

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
Board Room

Tuesday, August 16, 2011
12:45 PM

ZONING COMMISSIONERS

Mariana Ornelas – District 1	Christopher Martinez – District 6
Dan Martinez – District 2	David Christian – District 7
Andrew Anguiano – District 3	Rick McNealy – District 9
Orlando Salazar – District 4	Milton R. McFarland – District 10
Vacant – District 5	Brenna Nava – District Mayor

Billy J. Tiller – District 8
Chairman

1. **12:45 PM** - Work Session - discussion of policies and administrative procedures and any items for consideration on the agenda for August 16, 2011.
2. **1:00 P.M.** Board Room– Call to Order.
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of August 2, 2011 Zoning Commission Minutes.
6. **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.
7. **ZONING CASE NUMBER Z2011124 S (Council District 6):** A request for a change in zoning from “C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to “C-3R AHOD S” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for a Contractor Facility on Lot 161, NCB 8237 (0.4003 acres). 539 Old Highway 90 West.
8. **ZONING CASE NUMBER Z2011135 (Council District 5):** A request for a change in zoning from “C-2 AHOD” Commercial Airport Hazard Overlay District and “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a conditional use for mini-storage units to “C-3 AHOD” General Commercial Airport Hazard Overlay District on Lot 34, Block 18, NCB 8280 together with that portion of Colby Street adjacent to and north of Lot 34 abandoned by Ordinance No. 98915 of the City of San Antonio (also known as P-100 by the Bexar County Appraisal District), Lot 49, Block 18, NCB 8280, and Lots 15 through 24, Block 17, NCB 8284. 414, 418 & 422 N. General McMullen.

9. **ZONING CASE NUMBER Z2011168 (Council District 2):** A request for a change in zoning from “C-2 AHOD” Commercial Airport Hazard Overlay District and “NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District to “I-1 AHOD” General Industrial Airport Hazard Overlay District on Lot 37, Tract 15 and west 1/2 of Tract 16 and ARB Tract-15B, NCB 17994. 7304 and 7380 Interstate Highway 10 East.
10. **ZONING CASE NUMBER Z2011170 (Council District 1):** A request for a change in zoning from “IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with uses permitted in “MF-33” Multi-Family District and “C-2” Commercial District (Lots A1, A7 and 8, Block 4, NCB 2972) and “IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with uses permitted in “MF-33” Multi-Family District and “C-1” Light Commercial District (Lot 10, Block 4, NCB 2972) to “IDZ” Infill Development Zone District with uses permitted in “MF-40” Multi-Family District and "C-2" Commercial District on Lots A1, A7, A8 and 10, Block 4, NCB 2972. 1002, 1006, and 1020 South Flores Street & 302 West Guenther Street.
11. **ZONING CASE NUMBER Z2011173 CD (Council District 1):** A request for a change in zoning from “C3 RIO-2 AHOD” General Commercial River Improvement Overlay Airport Hazard Overlay District to “C2 CD RIO-2 IDZ AHOD” Commercial River Improvement Overlay Infill Development Zone Airport Hazard Overlay District with a Conditional Use for a Food, Mobile Vending Unit (Base Operations) on Lot 9 and Lot 10, Block 18, NCB 975. 302 East Josephine Street.
12. Public hearing and consideration of an amendment to Sections 35-673 and 35-678 of Chapter 35 of the City Code, the Unified Development Code, regarding current time limitations regarding seasonal decorating lights, in order to unify the code language of the various sections and to allow lighting to remain in place during special events within the River Improvement Overlay zoning districts
13. Presentation of an ordinance amending Chapter Thirty-five of the City Code by amending Section 35-304 pertaining to "Official Zoning Map" to establish the Westfort Alliance Neighborhood Conservation District 9 (NCD-9) Overlay District.
14. **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.
15. **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-2011-117 S

Council District 4

Scale: 1" approx. = 250 Feet

Subject Property Legal Description(s): NCB 15248 - Block 000 - Parcel P-74D

Legend

- Subject Properties ——— (9.066 Acres)
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(04/26/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission

Zoning Case #: Z2011117 S

Hearing Date: August 16, 2011

Property Owner: Swinerton Incorporated

Applicant: Linda Schowalter CFO/SVP

Representative: Brown & Ortiz, P. C.

Location: 8331 S. W. Loop 410

Legal Description: Parcel 74D, NCB 15248

Total Acreage: 9.0660

City Council District: 4

Case Manager: Pedro Vega, Planner

Case History: This is the third public hearing for this zoning request. Continuance (Applicant's request) from May 17, 2011, June 21, 2011 and July 5, 2011.

Proposed Zoning Change

Current Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "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).

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 28, 2011. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on May 4, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 13, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 28

Neighborhood Associations: People Active In Community Efforts (PACE)

Planning Team Members: 30 (United Southwest Communities Plan)

Applicable Agencies: None

Property Details

Property History: The subject site is currently a vacant storage warehouse and equipment shed. According to the Bexar County Appraisal District, the structures were constructed in 1975. The subject property was annexed in December of 1988 and was originally zoned Temporary "R-1" Single-family Residence District. Upon adoption of the

2001 Unified Development Code, the previous zoning district converted to "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District.

Topography: The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "R-6 AHOD"

Current Land Uses: Vacant Land

Direction: South

Current Base Zoning: "R-6 AHOD" and "C-3 AHOD S"

Current Land Uses: Vacant Land and Church

Direction: East

Current Base Zoning: S. W. Loop 410 Access Road

Current Land Uses: S. W. Loop 410 Access Road

Direction: West

Current Base Zoning: "R-6 AHOD"

Current Land Uses: Single-Family Dwellings

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: S. W. Loop 410 Access Road

Existing Character: Expressway

Proposed Changes: None known.

Public Transit: There are no VIA bus lines near the 9.0660 acre site.

Traffic Impact: A Traffic Impact Analysis is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Minimum Parking Requirement: 1 per 600 sf of GFA. Maximum Parking Requirement: 1 per 350 sf of GFA.

Staff Analysis and Recommendation: Denial. Pending Master Plan Amendment.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the United Southwest Communities Plan and is currently designated as "Community Commercial" in the Future Land Use Plan. The zoning request is inconsistent with the Future Land Use designation. The applicant has submitted a Master Plan Amendment that was considered and approved by the Planning Commission on August 10, 2011. Planning and Community Development Department Staff recommends Denial of the Master Plan Amendment.

2. Adverse Impacts on Neighboring Lands:

The granting of the zoning request may have an adverse impact on the neighborhood. Promoting the Specific Use Authorization for Storage-Outside (Screening from Public ROWs and Adjacent Property Required) near

large vacant tracts targeted for commercial opportunities may negatively influence the preferred development pattern of this area.

