

CITY OF SAN ANTONIO
Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
First Floor

November 3, 2009
Tuesday, 12:45 PM

ZONING COMMISSIONERS

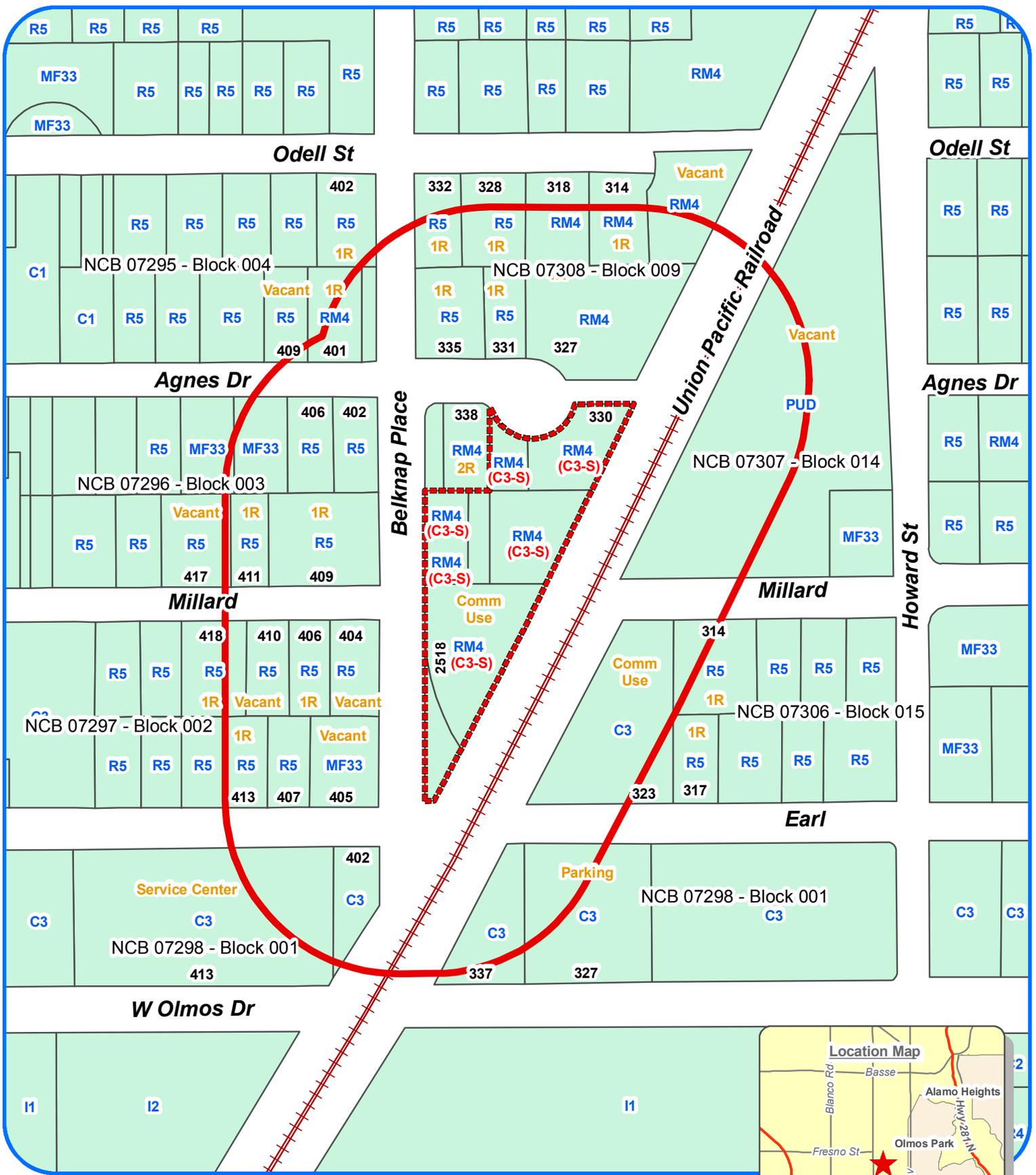
Carolyn Kelley – District 1	David Christian – District 7
Barbara Hawkins – District 2	Billy J. Tiller – District 8
Jim Myers – District 4	Susan Wright – District 9
Joe Valadez – District 5	Milton R. McFarland – District 10
Christopher Martinez – District 6	James Gray – District Mayor
Don Gadberry – District 3 Chairman	

1. **12:45 PM - Tobin Room** – Work Session on related items, discussion of policies and administrative procedures and any items for consideration on the agenda for November 3, 2009.
2. 1:00 P.M. Board Room– Call to Order
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of October 20, 2009 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2009166 S:** A request for a change in zoning from “RM-4” Residential Mixed District to “C-3 S” General Commercial District with a Specific Use Authorization for a Contractor's Facility on 1.113 acres out of NCB 8560, 2518 Belknap Street. (Council District 1)
7. **ZONING CASE NUMBER Z2009168:** A request for a change in zoning from “NP-10” Neighborhood Preservation District to “C-3R” Commercial Restrictive Alcoholic Sales District on 1.146 acres and “I-1” General Industrial District on 2.152 acres on 3.298 acres out of Block 4, NCB 11379 on a portion of 303 South Acme Road. (Council District 6)
8. **ZONING CASE NUMBER Z2010001 S:** 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 “C-3 S” General Commercial District with a Specific Use Authorization for a Pay Day Loan Agency and “C-3 GC-2 S” General Commercial Highway 151 Gateway Corridor Overlay District with a Specific Use Authorization for a Pay Day Loan Agency on Lot 8, Block 2, NCB 15329, 8802 Potranco Road. (Council District 6)
9. **ZONING CASE NUMBER Z2010002 CD:** A request for a change in zoning from “C-2” Commercial District to “C-2 CD” Commercial District with a Conditional Use for Auto Parking and/or Long-Term Storage on 0.579 acres out of NCB 11609, 2400 Block of Babcock Road. (Council District 8)

10. **ZONING CASE NUMBER Z2010003:** A request for a change in zoning from “R-6” Residential Single-Family District to “MF-33” Multi-Family District on 12.8 acres out of NCB 14890, 5600 Block of UTSA Boulevard. (Council District 8)
11. Consideration and recommendation on a proposed amendment to the Unified Development Code regarding building heights within 100 feet of single-family uses.
12. Consideration and recommendation on a proposed amendment to the Unified Development Code regarding public notification procedures for certain items heard by the Board of Adjustment.
13. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
14. **ADJOURNMENT**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



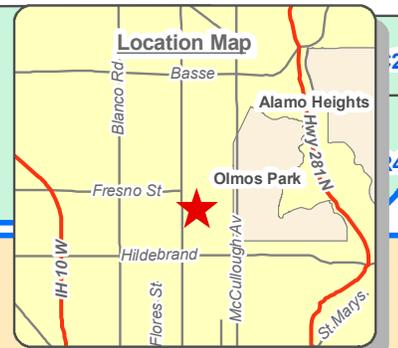
Zoning Case Notification Plan

Case Z-2009-166 S

Council District 1
 Scale: 1" approx. = 150 Feet
 Subject Property Legal Description(s): 1.113 acres out of NCB 08559 and NCB 08560

Legend

- Subject Property (1.113 Acres)
- 200' Notification Buffer
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
 City of San Antonio
 (10/02/2009 - E Hart)

