military Drive and Southeast Loop 410, multiple addresses. Staff recommends approval.

Michael Taylor, Case Manager, presented item. As mentioned in the previously case, they held two open house sessions to address the property owners concerns.

The following citizen(s) appeared to speak:

Garry Nelson, business owner, stated he has met with city staff however; his position is still in opposition. He does not feel this would his business would benefit from this overlay. He feels this would place roadblocks should he plan to enhance his business.

Dean Perry, business owner, stated he strongly opposes this proposal. He stated his business as well as all the other many businesses along Roosevelt would be negatively affected by this proposal.

Bennie Campbell, business owner, stated he is in opposition of this request.

Tony Shaker, business owner, stated he is in opposition. He stated this overlay would place restrictions on their future enhancements should they wish to renovate their businesses.

Tim Lindsey, business owner, spoke in opposition. He expressed concerns with the negative impact this overlay would have on the business along Roosevelt.

Carlos Valle, business owner, spoke in opposition. He expressed concerns with the possible increase in property taxes.

Leonard Gittinger, business owner, stated he strongly opposes this proposal.

Frank Schaffer, business owner, stated he is in opposition of this overlay.

Margaret Carrizales, business owner, stated she would like to know how, where or who created the design standards for this overlay.

Staff stated there were 340 notices mailed out to subject parcels, 584 within 200 feet, 30 returned in opposition (22 from subject properties) and 13 in favor (2 from subject properties), 2 not checked and East Pyron/Symphony Lane Neighborhood Association and Mission San Jose Appearance & Safety Committee are in favor. Staff mailed 20 notices to the South Central San Antonio Planning Team and 16 notices to Stinson Steering Committee.

COMMISSION ACTION

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

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Wright, Tiller, Gray
NAY: Hawkins

THE MOTION CARRIED

11. **ZONING CASE NUMBER Z2009139 (Council District 4):** A request for a change in zoning from "C-2" Commercial District and "C-3R" Commercial Restrictive Alcohol Sales District to "C-2" Commercial District on 2.737 acres out of NCB 15910, 9902 Potranco Road. Staff recommends approval.

Mickey Meyer-Sturgis, applicant, stated the purpose of this request is to allow alcohol sales with food consumption.

The following citizen(s) appeared to speak:

Rev. Jessie Grice, spoke in opposition.

Johnie Johnson, spoke in opposition.

Ann Swayne, spoke in opposition.

Rebecca Meckes, spoke in opposition.

Steve Mayfield, spoke in opposition.

Staff stated there were 13 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 in favor and Heritage Neighborhood Association is in favor.

COMMISSION ACTION

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

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Hawkins, Wright, Tiller, Gray
NAY: None

THE MOTION CARRIED

12. **ZONING CASE NUMBER Z2009140 (Council District 5):** A request for a change in zoning from "R-4" Residential Single-Family District to "C-2" Commercial District on Lot 5, Block 69, NCB 3667, 323 Northwest 24th Street. Staff recommends denial of "C-2" with an alternate recommendation of "O-1".

Applicant/Representative not present.

Staff stated there were 23 notices mailed out to the surrounding property owners, 3 returned in opposition and 0 in favor and no response from Prospect Hill Neighborhood Association.

COMMISSION ACTION

The motion was made by Commissioner Valadez and seconded by Commissioner Westheimer to recommend a continuance until October 6, 2009.

AYES: Gadberry, McFarland, Valadez, Westheimer, Christian, Wright, Gray

NAY: None

THE MOTION CARRIED

13. **ADJOURNMENT.**

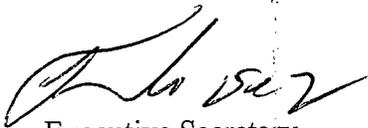
There being no further business, the meeting was adjourned at 4:08 p.m.

APPROVED:



Don Gadberry, Chairman

ATTEST:



Executive Secretary