3. Suitability as Presently Zoned:

The United Southwest Communities Plan provides guidance for economic development opportunities along S. W. Loop 410 between Valley Hi Drive and Old Pearsall Road. Goal 1 of the plan states, attract new businesses, services and retail establishments to the United Southwest Communities and promote the implementation of strategies to attract commercial development. Further, action step 1.1.1. Seeks commercial (non-residential) zoning along S. W. Loop 410 between Valley Hi Drive and Old Pearsall Road.

4. Health, Safety and Welfare:

Staff has found indication of likely adverse effects on the public health, safety or welfare.

5. Public Policy:

The request does not appear to conflict with any public policy objective.

6. Size of Tract:

The subject property is 9.0660 acres, which should be able to reasonably accommodate the proposed use. The applicant has submitted a site plan in order to comply with the Specific Use Authorization requirements.

7. Other Factors:

The purpose of the Specific Use Authorization 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.

DEVELOPER:
 WARRINGTON INCORP. JR. LTD
 210 TOWNSEND STREET
 SAN FRANCISCO, CA 94107
 CONTACT: LINDA SCHWALTER

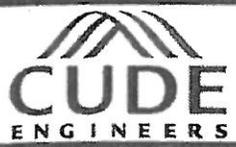
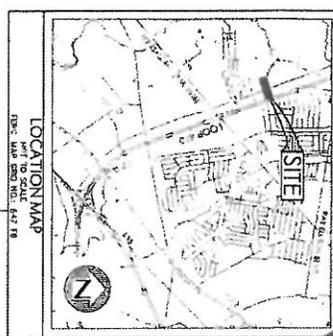
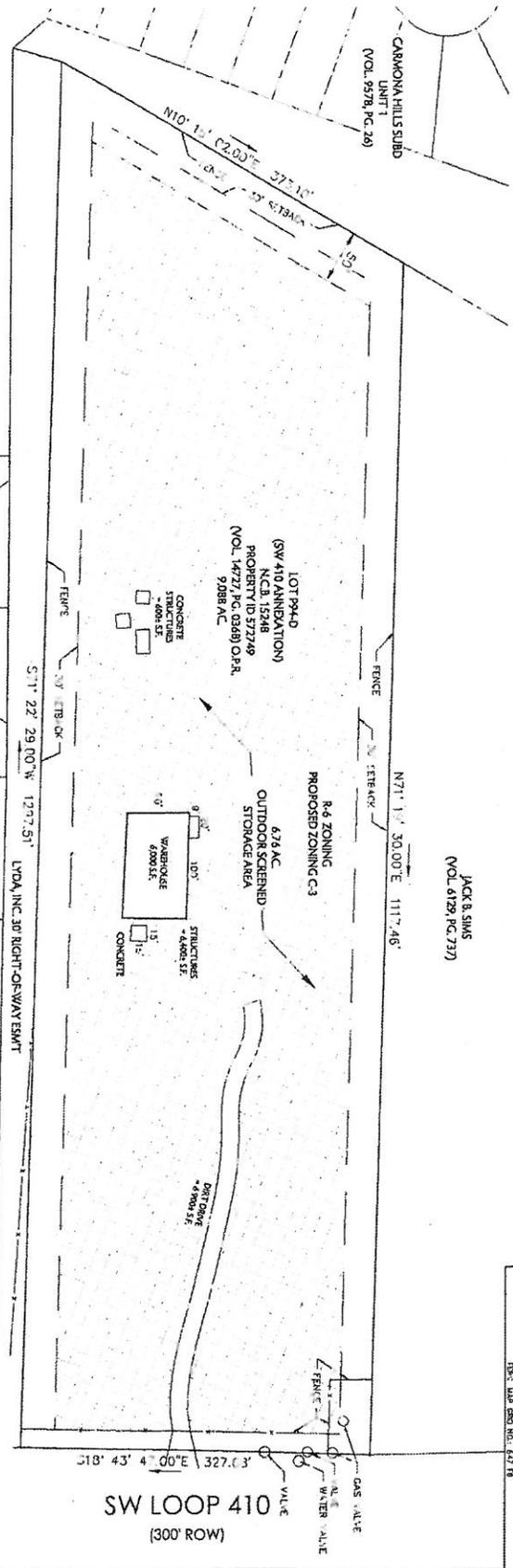
ENGINEER:
 M.W. CUDE ENGINEERS, LLC
 ATTN: CHRISTOPHER R. DICE, P.E.
 10325 BANDERA ROAD
 SAN ANTONIO, TEXAS 78150
 PHONE: (210) 681-2951
 FAX: (210) 523-7111
 EMAIL: cdice@mwcuade.com

Christopher R. Dice
 SWINERTON LANE

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

# OF LOTS	ACREAGE
1	3.083

JACK B. SIMS
 (VOL. 6129, PG. 237)



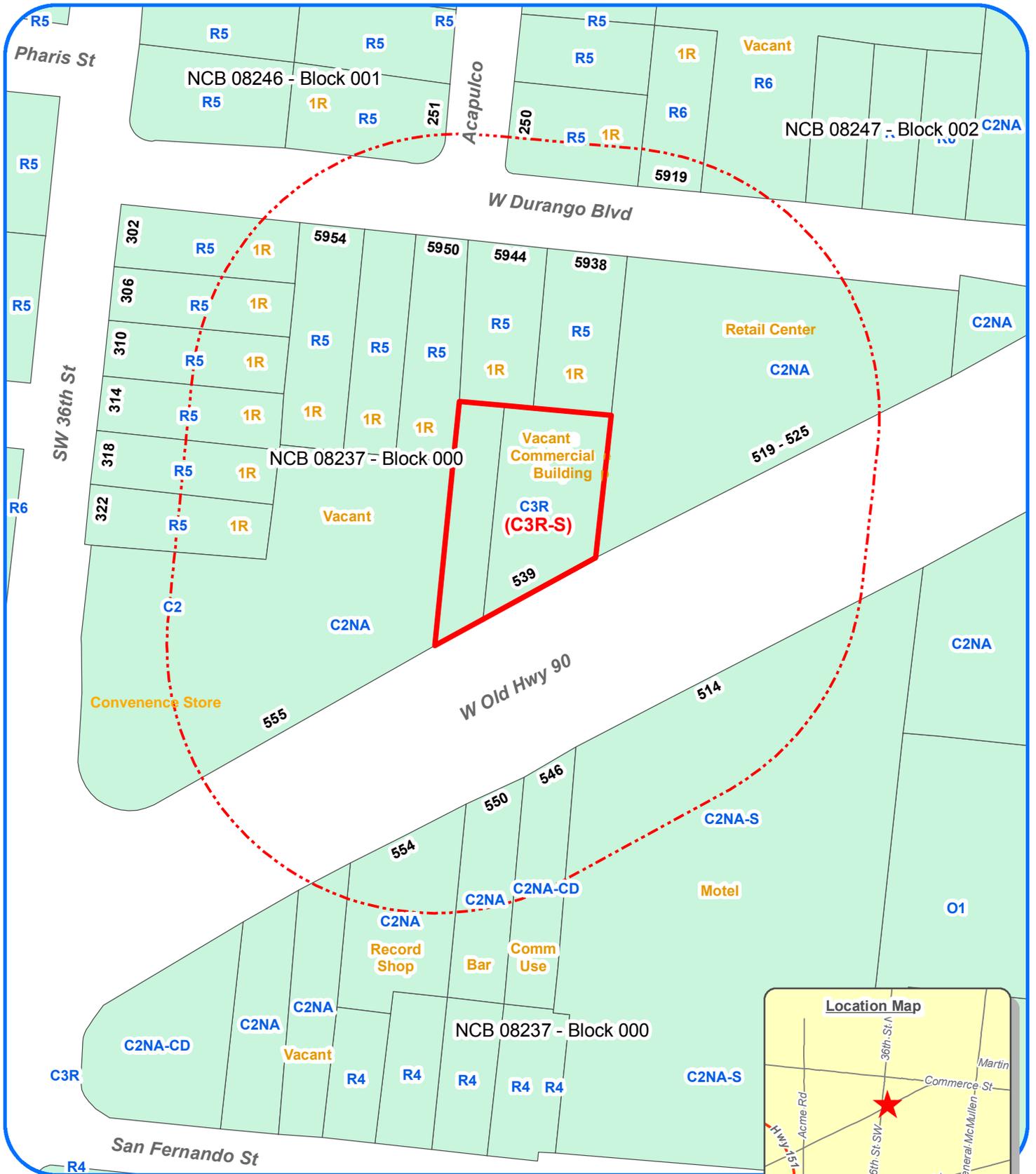
CUDE ENGINEERS
 10325 BANDERA ROAD
 SAN ANTONIO, TEXAS 78250
 TEL 210.681.2951 • FAX 210.523.7112
 WWW.MWCUDE.COM
 T&PE REGISTERED ENGINEERING
 FIRM #455