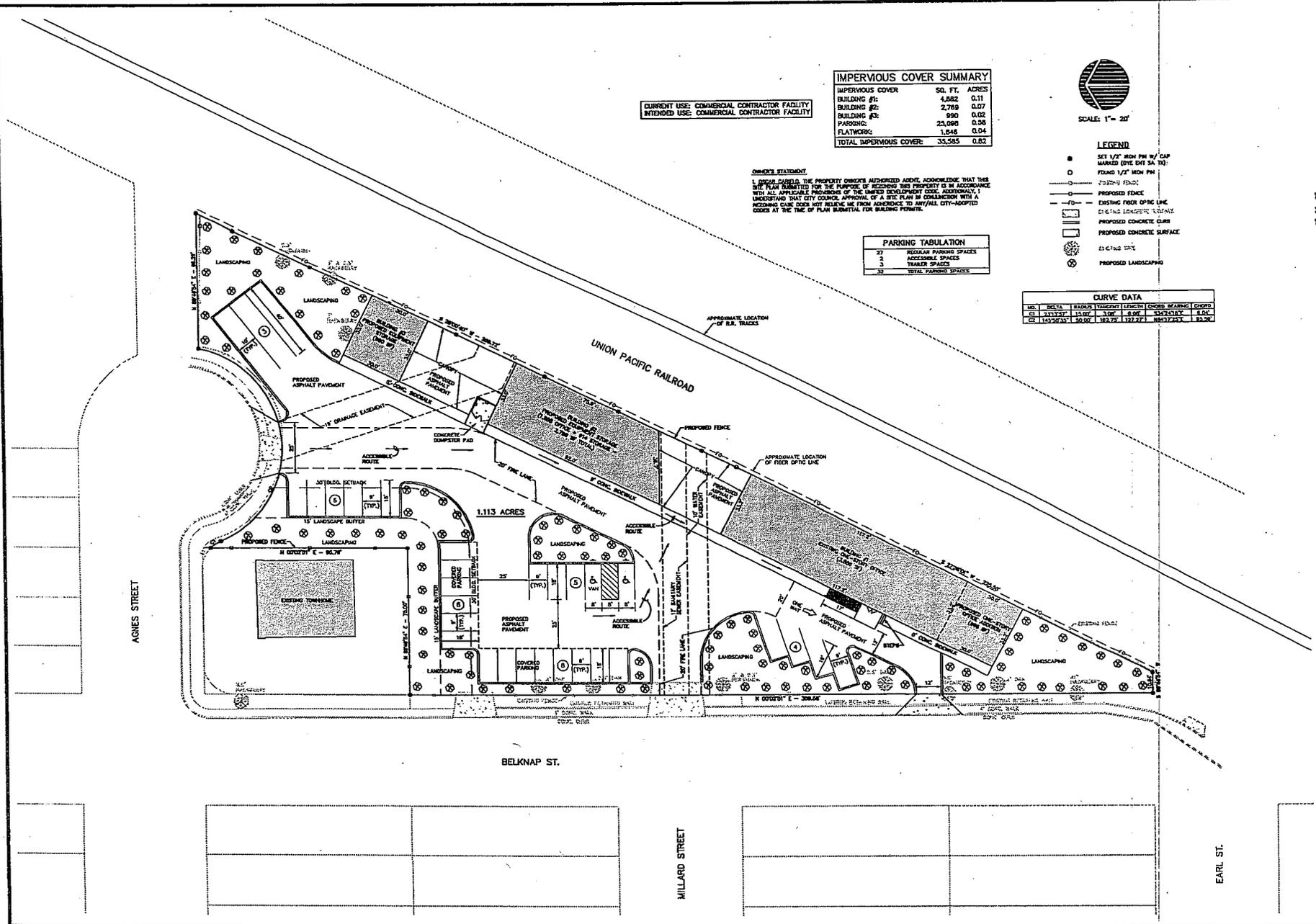
CASE NO: Z2009166 S

Final Staff Recommendation - Zoning Commission

zoning classification would limit the scope of use allowed and restrict future occupancy should the use cease for an extended period of time. However, it would still require a plan amendment.

CASE MANAGER : Brenda Valadez 207-7945

72009166



CURRENT USE: COMMERCIAL CONTRACTOR FACILITY
 INTENDED USE: COMMERCIAL CONTRACTOR FACILITY

IMPERVIOUS COVER SUMMARY	
IMPERVIOUS COVER	SQ. FT. ACRES
BUILDING #1:	4,882 0.11
BUILDING #2:	2,789 0.07
BUILDING #3:	900 0.02
PAVING:	23,096 0.58
FLATWORK:	1,846 0.04
TOTAL IMPERVIOUS COVER:	33,585 0.82

OWNER'S STATEMENT
 I, [NAME], OWNER OF THE PROPERTY, HEREBY STATE AND ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF SECURING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE UNITED DEVELOPMENT CODE. ADDITIONALLY, I UNDERSTAND THAT CITY COUNCIL APPROVAL OF A SITE PLAN IN CONNECTION WITH A SECONDING CASE DOES NOT RELIEVE ME FROM ADHERENCE TO ANY/ALL CITY-ADOPTED ORDINANCES AT THE TIME OF PLAN SUBMITTAL FOR BUILDING PERMITS.

PARKING TABULATION	
27	REGULAR PARKING SPACES
2	ACCESSIBLE SPACES
3	TRAILER SPACES
32	TOTAL PARKING SPACES



- LEGEND**
- SET 1/2" IRON PIN W/ CAP MARKED (DYE DYE SA TA)
 - FOUND 1/2" IRON PIN
 - PROPOSED FENCE
 - - - - - EXISTING FENCE
 - - - - - EXISTING FIBER OPTIC LINE
 - ▨ EXISTING LANDSCAPE VEGETATION
 - ▩ PROPOSED CONCRETE CURB
 - ▩ PROPOSED CONCRETE SURFACE
 - EXISTING TREE
 - PROPOSED LANDSCAPING

CURVE DATA						
NO.	DELTA	RAIUS	TANGENT LENGTH	CHORD BEARING	CHORD	PC TO PT
1	115.00	150.00	115.00	115.00	115.00	115.00
2	115.00	150.00	115.00	115.00	115.00	115.00

NO. DATE	COMMENTS
DYE ENTERPRISES, INC. 12345 MAIN STREET SAN ANTONIO, TEXAS 78201 TEL: (512) 123-4567	
TEXAS PRIMER CONTRACTOR FACILITIES SITE PLAN	
CITY OF SAN ANTONIO, COUNTY OF BEXAR, STATE OF TEXAS	
DRAWN BY: D.S.G./A.J.W. CHECKED BY: D.S.G. DATE: 8-22-2009 PROJECT NO: 060172-04	
SHEET 1 of 1	

Neighborhood and Urban Design Division

Zoning Case Review

Zoning Case No.: Z2009166

Address: 2518 Belknap

Existing Zoning: RM-4 **Requested Zoning:** C-3 S (with a specific use authorization for a contractor) facility

Registered Neighborhood Association(s): None.

Neighborhood/Community/Perimeter Plan: North Central Neighborhoods Community Plan

Future Land Use for the site: Low Density Residential

Analysis:

The 1.113 acre subject property is currently zoned RM-4, and is developed with paved parking surface and sheds. There is an existing duplex immediately adjacent to the northwest corner of the property. The properties to the north and west are classified as Low Density Residential while the properties to the south and east are classified as Neighborhood Commercial.

The North Central Neighborhoods Community plan designates the future land use for the property as Low Density Residential. Low Density Residential supports the principles of concentrating urban growth, reinforcing existing neighborhoods, and supporting residential growth within walking distance of neighborhood commercial centers and schools. Low Density Residential areas are composed mainly of single family dwellings on individual lots. This classification describes established residential neighborhoods of low to medium density and supports compatible infill development.

Rezoning the subject property will require an amendment to change the future land use classification from Low Density Residential to Regional Commercial. The Regional Commercial land use classification includes high density land uses that draw their customer base from a larger region. Regional Commercial uses are typically located at intersection nodes of major arterial highways and expressways or along transit system nodes. Additionally, the commercial nodes are typically twenty acres or greater in area. The subject property is not located at an intersection with a major arterial highway and is not adjacent to a transit system node. Its location within an established residential area could also pose traffic problems for nearby residents. A plan amendment has been submitted. Staff recommends denial of the request as submitted.

Request conforms to Land Use Plan

Request does not conform to Land Use Plan

Consistency not required because base zoning not changing

Other Comments:

Staff Recommendation:

Approval

Denial as submitted

Alternate Recommendation

Alternate Recommendation: NC, C-1, and O-1 with a plan amendment to Neighborhood Commercial land use.

Reviewer: Tyler Sorrells

Title: Planner

Date: 9/30/09

Manager Review: Nina Nixon-Mendez

Date: 10/01/09

11/06/08



Zoning Case Notification Plan

Case Z2009168

Council District 2
 Scale: 1" approx. = 150 Feet
 Subject Property Legal Description(s): NCB 11379 - Block 004 - 3.298 acres out of Tract TR-9

- Legend**
- Subject Property (3.298 Acres)
 - 200' Notification Buffer
 - Current Zoning **TEXT**
 - Requested Zoning Change **TEXT**
 - 100-Year DFIRM Floodplain



Planning & Development Services Dept
 City of San Antonio
 (10/05/2009 - E Hart)

CASE NO: Z2009168

Final Staff Recommendation - Zoning Commission

Date: November 03, 2009

Council District: 6

Ferguson Map: 614 E4

Applicant Name:

Owner Name:

Habib H. Erkan, Jr.

Van Overborg Family Limited Partnership

Zoning Request: From "NP-10" Neighborhood Preservation District to "C-3R" Commercial Restrictive Alcoholic Sales District (1.146 acres) and "I-1" General Industrial District (2.152 acres).

Property Location: 3.298 acres out of Block 4, NCB 11379

A portion of the property addressed at 303 South Acme Road

On the westside of South Acme Road, between Joe Blanks Street and Estrella Street

Proposal: To make consistent with surrounding zoning

Neigh. Assoc. Community Workers Council

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval.

The subject property consists of 3.298 acres out of a larger 13.6-acre parcel. The subject property is occupied by an existing single-family residence, measuring approximately 2000 square feet in size. Upon annexation, the property was zoned "A" Single-Family Residence District. In a 1988 City-initiated rezoning case, the zoning was changed to "RA" Residence-Agriculture District. Upon the adoption of the 2001 Unified Development Code, the previous zoning converted to the current "NP-10" Neighborhood Preservation District. Much of the zoning surrounding the subject property was the result of the same 1988 City-initiated rezoning case. Surrounding zoning includes "I-1" General Industrial District to the north, west, and south; "C-3NA" General Commercial Nonalcoholic Sales District to the north and south; with "R-4" and "R-6" Residential Single-family Districts to the east. Surrounding land uses include undeveloped land to the north, west, and south; with single-family residences and vacant residential lots to the east across Acme Road. Other surrounding uses include a church farther to the north, a public park farther to the southeast, and a large apartment complex farther to the south. The applicant requests "C-3R" General Commercial Restrictive Alcoholic Sales District on 1.146 acres and "I-1" General Industrial District on 2.152 acres, in order to make the subject property consistent with the other zoning along the west side of South Acme Road.