8331 SW LOOP 410
 SITE PLAN EXHIBIT

DATE: 2011-05-10

JOB NO.: #027-3.000

APPROVAL OF THE ORIGINAL SCENES AND SEALS BY A MUNICIPAL ENGINEER IS REQUIRED. ANY CHANGE TO THE ORIGINAL SCENES AND SEALS MUST BE APPROVED BY THE SAME ENGINEER. THE SCALE OF THE DOCUMENT AND CONTAINED INFORMATION IS TO BE USED AS A GUIDE ONLY. THE SCALE OF THE DOCUMENT AND CONTAINED INFORMATION IS TO BE USED AS A GUIDE ONLY.



Zoning Case Notification Plan

Case Z-2011-124

Council District 6

Scale: 1" approx. = 100 ft.

Subject Property Legal Description(s): NCB 08237 - Block 000 - Lots 142, 143 and 144

Legend

Subject Properties (0.4003 Acres)

200' Notification Area

Current Zoning **TEXT**

Requested Zoning Change **(TEXT)**

100-Year DFIRM Floodplain

Single Family Residential **1R**



Development Services Dept
City of San Antonio
(07/27/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2011124 S
Hearing Date: August 16, 2011
Property Owner: Patricia Ann Olaez-Burton
Applicant: Patricia Ann Olaez-Burton & Leon R. Ojeda
Representative: Patricia Ann Olaez-Burton
Location: 539 Old Highway 90 West
Legal Description: Lot 161, NCB 8237
Total Acreage: 0.4003
City Council District: 6
Case Manager: Pedro Vega, Planner
Case History: This is the first public hearing for this zoning request.

Proposed Zoning Change

Current Zoning: "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District

Requested Zoning: "C-3R AHOD S" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for a Contracting Facility

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 3, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 28, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 12, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 26

Neighborhood Associations: Community Workers Council Los Jardines Neighborhood Association within 200 feet

Planning Team Members: 90 (West/Southwest Sector Plan)

Applicable Agencies: None

Property Details

Property History: The subject property was annexed in October of 1944 and was originally zoned "F" Local District. In October of 1990, the 0.4003 acre site was part of a large area rezoning that change the zoning to "B-3R" Restrictive Business District. In 2001 following the adoption of the Unified Development Code, the existing "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District converted from the previous "B-3R" Restrictive Business District.

Topography: The subject property is relatively flat and has no physical characteristics that are likely to affect the development.

Adjacent Zoning and Land Uses

Direction: Northeast

Current Base Zoning: "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District

Current Land Uses: Retail Center

Direction: Southwest

Current Base Zoning: "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District

Current Land Uses: Vacant Land

Direction: North

Current Base Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

Current Land Uses: Single-Family Dwellings

Direction: South across Old Highway 90 West

Current Base Zoning: "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District

Current Land Uses: Commercial Uses

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: Old Highway 90 West

Existing Character: Secondary arterial two lanes in each direction

Proposed Changes: None known.

Public Transit: The VIA number 76 and 276 bus lines operate along Old Highway 90 West.

Traffic Impact: A Traffic Impact Analysis (TIA) is not required because traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Minimum Parking Requirement: 1 per 1,500 sf GFA. Maximum Parking Requirement: 1 per 300 sf GFA.

Staff Analysis and Recommendation: Denial. Pending Master Plan Amendment.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the West/Southwest Sector Plan and is currently designated as "General Urban Tier" which includes a range of medium and high density residential uses as well as community commercial land uses. Therefore, the current and requested zoning district is inconsistent with the plan. The applicant has submitted a Master Plan Amendment that was considered and approved by the Planning Commission on August 10, 2011. Planning and Community Development Department Staff recommends Denial of the Master Plan Amendment.

2. Adverse Impacts on Neighboring Lands:

The granting of the Specific Use Authorization may have an adverse impact on the neighborhood. This current proposal is not in direct alignment with public policy objectives. The Old Highway 90 Corridor Comprehensive rezoning was approved by City Council on May 5, 2011. The rezoning request was initiated

by the City of San Antonio and properties located along the Old Highway 90 corridor were rezoned to zoning districts compatible with the existing land uses.

3. Suitability as Presently Zoned:

The base zoning district will remain "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District. "C-3" districts are designed to provide for more intensive commercial uses and are typically characterized as community and regional shopping centers.

4. Health, Safety and Welfare:

Staff has found indication of likely adverse effects on the public health, safety, or welfare. Additionally, the surrounding residential neighborhoods are not protected or buffered by development standards that would be required of new commercial development since the previous C-3 zoning districts have been in place for a number of decades. Although a commercial use may be appropriate on the subject property "C-3R" districts are more appropriately located at the intersection of major arterials.

District regulations within the "C-3R" district are the same as in "C-3" districts except that no sales of alcoholic beverages for on-premises consumption shall be permitted.

5. Public Policy:

The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

6. Size of Tract:

The 0.4003 acre tract is of sufficient size to accommodate the proposed Contracting Facility. The applicant has submitted a site plan in order to comply with the Specific Use Authorization requirements. The owner of the subject property also owns the adjacent properties located at 5944 and 5938 West Durango Boulevard.

7. Other Factors:

In 2011, the subject property was excluded from the Old Highway 90 Corridor large area rezoning case (Z2011088 CD S). The purpose of the Old Highway 90 Corridor rezoning initiative was to reduce the visual chaos and create a more attractive corridor to enhance or complement the area by phasing out intensive commercial uses. The intention of the rezoning was to attract more neighborhood oriented businesses.

The purpose of the Specific Use Authorization 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.

A 10-foot, 6-inch variance to the 30-foot minimum side setback requirement of the "C-3" district when abutting a residential zoning district, in order to allow a 19-foot, 6-inch side setback; and a 30-foot variance to the 30-foot minimum rear setback requirement of the "C-3" district when abutting a residential zoning district, in order to allow a structure on the north rear property line. VARIANCES GRANTED BY BOARD OF ADJUSTMENT ON JULY 11, 2011.

ARCHITECT

mm
 MARIANA L. MARTINEZ
 ARCHITECT
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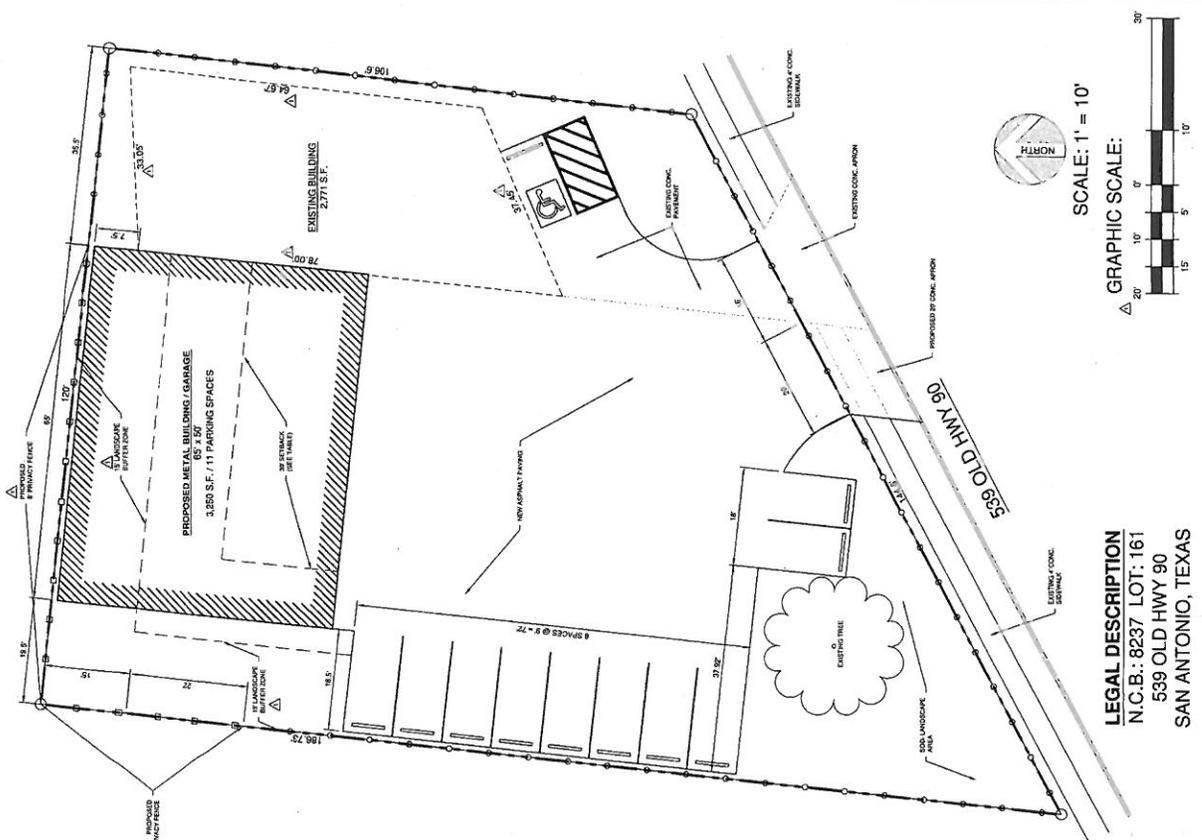
539 OLD HWY 90
 SAN ANTONIO, TEXAS
 LOT NO. 161 N.C.B. 8237
 LEON GENERAL CONSTRUCTION
 (710) 844-0971

DIMENSIONAL SITE & PAVING PLAN A

REVISIONS

4/10/11	M.H.
4/12/11	M.H.
4/16/11	M.H.

PROJECT # 0029
 DATE 3/20/11
 DRAWN M.H.
 CHECKED BY M.H.
 SHEET # **1 OF 1**



SETBACKS

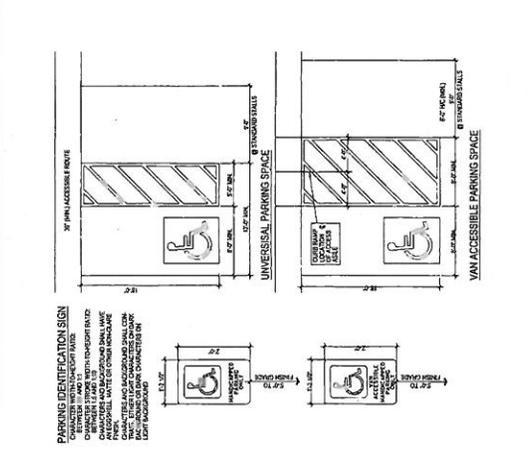
FRONT:	0
REAR:	30' (SEE NOTES)
SIDE:	30' (SEE NOTES)
LANDSCAPE BUFFER:	10' (SEE NOTES)