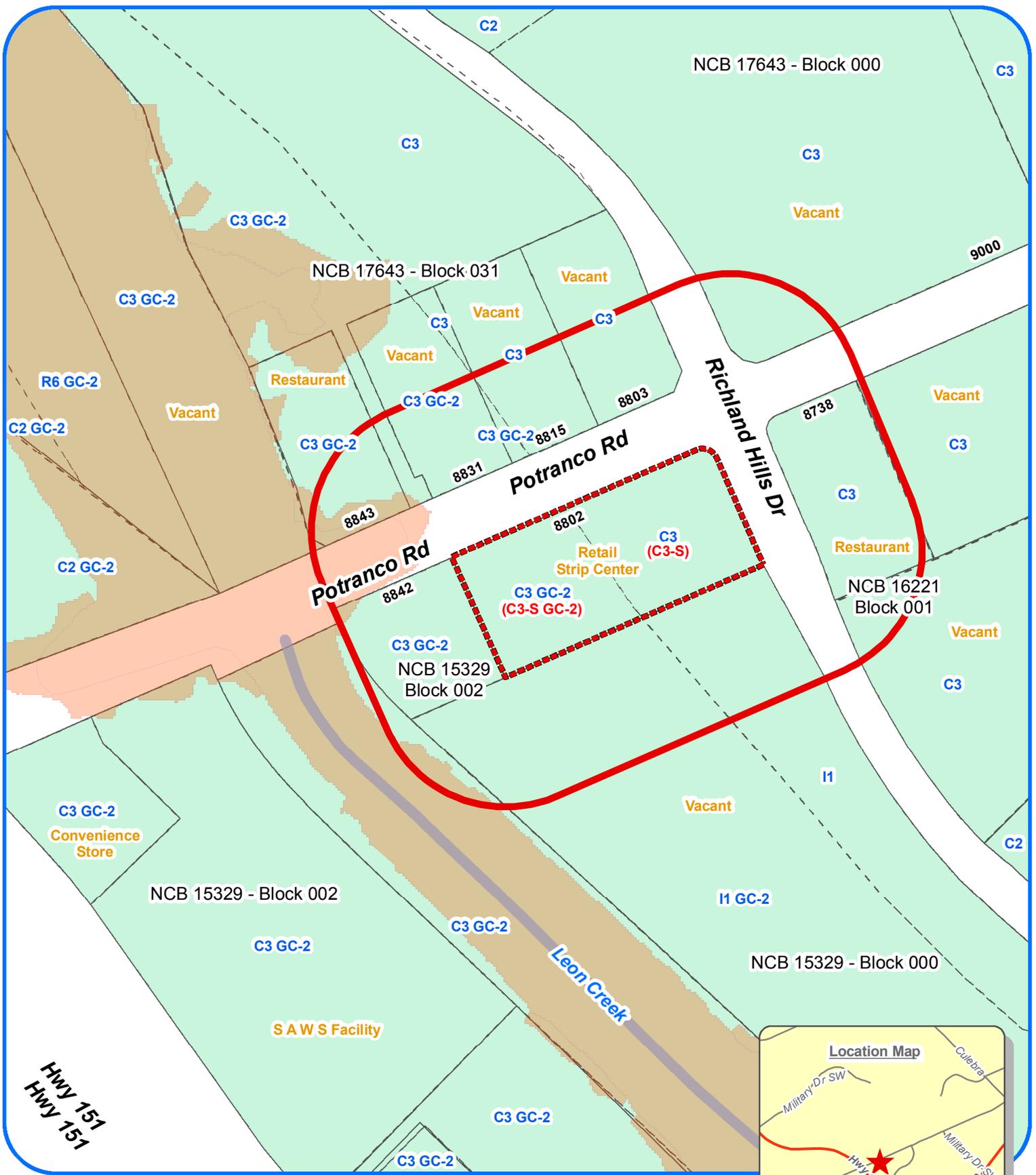
Although not a common practice today, the pattern of intense commercial zoning along the frontage of arterial thoroughfares with industrial zoning located on the interior of the lot was common at the time the current zoning was implemented. This pattern is not one staff would normally encourage, because it can lead to the traffic congestion and sustainability concerns that accompany intense commercial and industrial development. Furthermore, staff has concerns regarding the potential impact intense commercial and industrial development can have on surrounding residential properties. However, the existing "NP-10" zoning district is also inappropriate for the subject property. While the current zoning reflects the historical residential and agricultural uses of the subject property, it is at odds with the surrounding zoning pattern. Should the "NP-10" district remain on the subject property, surrounding commercial and industrial development will be burdened with intense setback and landscape buffer requirements in order to mitigate any potential negative

CASE NO: Z2009168

Final Staff Recommendation - Zoning Commission

impacts such uses can have on residential properties. Additionally, the properties located along the west side of Acme Road tend to be large-acreage lots with additional frontage along an expressway (Highway 151). Many of these lots are partially located within the "MAOZ" Military Airport Overlay Zone. Properties within the "MAOZ" are not considered appropriate for residential uses or any use that allows or encourages the gathering of large numbers of people, because of the inherent danger of being located in close proximity to a military airfield and approach path. Therefore, staff supports the requested rezoning in order to create a cohesive zoning pattern for the properties located between Highway 151 and Acme Road.

CASE MANAGER : Micah Diaz 207-5876



Zoning Case Notification Plan

Case Z-2010-001S

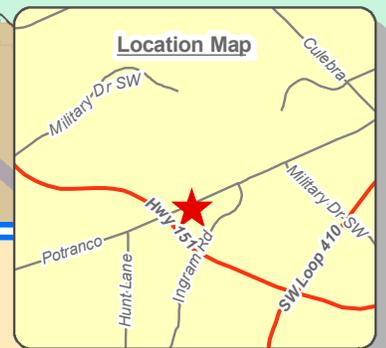
Council District 6

Scale: 1" approx. = 200 Feet

Subject Property Legal Description(s): NCB 15329 - Block 002 - Lot 8

Legend

- Subject Property (2.0360 Acres)
- 200' Notification Buffer
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
 City of San Antonio
 (10/19/2009 - E Hart)

CASE NO: Z2010001 S

Final Staff Recommendation - Zoning Commission

Date: November 03, 2009

Council District: 6

Ferguson Map: 613 B2

Applicant Name:

Jerry Arredondo

Owner Name:

Potranco Richland Hills, L. P.

Zoning Request: From "C-3" General Commercial District and "C-3 GC-2" General Commercial Highway 151 Gateway Corridor Overlay District to "C-3 S" General Commercial District with a Specific Use Authorization for a Pay-Day Loan Agency and "C-3 GC-2 S" General Commercial Highway 151 Gateway Corridor Overlay District with a Specific Use Authorization for a Pay-Day Loan Agency.

Property Location: Lot 8, Block 2, NCB 15329

8802 Potranco Road

On the southwest corner of Potranco Road and Richland Hills Drive

Proposal: To allow for a Pay-Day Loan Agency

Neigh. Assoc. The nearest Neighborhood Association is Heritage Neighborhood Association

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval

The subject property is located on the northwest side of San Antonio; on the southwest corner of Potranco Road, a major thoroughfare and Richland Hills Drive. The subject property was annexed in May of 1986, totals 2.0360 acres and is currently occupied by a shopping center with retail businesses and vacant suites. The existing shopping center includes one commercial building that measures approximately 19,600 square feet and was constructed in 2008. The subject property was zoned Temporary "R-1" Single Family Residence District at annexation. In September of 1986, the 2.0360 acre site was part of a larger acre site that was granted a zoning change from Temporary "R-1" Single Family Residence District to "B-3" Business District. Upon adoption of the 2001 Unified Development Code, the existing "C-3" General Commercial District zoning converted from the previous "B-3" Business District. Surrounding zoning includes "C-3 GC-2" General Commercial Highway 151 Gateway Corridor Overlay District to the west with "I-1" General Industrial District and "I-1 GC-2" General Industrial Highway 151 Gateway Corridor Overlay District to the south. Property across Potranco Road to the north is zoned "C-3" General Commercial District and "C-3 GC-2" General Commercial Highway 151 Gateway Corridor Overlay District. Property across Richland Hills Drive to the east is zoned "C-3" General Commercial District. The overlay district (GC-2) was applied to those portions of the property within 1,000 feet of the Highway 151 right-of-way in April of 2005. The subject property is not within a registered Neighborhood Association or within a Community Plan.

The applicant is requesting a Specific Use Authorization to allow a Pay-Day Loan Agency. A Pay-Day Loan Agency is identified in the Unified Development Code as a use requiring a Specific Use Authorization to be allowed by-right in "C-1" Light Commercial District, "C-2" Commercial District and "C-3" General Commercial District. Staff finds the requested Specific Use Authorization to be appropriate for the subject property as it is consistent with other existing uses along Potranco Road.