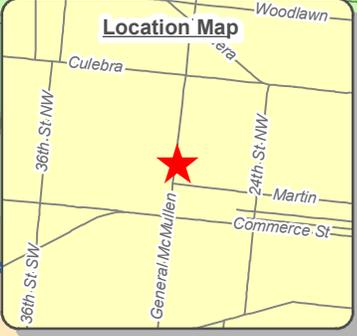
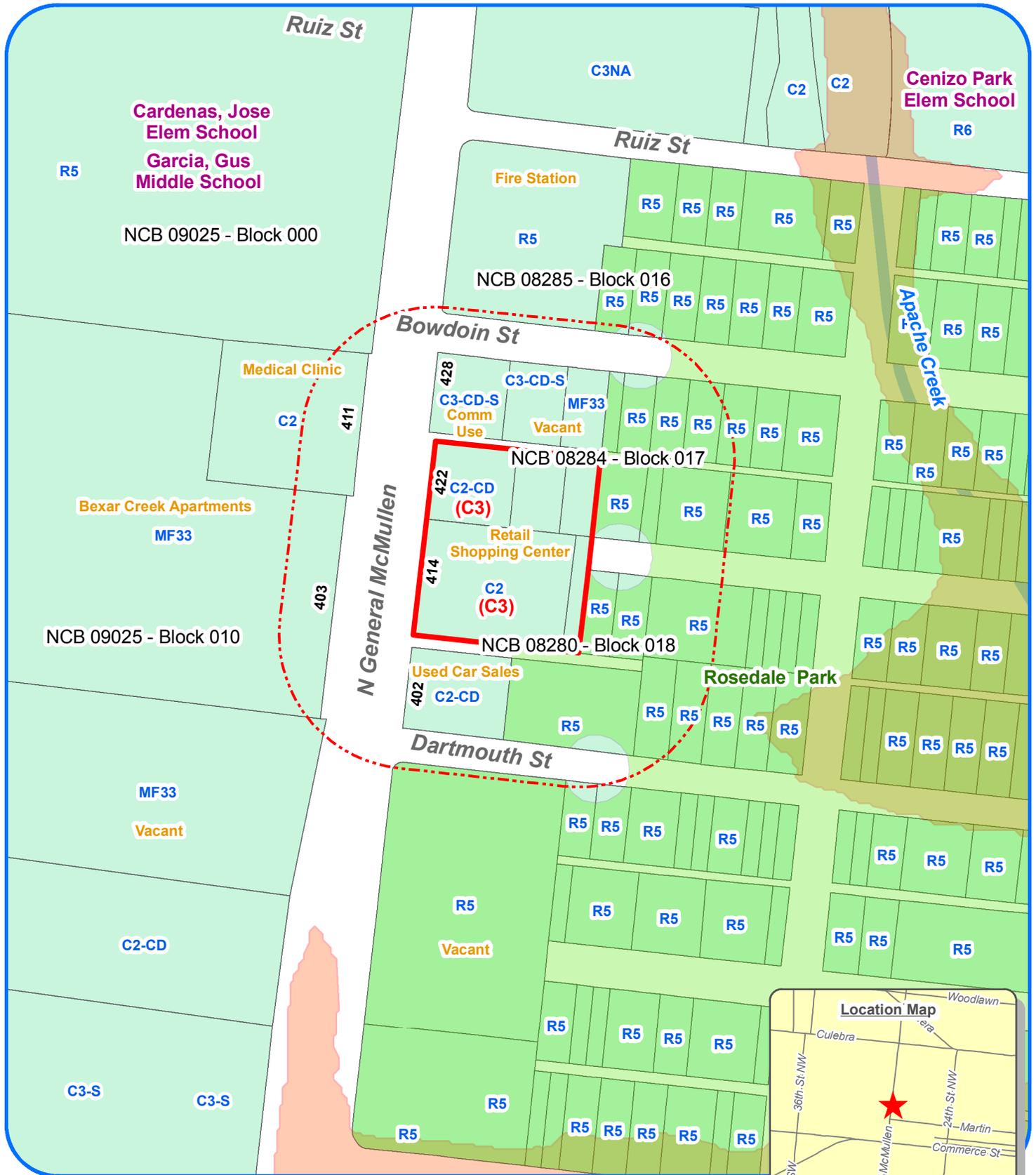
ZONING SYNOPSIS

LAND AREA:	17,495 S.F.
BUILDING AREA:	5,481 S.F.
OPEN AREA:	16,104 S.F.
LAND IMPROVEMENTS:	1,488 S.F.
ZONING DISTRICT:	CS
ZONING REGULATIONS:	11.10.11.1
PERMITTED USES (A.C. 11.10.11.1):	OFFICE, COMMERCIAL, SERVICE, RETAIL, RESTAURANT, CATERING, MEETING FACILITY
TOTAL PARKING SPACES:	11

NOTE:
 SITE PLAN "A" WILL REQUIRE BOARD OF ADJUSTMENT APPROVAL OF VARIANCES FROM SIDE AND REAR BUILDING SETBACK REQUIREMENTS AND LANDSCAPE BUFFER REQUIREMENT.

Ms. Patricia Birtan & Leon B. Ojeda, the property owners, 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, we understand that City Council approval of a site plan in conjunction with a rezoning case does not constitute an approval of any City-adopted codes at the time of plan submission for building permits.





Zoning Case Notification Plan

Case Z-2011-135

Council District 5

Scale: 1" approx. = 200 ft.

Subject Property Legal Description(s): NCB 08284 - Block 017 - Lots 15 thru 24 and NCB 08280 - Block 018 - Lots 34, 49 and Parcel P-100

Legend

- Subject Properties (1.756 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(08/02/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission

Zoning Case #: Z2011135

Hearing Date: August 16, 2011

Property Owner: Mireles Properties, LLC.

Applicant: Lupe Mireles

Representative: Jose Gallegos

Location: 414, 418 and 422 North General McMullen Drive

Legal Description: Lot 34, Block 18, NCB 8280 together with that portion of Colby Street adjacent to and north of Lot 34 abandoned by Ordinance No. 98915 of the City of San Antonio (also known as P-100 by the Bexar County Appraisal District), Lot 49, Block 18, NCB 8280, and Lots 15 through 24, Block 17, NCB 8284

Total Acreage: 1.7562

City Council District: 5

Case Manager: Andreina Dávila-Quintero, Planner

Case History: This is the first public hearing for this zoning case. The applicant requested this case be postponed on May 19, 2011. On July 15, 2011, the applicant submitted a request for this case to be scheduled for the August 16, 2011 Zoning Commission Public Hearing.

Proposed Zoning Change

Current Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Mini-Storage Units

Requested Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 29, 2011. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 3, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 12, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 35

Neighborhood Associations: Prospect Hill Neighborhood Association. The Loma Vista Neighborhood Association is located within two hundred (200) feet of the subject properties.

Planning Team Members: None

Applicable Agencies: None

Property Details

Property History: The subject properties were annexed on August 3, 1944 (Ordinance No. 1258), and were zoned “JJ” Commercial District and “C” Apartment District. Upon the adoption of the 2001 UDC, the previous base zoning districts were converted to the “I-1” General Industrial and “MF-33” Multi-Family Residential districts, respectively. In February 2002, the current property owner submitted a request to rezone the northern half of the subject properties (Lots 15 through 24, Block 17, NCB 8284) to “C-3” General Commercial district; however, on April 11, 2002, the City Council approved “C-2 CD” Commercial District with a Conditional Use for Mini-Storage Units (Ordinance No. 95609) rather than the “C-3” General Commercial District requested by the owner. Thereafter, on January 8, 2004, the City Council approved the rezoning of the southeast portion of the subject properties (Lots 31 through 34, Block 18, NCB 8280) to “C-2” Commercial District (Ordinance No. 98679). On March 4, 2004, the City Council approved the abandonment of an unimproved portion of Colby Street public right-of-way in the Rosedale Park Addition immediately adjacent to the park and abutting the subject properties. On May 25, 2004, Lots 25 through 33 and the portion of Colby Street immediately to the north of these lots were replatted into Lot 49 (Volume 9561, Page 86, Deed and Plat Records of Bexar County, Texas). Lastly, on May 17, 2007, the City Council approved the rezoning of the southwest portion of the subject properties (Lot 49, Block 18, NCB 8284) to “C-2” Commercial District.

The subject properties consist of a retail shopping center with three (3) buildings (414, 418 and 422), which were built between 2002 and 2004 according to the Bexar County Appraisal District.

Topography: The subject properties do not include any abnormal physical features such as significant slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: “C-3 CD S” General Commercial with a Conditional Use for Heavy Equipment Repair and a Specific Use Authorization for a Contractor Facility, and “MF-33” Multi-Family Residential districts

Current Land Uses: Commercial use and vacant

Direction: South

Current Base Zoning: “C-2 CD” Commercial with a Conditional Use for Auto Sales and “R-5” Single-Family Residential districts

Current Land Uses: Used Car Sales and Rosedale Park

Direction: East

Current Base Zoning: “R-5” Single-Family Residential district

Current Land Uses: Rosedale Park

Direction: West

Current Base Zoning: “C-2” Commercial and “MF-33” Multi-Family Residential districts

Current Land Uses: Medical Clinic and Apartments

Overlay and Special District Information: All surrounding properties carry the “AHOD” Airport Hazard Overlay District due to their proximity to an airport or approach path. The “AHOD” does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration (“FAA”).

Transportation

Thoroughfare: North General McMullen Drive

Existing Character: Primary Arterial Type A, three (3) lanes each way with a median or center lane

Proposed Changes: None known

Public Transit: VIA bus lines 79 and 524 operate along General McMullen in front of the subject properties with bus stops located at the intersections of North General McMullen and Dartmouth Street, and Ruiz Street. VIA bus line 524 terminates at the Crossroads Park and Ride facility.

Traffic Impact: A Traffic Impact Analysis (“TIA”) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Table 526-3 of the UDC establishes the minimum and maximum number of parking spaces required on a property. The number of parking spaces required on the subject property will be determined by the existing and proposed uses, as well as the size of the structures.

Staff Analysis and Recommendation: Denial.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject properties are not within a Neighborhood or Community Plan. However, one (1) of the goals of the City’s Master Plan is to ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas. The subject properties have a range of service, retail and office uses that are consistent with the current “C-2” Commercial base zoning district, and are compatible with the surrounding land uses and zoning districts. The proposed “C-3” General Commercial zoning district would allow uses that are more intense in nature, and will have a greater impact on the surrounding areas. With Rosedale Park, Jose Cardenas Elementary School, Gus Garcia Middle School and Bexar Creek Apartments, all of which are located within two hundred (200) feet of the subject properties. It is staff’s professional opinion that the proposed “C-3” General Commercial zoning district is neither appropriate for the subject properties, nor consistent with the City’s Master Plan.

2. Adverse Impacts on Neighboring Lands:

The proposed “C-3” General Commercial zoning district is designed to provide for more intense uses that are typically characterized as community and regional power centers such as shopping malls, movie theaters, hospitals and wholesalers, among other. Due to its classification, the “C-3” General Commercial base zoning district is best located at intersections of major arterials and within commercial nodes. With the exception of the properties to the north, the subject properties are surrounded by zoning districts and uses that are less intense than the range of uses allowed in the proposed “C-3” General Commercial zoning district, and which are more compatible with the existing “C-2” Commercial District. The proposed “C-3” General Commercial District would allow land uses that will adversely impact the neighboring properties to the east (Rosedale Park) and west (Bexar Creek Apartments), as well as other properties within the vicinity. Samples of incompatible uses include bars, nightclubs, auto sales and repair facilities.

3. Suitability as Presently Zoned:

The “C-2” Commercial zoning district accommodates commercial and retail uses that are more intensive in character than neighborhood or light commercial, and which generate a greater volume of vehicular or truck traffic. The existing retail shopping center has a variety of service, retail and office uses, which are compatible with the current “C-2” Commercial base zoning district. The subject properties may continue to be used as a retail shopping center with the current zoning district. Moreover, the applicant has the option to apply to rezone the subject properties (in whole or in part) with a conditional use for an assortment of uses that are best suited in a more intensive commercial district without altering the base zoning districts of the subject properties, or character of the area.

4. Health, Safety and Welfare:

The approval of the requested “C-3” General Commercial zoning district would allow more intense commercial uses increasing traffic, noise, and lighting in the area. In addition, staff has found no evidence that a substantial public need exists for the proposed rezoning.

5. Public Policy:

In 2007, the City Council directed city staff to initiate the rezoning of the North General McMullen area between Culebra Road to the north and West Commerce Street to the south due to the incompatibility of existing land uses with the zoning districts that resulted from the adoption of the 2001 UDC. The intent was to downzone properties to a less intense zoning district so that the properties are brought into compliance with the current provisions of the UDC. In addition, the intention of the down-zoning of these properties was to

provide the most appropriate zoning to the current land uses, and thus, protect current business owners from future non-conforming uses. This rezoning case resulted in a number of properties fronting North General McMullen Drive being downzoned to the lowest intense zoning district possible depending on the existing business and uses on site. The majority of the southern half of the subject properties was subject to the North General McMullen area rezoning case. Due to the existing retail and service type uses, this portion of the subject properties was downzoned to “C-2” Commercial District.