CASE NO: Z2010001 S

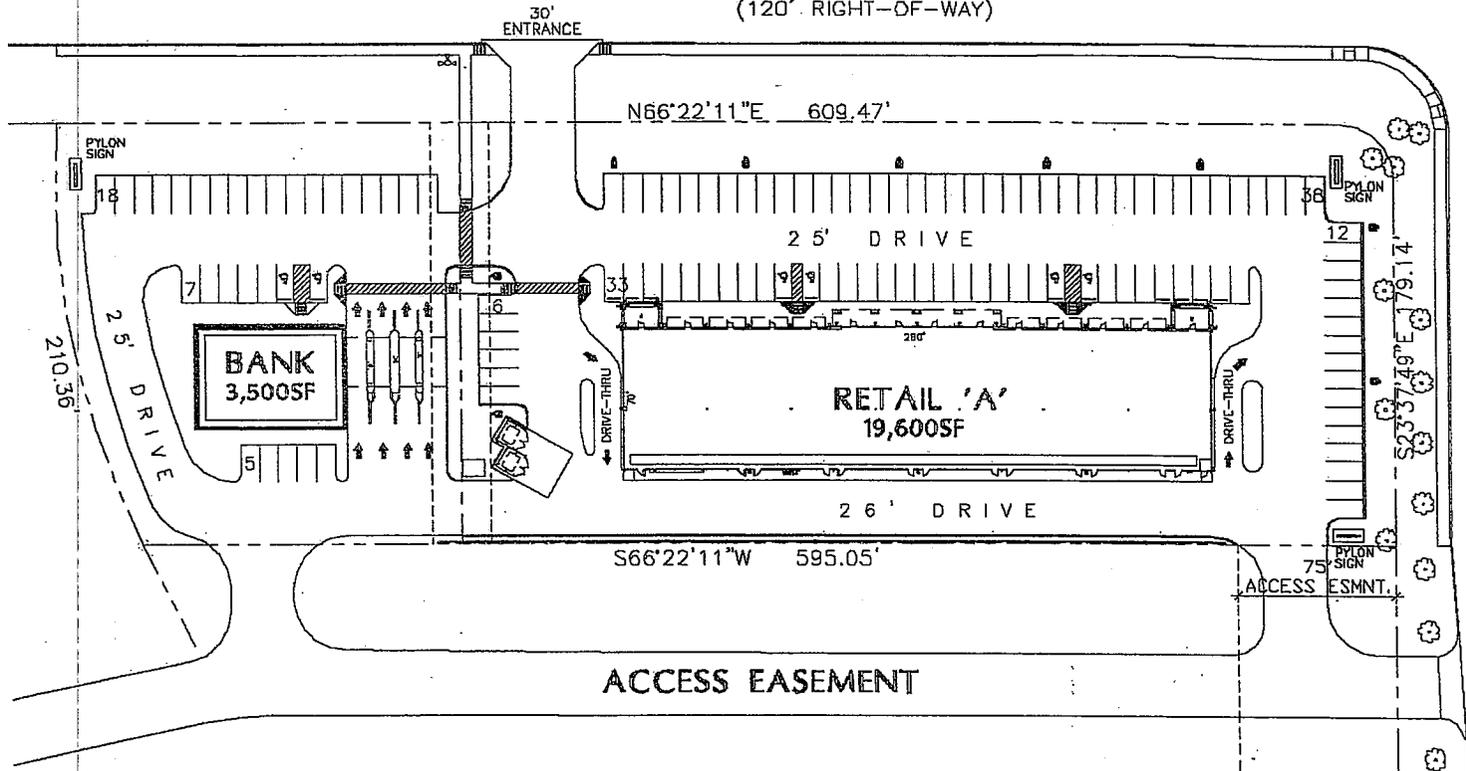
Final Staff Recommendation - Zoning Commission

The purpose of the specific use authorization permit is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a specific use authorization by the city council after ensuring that the use can be appropriately accommodated on the specific property, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community.

CASE MANAGER : Pedro Vega 207-7980

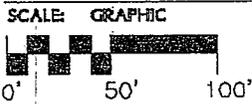
POTRANCO ROAD

(120' RIGHT-OF-WAY)



RICHLAND HILLS DR.
(RIGHT-OF-WAY VARIES)

CONCEPTUAL SITE DEVELOPMENT PLAN



NOTE:

THIS CONCEPTUAL SITE PLAN IS FOR MARKETING PURPOSES ONLY, AND HAS BEEN PREPARED FOR CLIENT BASED UPON PRELIMINARY AVAILABLE SITE INFORMATION DEEMED RELIABLE. ALL DIMENSIONS, GRADES, AND AREA CALCULATIONS ARE SUBJECT TO VERIFICATION AND MODIFICATION BY A PROFESSIONAL CIVIL ENGINEER FOR COMPLIANCE WITH ALL NATIONAL, STATE, AND LOCAL REGULATIONS.

SITE TABULATIONS

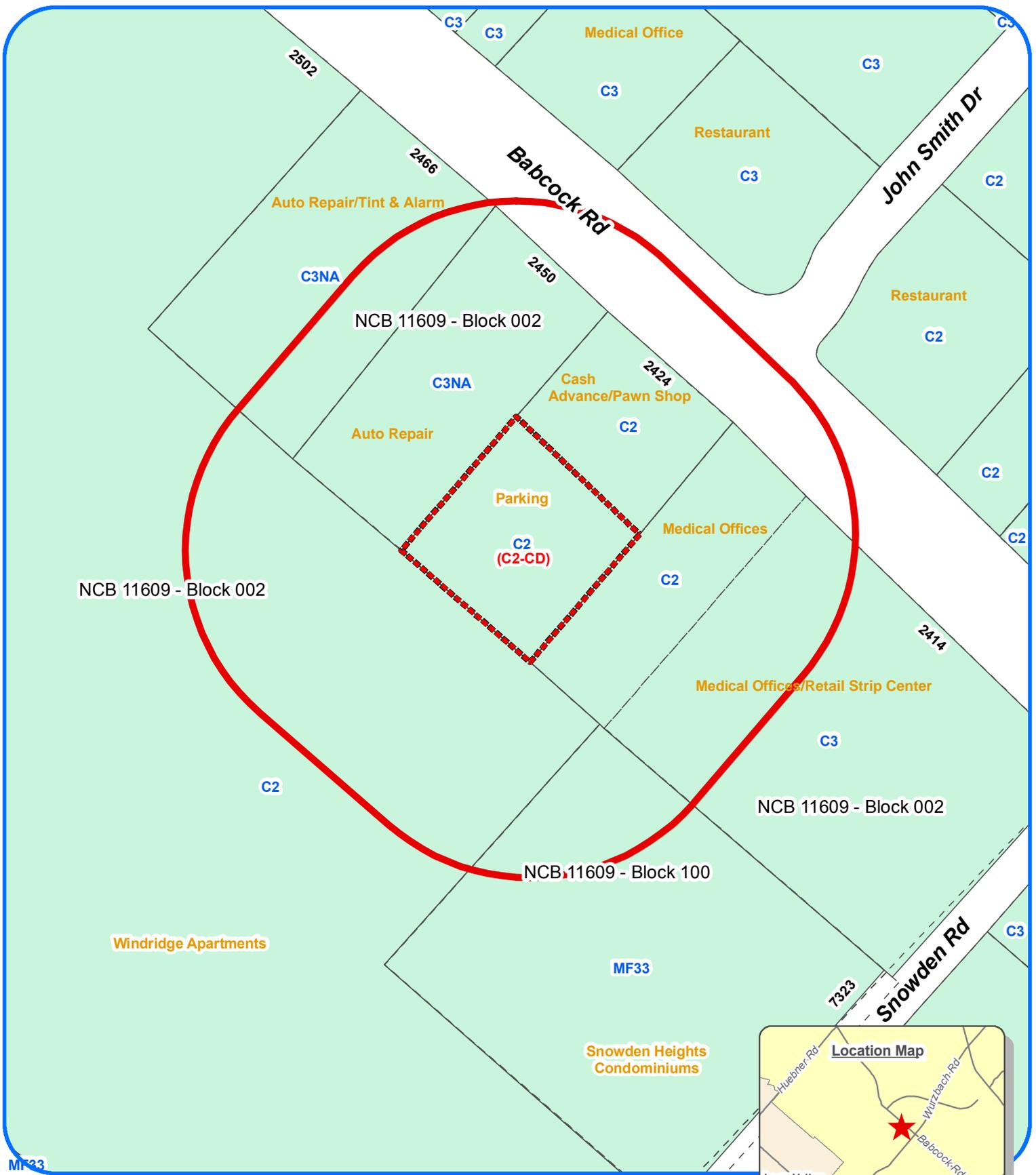
SITE AREA:	+/-2.9 AC. (TOTAL)
BUILDING AREA:	
RETAIL 'A'	19,600 SF
BANK	3,500 SF
TOTAL:	23,100 SF
PARKING:	
PROVIDED:	
RETAIL 'A'	89 SPACES
BANK	30 SPACES
TOTAL:	119 SPACES

SPI-100807

220100015

The intended use of the property is for retail and service oriented business, including but not limited to a pay day loan agency.