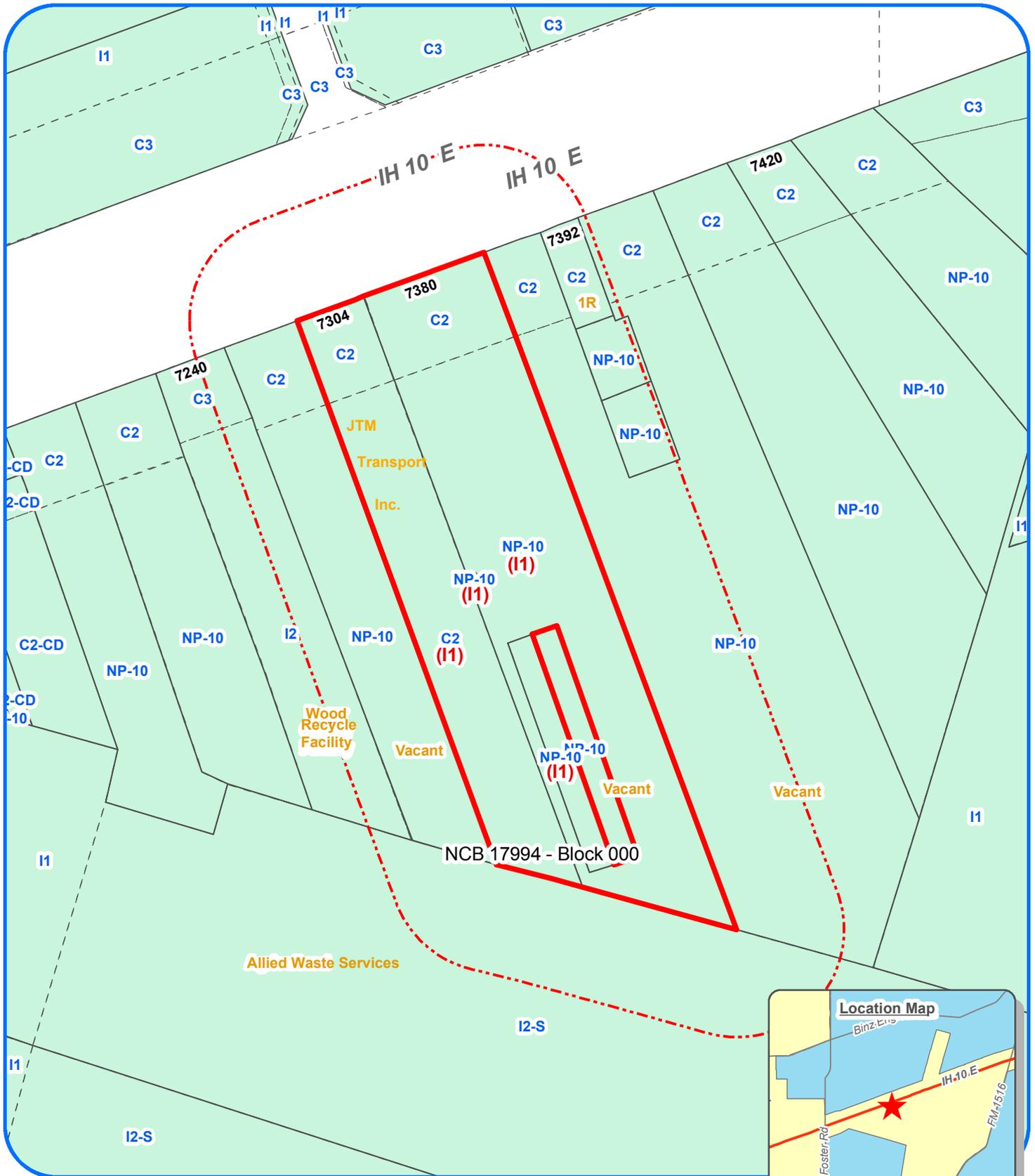
6. Size of Tract:

The subject properties comprise of a total area of approximately 1.76 acres, which is adequate size for the existing and proposed zoning districts. Additionally, the subject properties comply with the 20-foot minimum lot street frontage requirement of the “C-2” Commercial and “C-3” General Commercial base zoning districts as established by the UDC.

7. Other Factors:

Since the adoption of the 2001 UDC, the subject properties have been rezoned multiple times, all of which resulted in the subject properties having the “C-2” Commercial zoning district. At present, there have been no significant changes within the area or changes in development patterns that result in the need of a higher zoning classification than what already exists.

Furthermore, while the subject properties are not located within a Neighborhood or Community Plan, it should be noted that in 2011, the City adopted the West/Southwest Sector Plan that extends to the west side of North General McMullen Drive. Per the West/Southwest Sector Plan, the properties to the west of the subject properties are within the General Urban Tier, which is characterized as urbanized areas where frequent and/or attached retail services are appropriate. Within the General Urban Tier, the highest zoning district allowed is “C-2” Commercial District. While staff recognizes that the subject properties are not located within the boundaries of this land use plan, it is appropriate planning practice to recommend that both block-faces develop in a cohesive, thoughtful pattern. Therefore, the proposed “C-3” General Commercial zoning district is also inconsistent with the recommended future development along North General McMullen Drive.



Zoning Case Notification Plan

Case Z-2011-168

Council District 2

Scale: 1" approx. = 250 ft.

Subject Property Legal Description(s): NCB 17994 - Block 000 - Lot 37, Arb Tract 15B, and Tract 15 & W 1/2 of Tract 16

Legend

- Subject Properties ——— (9.54 Acres)
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(07/27/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission

Zoning Case #: Z2011168

Hearing Date: August 16, 2011

Property Owner: Jaime T. Martinez and Allied Waste of North America

Applicant: Homer Rivera

Representative: Sylvia Elguezabal

Location: 7304 and 7380 Interstate Highway 10 East

Legal Description: Lot 37, Tract 15 and west 1/2 of Tract 16 and ARB Tract-15B, NCB 17994

Total Acreage: 9.54

City Council District: 2

Case Manager: Pedro Vega, Planner

Case History: This is the first public hearing for this zoning request.

Proposed Zoning Change

Current Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Requested Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 3, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 28, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 12, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 14

Neighborhood Associations: None

Planning Team Members: 29 (I-10 East Corridor Perimeter Plan)

Applicable Agencies: None

Property Details

Property History: The subject property was annexed in December of 1985 and was originally zoned Temporary "R-1" Single-Family Residence District. In November of 1989, the 9.54 acre site was part of a large area rezoning that change the zoning to "R-A" Residential-Agriculture District and "B-2" Business District. In 2001 following the adoption of the Unified Development Code, the existing "C-2 AHOD" Commercial Airport Hazard Overlay District and "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District

converted from the previous "R-A" Residential-Agriculture District and "B-2" Business District.

Topography: The subject property is relatively flat and has no physical characteristics that are likely to affect the use.

Adjacent Zoning and Land Uses

Direction: South

Current Base Zoning: "I-2 S AHOD"

Current Land Uses: Landfill

Direction: Northeast

Current Base Zoning: "C-2 AHOD" and "NP-10 AHOD"

Current Land Uses: Vacant Land

Direction: Southwest

Current Base Zoning: "C-2 AHOD" and "NP-10 AHOD"

Current Land Uses: Vacant Land

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: Interstate Highway 10 East

Existing Character: Highway two lanes in each direction

Proposed Changes: None known.

Public Transit: There are no public transit lines in the immediate vicinity.

Traffic Impact: A Traffic Impact Analysis (TIA) is not required because traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Minimum Parking Requirement: 1 per 500 sf GFA including service bays, wash tunnels and retail areas. Maximum Parking Requirement: 1 per 375 sf GFA including service bays, wash tunnels and retail areas.

Staff Analysis and Recommendation: Approval, pending Master Plan Amendment.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the I-10 East Corridor Perimeter Plan and is currently designated as "Community Commercial" land use provides for offices, professional services, and retail uses of moderate intensity and impact. Therefore, the requested zoning district is inconsistent with the plan. The applicant has submitted a Master Plan Amendment to "Industrial" that was considered and approved by the Planning Commission on May 25, 2011. Planning and Community Development Department Staff recommend Approval of the Master Plan Amendment.