The following statement: "I, Potranco Richland Hills LP, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.



Zoning Case Notification Plan

Case Z-2010-002 CD

Council District 8

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): 0.579 of an acre out of NCB 11609

Legend

- Subject Property (0.579 Acres)
- 200' Notification Buffer
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
 City of San Antonio
 (10/20/2009 - E Hart)

CASE NO: Z2010002 CD

Final Staff Recommendation - Zoning Commission

Date: November 03, 2009

Council District: 8

Ferguson Map: 580 E1

Applicant Name:

Owner Name:

Barbara Brown

1220 Enterprises, Ltd.

Zoning Request: From "C-2" Commercial District to "C-2 CD" Commercial District with a Conditional Use for auto parking and/or long term storage.

Property Location: 0.579 of an acre out of NCB 11609

2400 Block of Babcock Road

On the southwest side of Babcock Road between Medical Drive to the west and Snowden Road to the east.

Proposal: To allow auto parking and/or long term storage.

Neigh. Assoc. The nearest neighborhood Association is the Dreamhill Estates Neighborhood Association

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

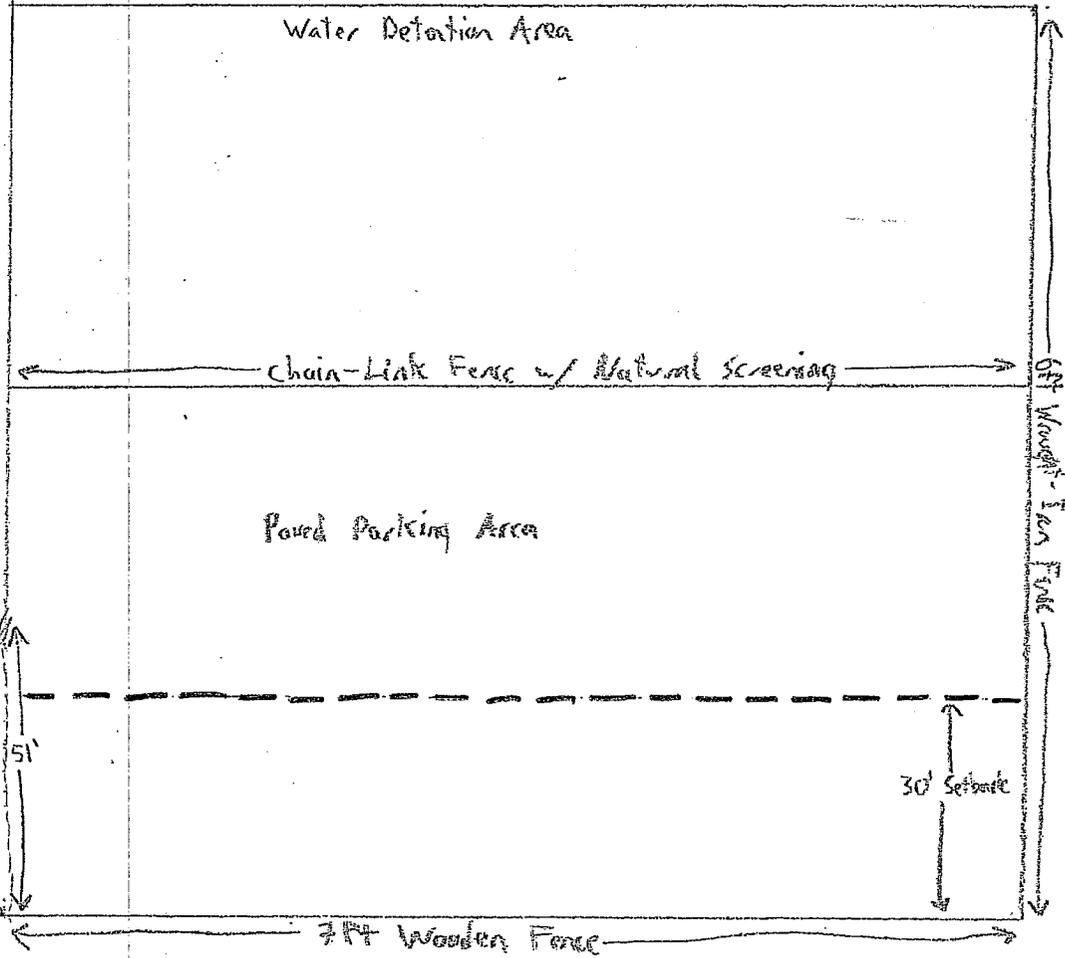
Denial

The subject property is a C-2 zoned parcel of land approximately .058 of an acre in size and located on the northwest side of the city. The parcel is generally located to the southwest of the intersection of Medical Drive and Babcock Road; a specific address has not been assigned to this parcel of land, as it has not been appropriately permitted for any specific use. The property is adjacent to C-2 zoning to the northeast and southwest, and C-3 zoning to the northwest. The surrounding land uses consist of an auto repair facility to the northwest, a pawn shop and pay day loan agency to the northeast, medical offices to the southeast and apartments to the southwest.

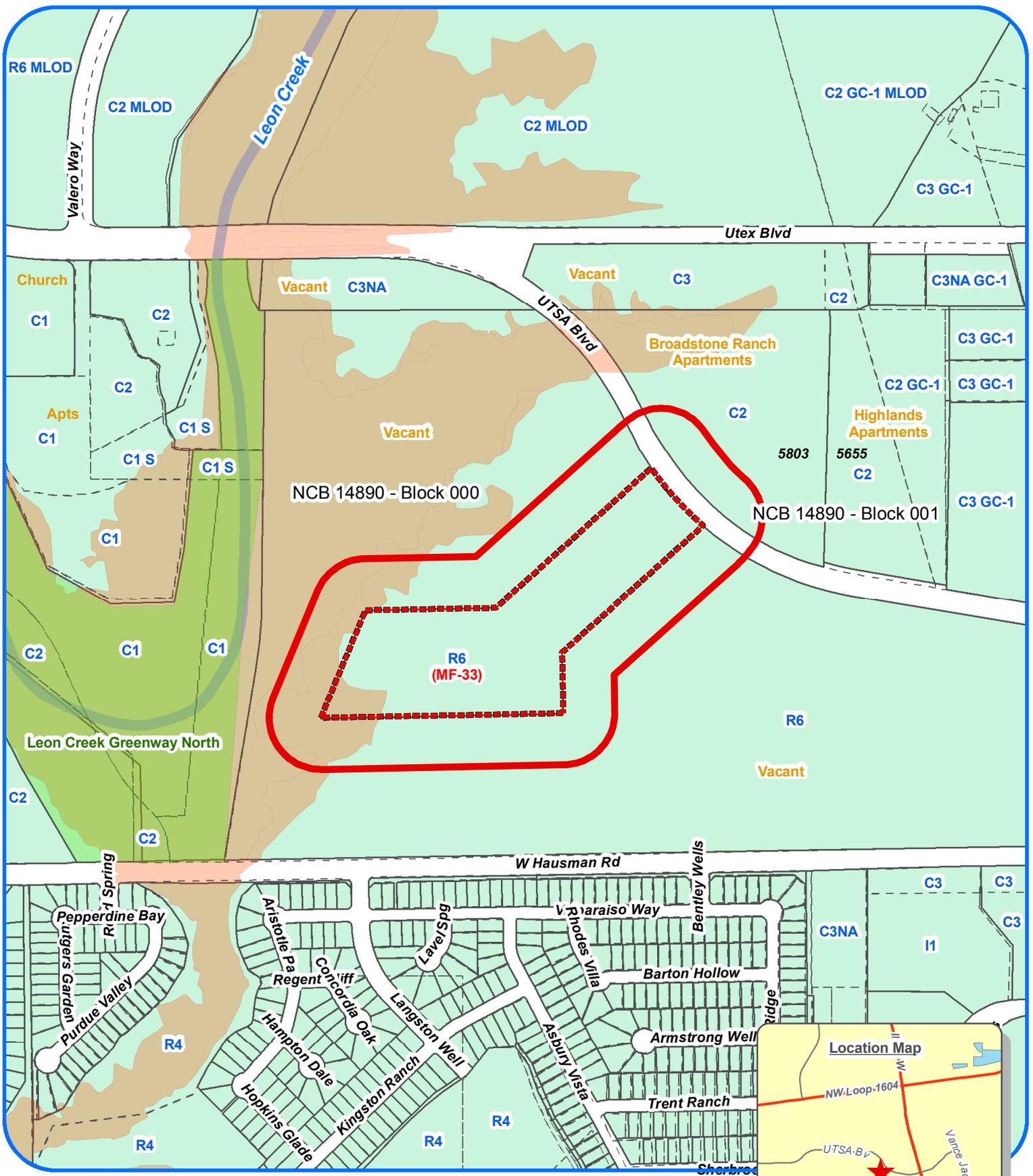
The lot is currently being utilized for the parking and storage of vehicles and is land locked between existing commercial properties. The property owner has been issued numerous citations because this use is not compliant with the current zoning. The applicant has indicated to staff that the owner was not aware that C-2 zoning did not allow auto parking and long term storage of vehicles. However, due to the numerous violations, the owner was referred to Municipal Court. The owner is attempting to bring the current use of the property into compliance by rezoning to C-2 CD. In accordance with Section 35-422, Table 422-1 of the Unified Development Code, any use allowed by right in L Light Industrial District may be allowed at minimum as a conditional use in C-2.

The property is currently accessible only from 2450 Babcock Road, which is a neighboring property also owned by this property owner. The requested conditional use would not be compatible with the surrounding zoning districts and current uses in the vicinity as the use is industrial in nature and would legitimize a use that has been illegal for an extended period of time.

CASE MANAGER : Brenda Valadez 207-7945



- 1.) Lot size = 0.579 Acres
0.3793 Acres of paved surface
0.1997 Acres of water detention
- 2.) Property to be used for Auto-Parking
And/or Long Term Storage
- 3.) I, James Griffin, on behalf of the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the UDC. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.
- 4.) Outdoor storage areas will be screened from adjacent properties to a height commensurate with the location and height of the proposed storage (vehicles). The storage areas are located in the rear yard and abut commercial districts on all sides; therefore no buffer yards shall be required.



Zoning Case Notification Plan

Case Z-2010-003

Council District 8

Scale: 1" approx. = 500 Feet

Subject Property Legal Description(s): 12.80 acres out of NCB 14890

Legend

- Subject Property (12.80 Acres)
- 200' Notification Buffer
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
City of San Antonio
(10/20/2009 - E Hart)

Note: Subject Property is within the 5 Mile Military Awareness Zone around Camp Bullis.

CASE NO: Z2010003

Final Staff Recommendation - Zoning Commission

Date: November 03, 2009

Council District: 8

Ferguson Map: 514 C7

Applicant Name:

Owner Name:

Campus Crest Development - Chris Russ,
P. E.

Clarita Sommers Johnson and F. M. (Pete) Rozelle

Zoning Request: From "R-6" Residential Single-Family District to "MF-33" Multi-Family District.

Property Location: 12.8 acres out of NCB 14890

5600 Block of UTSA Boulevard

On the southwest side of UTSA Boulevard between Utex Boulevard to the north and IH 10 West to the east.

Proposal: To allow a multi-family development.

Neigh. Assoc. The nearest Neighborhood Association is the Regency Meadow Association

Neigh. Plan None

TIA Statement: A Level 1 Traffic Impact Analysis has been submitted.

Staff Recommendation:

Approval

The subject property consists 12.8 acres of undeveloped land with frontage on UTSA Boulevard. The property is adjacent to R-6 and C-3 zoning to the north, C-1 and C-2 zoning to the west, C-2 and C-3 zoning to the northeast and R-6 and R-4 zoning to the south. The surrounding land uses consist of undeveloped land to north and southeast, apartments to the northeast and west.

The applicant is requesting a change in zoning to MF-33 in order to develop a multi-family community that would primarily serve the University of Texas at San Antonio. The requested multi-family district is appropriate as the subject property fronts on an arterial road, UTSA Boulevard (a Secondary Arterial "Type A" street) and is generally surrounded by commercial zoning. Multi-family dwellings are most appropriate on the periphery of single-family neighborhoods, and along arterials or major thoroughfares. This property meets all of the above criteria for a multi-family development, given the road classification and the general location near IH 10 West and other apartment communities to the north and west as well as a major university in close proximity.

Medium and high density developments are encouraged in areas where supporting infrastructure, such as public transportation and commercial facilities are present. The site is located in an area where there is accessibility to public services and traffic circulation to major thoroughfares; IH 10 West (a Freeway) to the east and North Loop 1604 West (a Freeway) to the north as well as Babcock Road (a Secondary Arterial "Type A" street) to the west. In addition, there is access to VIA bus stops along IH 10 West, Babcock Road and North Loop 1604 West. The applicant has indicated to staff that they are pursuing an arrangement with UTSA to provide a shuttle service similar to those already in place at other surrounding apartment communities.

Due to the subject property's location within the Camp Bullis Awareness Zone, this application was reviewed by the City's Office of Military Affairs and the Camp Bullis Military Installation. Seeing that the subject property is located south of Loop 1604 and is not immediately adjacent to Camp Bullis, the Garrison Commander has

CASE NO: Z2010003

Final Staff Recommendation - Zoning Commission

no concerns with the rezoning request. Further, this property will be subject to the MLOD lighting standards if expansion of the current MLOD to 5 miles from the Camp Bullis perimeter is approved by City Council.

CASE MANAGER : Brenda Valadez 207-7945

**CITY OF SAN ANTONIO
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

TO: Members of the Zoning Commission

FROM: Roderick Sanchez, AICP, CBO, Director
Planning & Development Services

COPY: T.C. Broadnax, Assistant City Manager

SUBJECT: UDC Amendment: Building Heights

DATE: October 20, 2009

Summary

A proposed amendment to Chapter 35 of the City Code, the Unified Development Code ("UDC"), relative to building heights adjacent to single-family residential land uses.

Background:

The Planning & Development Services Department (PDS) staff received a Council Consideration Request (CCR) dated June 18, 2009 to institute a notification process to neighborhoods where commercial building permits for structures of 25 feet in height or greater were submitted for approval. Staff took this item to the City Council's Governance Committee on August 19 and which time staff was given direction to develop an alternative to the CCR by looking at a previously proposed amendment that was pulled by City Council during the January 15, 2009 consideration of the 2008 UDC Biennial Update Program. The Technical Advisory Committee (TAC) initiated the previous amendment during discussion of the creation of the new O-1.5 mid-rise office district on July 28, 2009 and recommended its approval on August 11, 2008. Both the Planning Commission and Zoning Commission subsequently approved the amendment as part of the Biennial Update without additional discussion. Since City Council pulled the amendment during their consideration of the Biennial Update staff did not bring the item back for additional discussion until the issuance of direction by City Council to revisit the item.

Through the review of the previously proposed amendment staff found several areas upon which to improve drafting of the text to better address the issue of building heights near residential uses and prevent widespread nonconformities from occurring. Unlike the 2008 proposal, the current proposal also offers the option to pursue additional building through the specific use authorization process ("S").

The TAC reviewed this item on October 5, 2009 and recommended approval.

Issue

The proposed amendment caps building within 100 horizontal feet of a residential district as

follows:

- 25 vertical feet for O-1, NC, C-1, C-2, MF-18 and MF-25 zoning districts
- 35 vertical feet for O-1.5, O-2, C-3, MF-33, MF-40 and MF-50 districts.

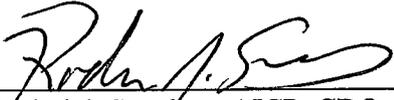
Where a building taller than such levels were proposed, an applicant could request a specific use authorization which requires a site plan, notification to property owners and neighborhood associations within 200 feet and public hearings of the Zoning Commission and City Council for approval. Mixed residential-commercial buildings, such as the Quarry Village development, with zoning such as MXD, UD or FBZD would not have the amended height limits of this ordinance.

Fiscal Impact

No impact to the City of San Antonio if the staff recommendation is adopted.

Recommendation

Staff requests that the Zoning Commission provide a recommendation to staff on the UDC amendment. Staff will forward the recommendation of the Zoning Commission to the City Council for consideration.



Roderick Sanchez, AICP, CBO, Director
Planning & Development Services

35-517 Building Height Regulations

(d) Setbacks for Height Increases.

(1) Any portion of a structure in any zoning district may be erected to exceed the height limit established in section 35-310.01, Table 310-1, provided that such portion is located back from the side and rear setback lines one (1) foot for each two-foot of height in excess of the height limit prescribed in such section unless otherwise or as prescribed in subsections (2) and (3), below ~~(hereinafter the "threshold height")~~, and further provided the height does not exceed the limitations of the airport hazard zoning regulations. Distance credits shall be allowed for space occupied by structures of conforming height extending from the setback lines, except as specified in Table 310-1(k). The requirements of subsection (2) and (3) shall only apply to permits for new construction submitted after December 31, 2009.

~~(2) The provisions of subsection (1) above, shall not apply to an "NC", "C-1", "C-2", or "O-1" zoning district abutting or within one hundred (100) feet, measured in a straight line, of a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter.~~

(2) The maximum height of any portion of zoning district located within 100 feet of an established single-family residential use shall be in accordance with Table 517-1 below.

Table 517-1

Zoning District	Maximum Height
O-1, NC, C-1, C-2, MF-18, MF-25	25 feet
O-1.5, O-2, C-3, MF-33, MF-40, MF-50	35 feet

The height limits of Table 517-1 shall not apply where a residential use is separated from the above listed districts by a public right of way or dedicated easement of at least 50 feet in width. Further it is not the intent of this provision to apply where a property is zoned single family residential but not used for residential purposes, such as a church, school, park, golf course or is vacant. The measurement of 100 feet shall occur from the property line of the residential use to the structure in the zoning district subject to Table 517-1.

(3) For portions of a zoning district within 100 feet of a single family use where the height is limited by subsection (2) above, the allowable height may be increased through the Specific Use Authorization ("S") process.

Sec. 35-D101. General.

(e) Height Limitations in Former O-1 Districts.

~~Notwithstanding any provision of this chapter to the contrary, the height limitation on any tract or parcel zoned "O-1" prior to the adoption date of this chapter shall be subject to a thirty-five-foot height limitation until such tract is rezoned through a public hearing.~~



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

RECEIVED
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2009 JUL -8 AM 8:31

TO: Mayor & City Council

FROM: Councilman Justin Rodriguez, District 7

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Erik J. Walsh, Assistant City Manager; Christopher D. Callanen, Assistant to City Council

SUBJECT: Request for Placement of Item on Governance Committee Meeting Agenda

DATE: June 19, 2009

Issue Proposed for Consideration

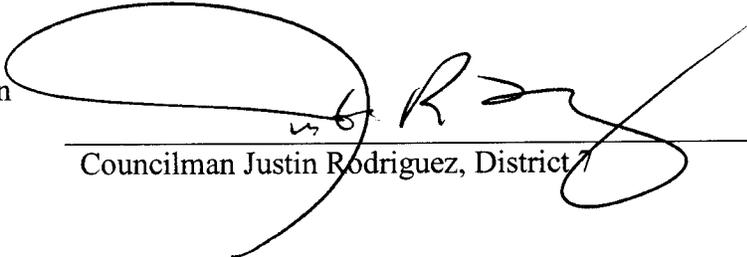
I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

To direct Development Services staff to implement a reasonable advance notification system of impending construction permit applications involving commercial structures of 25 feet or greater within the vicinity of a neighborhood and in situations where standard buffer/height requirements will not protect homeowners from visual encroachment. Such an implementation would consist of a notification process to all Neighborhood Associations and individual property owners within the vicinity of the proposed structure.

Brief Background

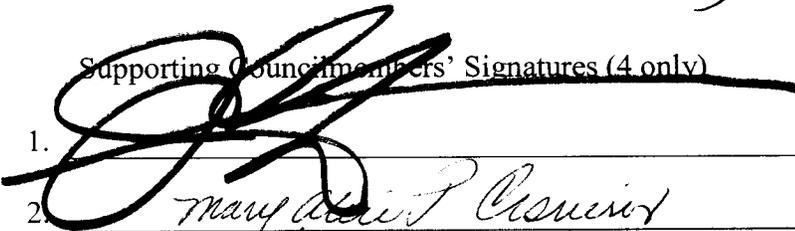
At the present time, notification to neighborhoods and community stakeholders is not required for proposed projects where privacy encroachment may be compromised. Such encroachment can devalue property and weaken community viability. Having such a notification system will allow an opportunity for stakeholders and development to work toward mitigation efforts and reasonable compromise of encroachment concerns. Your support is therefore appreciated.

Submitted for Council consideration by:



Councilman Justin Rodriguez, District 7

Supporting Councilmembers' Signatures (4 only)

		District No.
1.		<u>10</u>
2.	<u>Mary Alice Cisneros</u>	<u>1</u>
3.	<u>David L. Medina Jr.</u>	<u>5</u>
4.	<u>Luey R. Taylor</u>	<u>2</u>

**CITY COUNCIL GOVERNANCE COMMITTEE MEETING
Minutes**

**August 19, 2009
1:00 PM
Media Briefing Room**

Council Present:	Mayor Julián Castro, <i>Chair</i> Councilmember Mary Alice Cisneros, <i>District 1</i> Councilmember Ivy Taylor, <i>District 2</i> Councilmember Philip Cortez, <i>District 4</i> Councilmember Justin Rodriguez, <i>District 7</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; T.C. Broadnax, <i>Assistant City Manager</i> ; Sharon De La Garza, <i>Assistant City Manager</i> ; Michael Bernard, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Roderick Sanchez, <i>Development Services Director</i> ; David Garza, <i>Housing & Neighborhood Services Director</i> ; David McCary, <i>Solid Waste Management Director</i> ; Xavier Urrutia, <i>Parks & Recreation Director</i> ; Norbert Hart, <i>Deputy City Attorney</i> ; Brandon Smith, <i>Office of the City Clerk</i>

CALL TO ORDER

Mayor Castro called the meeting to order.

I. Approval of minutes from the meeting of June 17, 2009

Councilmember Cortez moved to approve the minutes of the June 17, 2009 Governance Committee Meeting as submitted. Councilmember Rodriguez seconded the motion. The motion carried unanimously by those present.

II. Items requiring individual briefing(s): None scheduled

III. Council Consideration Requests

- A. Consideration of a request by Councilmember John G. Clamp, District 10, requesting an analysis and review of the City's right-of-way fee and the costs associated with the sale, closing, vacating and abandonment of city property for the purposes of adding an additional fee to toward the San Antonio Street Endowment Fund**

Staff recommends referral of this item to the Infrastructure & Growth Council Committee.

Sharon De La Garza reported that the City Council Request (CCR) pertained to fees administered by Capital Improvements Management Services (CIMS) for Lease Agreements and Cell Phone

Tower Agreements, and to the Public Works Department for Right-of-Way regulations. She stated that CIMS would be prepared to present an analysis to the Infrastructure and Growth Council Committee in Fall 2009. She noted that the disposition of additional funds, if any, would be a policy issue.

Mayor Castro asked if there was an opportunity to increase fees. Ms. De La Garza replied that CIMS Staff had done some research and may be able to increase fees. She stated that the Right-of-Way Ordinance could place address fee increases but that additional time was needed to consult with attorneys.

Councilmember Cisneros requested clarification of the intent of the Street Endowment Fund. Sheryl Sculley stated that it had been proposed that the interest from an Endowment Fund would be utilized long-term to maintain streets. She noted that the amount of time to achieve the concept was questionable and that additional time would be needed for further analysis. She concluded that additional work would be done on said item and that CIMS and Public Works would provide recommendations to the Infrastructure and Growth Council Committee.

Councilmember Cisneros moved to forward said item to the Infrastructure & Growth Council Committee. Councilmember Rodriguez seconded the motion. Motion carried unanimously.

B. Consideration of a request by Councilmember Justin Rodriguez, District 7, requesting Parks & Recreation and Solid Waste Department staff explore a comprehensive recycling pilot program at Woodlawn Lake Park, with the intent to eventually expand the program to all city parks and trailheads

Staff recommends referral of this item to the Quality of Life Council Committee.

Xavier Urrutia reported that staff was ready to proceed with engaging stakeholders in receptacle options and to review a centralized drop-off location. He stated that in addition to the program, outreach and education would be provided to park patrons to maximize the recycling effort. He added that staff would report to the Quality of Life Council Committee with the analysis and recommendations for full implementation.

Councilmember Rodriguez asked of the timeline for said item. Mr. Urrutia stated that staff was ready to proceed with the pilot program on November 14, 2009 at Woodlawn Lake Park to coincide with Texas Recycle Day. He noted that there would be a six-month evaluation period followed by a report to the Quality of Life Council Committee with a recommendation for city-wide implementation.

Councilmember Rodriguez moved to proceed with said item. Councilmember Cortez seconded the motion. Motion carried unanimously.

C. Consideration of a request by Councilmember Justin Rodriguez, District 7, requesting that Development Services staff implement a reasonable

advance notification system of impeding construction permit applications involving commercial structures of 25 feet or greater within the vicinity of a neighborhood and in situations where standard buffer/height requirements will not protect homeowners from visual encroachment

Staff recommends referral of this item to the Infrastructure & Growth Council Committee

Rod Sanchez stated that neighborhoods would be better served by the development of a standard set-back for buildings twenty-five feet or greater from single family homes. He noted that staff would like to resuscitate an amendment that was suggested during the last process and then proceed to the Infrastructure and Growth Council Committee and Zoning Commission before full Council consideration.

Councilmember Rodriguez moved to forward said item to the Infrastructure and Growth Council Committee. Councilmember Cisneros seconded the motion. Motion carried unanimously.

D. Consideration of a request by Councilwoman Jennifer V. Ramos, District 3, requesting the following:

- a. Consideration of a request by Councilwoman Jennifer V. Ramos, District 3, requesting city staff to implement a rebuttable Clause to the current illegal dumping ordinance.**

Michael Bernard stated that staff has worked with Councilmember Ramos and had developed some revisions to the illegal dumping ordinance that would address her concerns. He recommended said item be forwarded to the Quality of Life Council Committee for further discussion of said process.

Councilmember Cisneros moved to forward said item to the Quality of Life Council Committee. Councilmember Cortez seconded the motion. Motion carried unanimously.

- b. Consideration of a request by Councilwoman Jennifer V. Ramos, District 3, requesting city staff to provide an analysis and review of the City of San Antonio's fees associated with illegal dumping convictions. The analysis would allow consideration of redistricting a percentage of the existing fees or additional of a fee to go to the subsidizing costs associated with abatement of illegal dumping**

Staff recommends referral of this item to the Quality of Life Council Committee.

David Garza reported that staff had begun an analysis to determine the feasibility of addressing the issue effectively. He stated that staff would review the policies of other utility companies regarding illegal dumping and provide recommendations to the Quality of Life Council Committee.

Councilmember Cisneros moved forward said item to the Quality of Life Council Committee. Councilmember Rodriguez seconded the motion. Motion carried unanimously.

IV. Consideration of items for future meetings

Item not addressed.

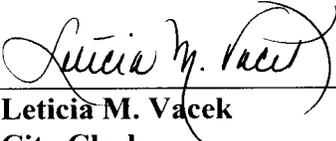
V. Adjourn

There being no further discussion, the meeting was adjourned at 2:00 p.m.

ATTEST:



Julián Castro
Mayor



Leticia M. Vacek
City Clerk

**CITY OF SAN ANTONIO, TEXAS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

TO: San Antonio Zoning Commission

FROM: Roderick J. Sanchez, AICP, CBO, Director

SUBJECT: Proposed amendment to the Unified Development Code regarding notification procedures

DATE: November 3, 2009

Summary:

A City Council Member request for an amendment to the Unified Development Code (UDC) to implement notification requirements for Board of Adjustment cases involving the revocation of a certificate of occupancy (C-of-O).

Background:

On September 1, 2009, the Planning and Development Services Department received a Council Consideration Request (CCR) asking staff to draft a UDC amendment that would require notification for city-initiated C-of-O revocation cases that would be similar to notification requirements for other Board of Adjustment cases. On September 16, 2009, the City Council's Governance Committee voted to direct staff to move this item forward through the commission/committee review process.

On October 5, 2009 staff briefed the Board of Adjustment on this item. And the City Council's Infrastructure and Growth Committee will consider it on November 17, 2009 for a recommendation prior to final consideration by City Council.

Issue:

San Antonio's UDC requires that a recommendation to revoke a C-of-O be made to the Board of Adjustment who shall then hold a public hearing to consider the revocation. Currently, the UDC requires public notification for certain Board of Adjustment cases, but does not clearly define notification requirements for C-of-O revocation cases.

Policy Analysis and Recommendation:

Notifying owners-of-property within 200 feet of a subject C-of-O revocation, in a similar fashion to other cases heard by the Board of Adjustment, would provide adequate and consistent notice to affected stakeholders. The Planning and Development Services Department recommends approval of the draft amendment language included in this packet. It would require mailed notification to owners-of-property within 200 feet of the establishment whose C-of-O is recommended for revocation, 11 days before the Board of Adjustment public hearing. It would additionally require notice be sent to registered neighborhood associations within 200 feet.

Proposed Amendments to the Unified Development Code (Chapter 35 of the City Code)

Sec. 35-403. Notice Provisions.

(a) Generally. The notice requirements for each type of application for development approval are prescribed in the individual subsections of this article applicable thereto and/or the Texas statutes. The notice requirements for certain types of public hearings are established in Table 403-1 below provided, however, that to the extent of any inconsistency between the provisions of this section and any state statute, the state statute shall govern.

(b) Contents of Notice. The notice shall state the time, date and place of hearing and a description of the property subject to the application. The notice shall include, at a minimum, the following:

- The street address, if the street address is unavailable, the legal description by NCB/CB, block, and lot metes and bounds or a general description of the location of the property, either using block numbers, nearby street intersections or approximate distances from intersections.
- The current zoning district, if any; and
- The category of permit requested and a brief description of the proposed development including density or building intensity, revised zoning classification (if any), and uses requested.

In Table 403-1, the method for providing notice is provided in column (A) and the types of permits affected are set forth in columns (B) through (L). In Table 403-1, an asterisk (*) indicates that the type of notice prescribed in column (A) is required for the category of development order prescribed in columns (B) through (L), while a dash (--) indicates that the notice is not required.

**Table 403-1
Notice Requirements**

(A)	(B)	(C)	(D)	(E)	(F)	<u>(G)</u>	(GH)	(HI)	<u>(IJ)</u>	(JK)	(KL)
Type of notice	<i>Amendments to Master Plan or this chapter</i>	<i>Rezoning</i>	<i>Master Development Plan</i>	<i>Appeals to Board of Adjustment</i>	<i>Variances from and/or granting of special exceptions by the Board of Adjustment</i>	<i>Revocation of Certificates of Occupancy by the Board of Adjustment</i>	<i>Subdivision Plat, Major</i>	<i>Subdivision Plat, Minor</i>	<i>Certificate of Appropriateness</i>	<i>Permits, Orders or Approvals not Mentioned Requiring Public Hearing</i>	<i>Request for Demolition of a Historic Landmark or Potential Historic Landmark</i>
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	--	10 days	*	--	*	--	--	*	--
Mail: Written notice of the public hearing shall be sent	--	*(1)(2)(3)	*(2)	*(1)(2)	*(1)(2)	<u>*(1)(2)</u>	*(1)(2)	(1)	--	*(1)	*(1)(2)
Internet: post a copy of the notice on the city's Internet website until the proceeding has been completed.	*	*	*	*	*	<u>1*</u>	*	*	*	*	*
Signage: post a sign on the property subject to the application Signs to be installed and provided by the city ⁽²⁾	--	*(4) (5)	--	--	--	--	--	--	*	--	*

Notes:

- (1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property, within two hundred (200) feet of the property. Notice for zoning cases shall be sent prior to the tenth day before the date of the public hearing at the zoning commission. Notice for demolition applications shall be sent prior to the seventh day before the date of the public hearing at the historic design and review commission.

Notice for plat applications shall be sent in accordance with V.T.C.A. Local Government Code Ch. 212 (if a replat requires a public hearing and notice).

- (2) Notice shall be sent to registered neighborhood associations within two hundred (200) feet of the project.
- (3) Notice shall be sent to members of the planning team, as defined by subsection 35-420(b)(3), for the affected neighborhood, community or perimeter plan, as applicable.
- (4) The sign shall measure not less than (96564) eighteen by twenty-four inches and shall contain:
 - City's name,
 - Zoning Case # _____ or HDRC Case # _____,
 - Name of Case Manager, and
 - Contact telephone number.The sign shall be constructed of corrugated plastic sign stock and shall be in a highly visible florescent style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the sign size.
- (5) The requirement for the posting of signs on individual lots and properties shall be waived for city initiated area-wide rezoning consisting of six (6) or more individual lots. However, signs will be placed at the general location of the boundary of the area-wide zoning project and its intersection with major arterial and collector streets that provide ingress/egress to the area subject to rezoning.



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

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2009 SEP -1 PM 4:36

TO: Mayor & City Council

FROM: Councilwoman Jennifer V. Ramos, District 3

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Edward Benavides, Executive Assistant to the City Manager; Chris Callanen, Assistant to the City Council; Michael Bernard, City Attorney; Catherine J. Hernandez, Special Projects Manager; Ramiro Gonzales, Senior Management Analyst

SUBJECT: Hearing Notification UDC Amendment

DATE: August 31, 2009

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

Your support is requested to direct Development Services staff to implement a notification process for property owners within a 200 foot radius of Board of Adjustment cases involving the revocation process of a permitted use in an effort to ensure area residents and stakeholders are informed of such cases. Said process should be, at minimum, similar to the standard currently in use by the Board of Adjustment for Appeals, Variances and Special Exceptions.

I respectfully ask for your concurrence in supporting this notification process and concurrent amendment to the Unified Development Code (UDC).

Brief Background

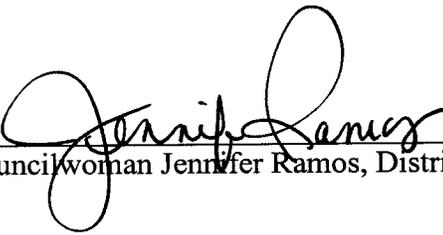
Presently, Texas State Statute requires that public notice of appeals before the BOA be given, and that due notice be provided to the parties in interest. San Antonio's UDC requires such notice for:

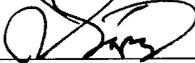
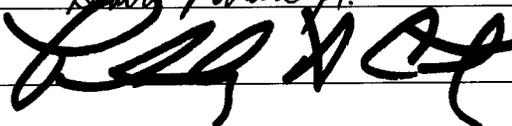
1. requests for appeals:
 - notice appear in a newspaper of general circulation 10 days before the date of the public hearing and
 - notice be mailed to owners of property and neighborhood associations within 200 feet of the subject property prior to the 10th day before the public hearing;
2. requests for variances and special exceptions:
 - notice appear in a newspaper of general circulation before the 15th day before the date of the public hearing and
 - notice be mailed to owners of property and neighborhood associations within 200 feet of the subject property prior to the 10th day before the public hearing.

While the UDC includes minimal notification requirements for other permits or orders not specified, it is not specific about other hearings before the Board of Adjustment, particularly revocations of certificates of occupancy (CofO).

For the purposes of increased transparency, open government and improved public notification, I respectfully ask for your concurrence in supporting this amendment to the Unified Development Code (UDC).

Submitted for Council consideration
by:


Councilwoman Jennifer Ramos, District 3

	Supporting Councilmembers' Signatures (4 only)	District No.
1.		8
2.		6
3.		5
4.		4

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2008 SEP - 1 PM 4:56