2. Adverse Impacts on Neighboring Lands:

The granting of the "I-1 AHOD" General Industrial Airport Hazard Overlay District will not have an adverse impact on the area. Surrounding existing land uses are industrial in character and the proposed zoning change is consistent with these uses.

3. Suitability as Presently Zoned:

The "I-1 AHOD" General Industrial Airport Hazard Overlay District will provide an opportunity for a reuse of the existing buildings and will be consistent with the current uses around the property.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. There is no established residential development or community commercial development on this side of the highway.

5. Public Policy:

The request does not appear to conflict with any established public policy.

6. Size of Tract:

The 9.54 acre tract is of sufficient size to accommodate the proposed Truck Repair and Maintenance (JTM Transport Inc.). The existing vacant structures will be refurbished to serve as an office at the front of the property and the shop towards the back of the property.

7. Other Factors:

The south side of the interstate highway includes some heavy industrial uses such as the landfill, a composting business, trucking related businesses, recycling facility, heavy machinery storage, and salvage yards. Given the extended life of the landfill, an industrial use is more appropriate for this location.



Zoning Case Notification Plan

Case Z2011170

Council District 1

Scale: 1" approx. = 150 ft.

Subject Property Legal Description(s): NCB 02972 - Block 004 - Lots A1, A7, A8 and 10

Legend

- Subject Properties (1.411 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(07/13/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2011170
Hearing Date: August 16, 2011
Property Owner: Rocky Creek Partners, L.L.C., c/o Emilio Nicolas, Senior Manager
Applicant: S. Sunshine Thacker
Representative: S. Sunshine Thacker
Location: 1002, 1006, and 1020 South Flores Street & 302 West Guenther Street
Legal Description: Lots A1, A7, A8 and 10, Block 4, NCB 2972
Total Acreage: 1.411 acres
City Council District: 1
Case Manager: Micah Diaz, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District and "C-2" Commercial District (Lots A1, A7 and A8, Block 4, NCB 2972) and "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District and "C-1" Light Commercial District (Lot 10, Block 4, NCB 2972)

Requested Zoning: "IDZ" Infill Development Zone District with uses permitted in "MF-40" Multi-Family District and "C-2" Commercial District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 29, 2011. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 4, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 12, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 41

Neighborhood Associations: King William Association

Planning Team Members: 70 - Downtown Neighborhood Plan

Applicable Agencies: None

Property Details

Property History: The subject properties are located within the city limits as recognized in 1938, and were originally zoned under the 1938 zoning ordinance. In a 1991 City-initiated case, the properties were rezoned to "B-1"

Business District at the southwest corner of Guenther Street and Nathan; “B-3” Business District at the southeast corner of Flores Street and Guenther Street; and “B-3NA” Nonalcoholic Sales District for the remaining subject property area along Flores Street and Guenther Street. Upon adoption of the 2001 Unified Development Code, the previous base zoning districts converted to “C-1” Light Commercial District, “C-3” General Commercial District, and “C-3NA” General Commercial Nonalcoholic Sales District, respectively. In 2005, the property addressed as 1020 South Flores Street was rezoned to “IDZ” Infill Development Zone with uses permitted in “MF-33” Multi-Family District and “C-1” Light Commercial District. In 2006, the properties addressed as 1002 and 1006 South Flores Street and 302 West Guenther Street were rezoned to “IDZ” with uses permitted in “MF-33” and “C-2” Commercial District. The larger two subject properties are currently undeveloped, while the two smaller lots have vacant commercial structures that were constructed in the 1950s. Most of the subject property area is not platted; however, a portion was platted in 2006 (volume 9570, page 139).

Topography: The properties do not include any abnormal physical features such as significant slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North and northeast

Current Base Zoning: “C-1” and “MF-33”

Current Land Uses: San Antonio Housing Authority offices and apartment complex

Direction: East and south

Current Base Zoning: “RM-4” Residential Mixed District

Current Land Uses: Single-family residences

Direction: South, southwest, and west

Current Base Zoning: “C-3NA”, “C-3”, “IDZ” with uses permitted in “MF-25” and “C-1”, “IDZ” with uses permitted in “MF-25”, and “IDZ” with uses permitted in “MF-50” and “C-3”

Current Land Uses: Condominiums, vacant commercial structures, restaurant, park, and offices

Direction: West and northwest

Current Base Zoning: “C-3NA” and “I-1” General Industrial District

Current Land Uses: Steel processing

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration

A number of surrounding properties carry the “HS” Historic Significant landmark designation, signifying the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure.

Transportation

Thoroughfare: South Flores Street

Existing Character: Secondary Arterial Type B; two lanes in each direction with sidewalks

Proposed Changes: None known

Thoroughfare: West Guenther Street, Nathan, Rische Street, Daniel Street, Camp Street

Existing Character: Local streets; two-way with sidewalks

Proposed Changes: None known

Public Transit: Multiple VIA bus and street car lines operate along South Flores Street, with many stops in close proximity to the subject properties. Additional lines operate in the area along Main Avenue and Laredo Street.

Traffic Impact: A Traffic Impact Analysis is not required. Infill Development Zone (IDZ) requests are exempt from the TIA requirement.

Parking Information: The “IDZ” Infill Development Zone District eliminates off-street parking requirements. However, the requisite site plan submitted by the applicant indicates 69 off-street parking spaces for the proposed mixed-use development.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject properties are located within the Downtown Neighborhood Plan and are identified as Mixed Use in the Future Land Use portion of the plan. Along the South Flores corridor, the plan calls for “a mixed use low-rise district at 3-stories and a maximum of 40 units per gross acre.” The requested zoning is consistent with the adopted Future Land Use plan.

2. Adverse Impacts on Neighboring Lands:

The requested zoning provides a suitable transition between the residential single-family uses to the east and the arterial thoroughfare, multi-family, commercial and industrial uses to the west. Although the “IDZ” district allows flexibility in typical development standards such as building setbacks, parking and landscape buffers, the district carries design standards that are intended to provide continuity in scale and detail with the surrounding development.

3. Suitability as Presently Zoned:

Both the existing and requested zoning are appropriate for the subject properties. The proposed development will require platting the properties into a single lot, which would be split-zoned, should the zoning request be denied. Applying consistent zoning to all of the subject property parcels will encourage future development.

4. Health, Safety and Welfare:

Staff finds no adverse impacts on the health, safety and welfare of the surrounding community. The “IDZ” district is meant to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. Infill development can reduce threats to public health, safety and welfare by eliminating spaces that are often subject to illegal dumping, loitering, and owner neglect.

5. Public Policy:

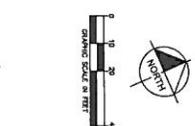
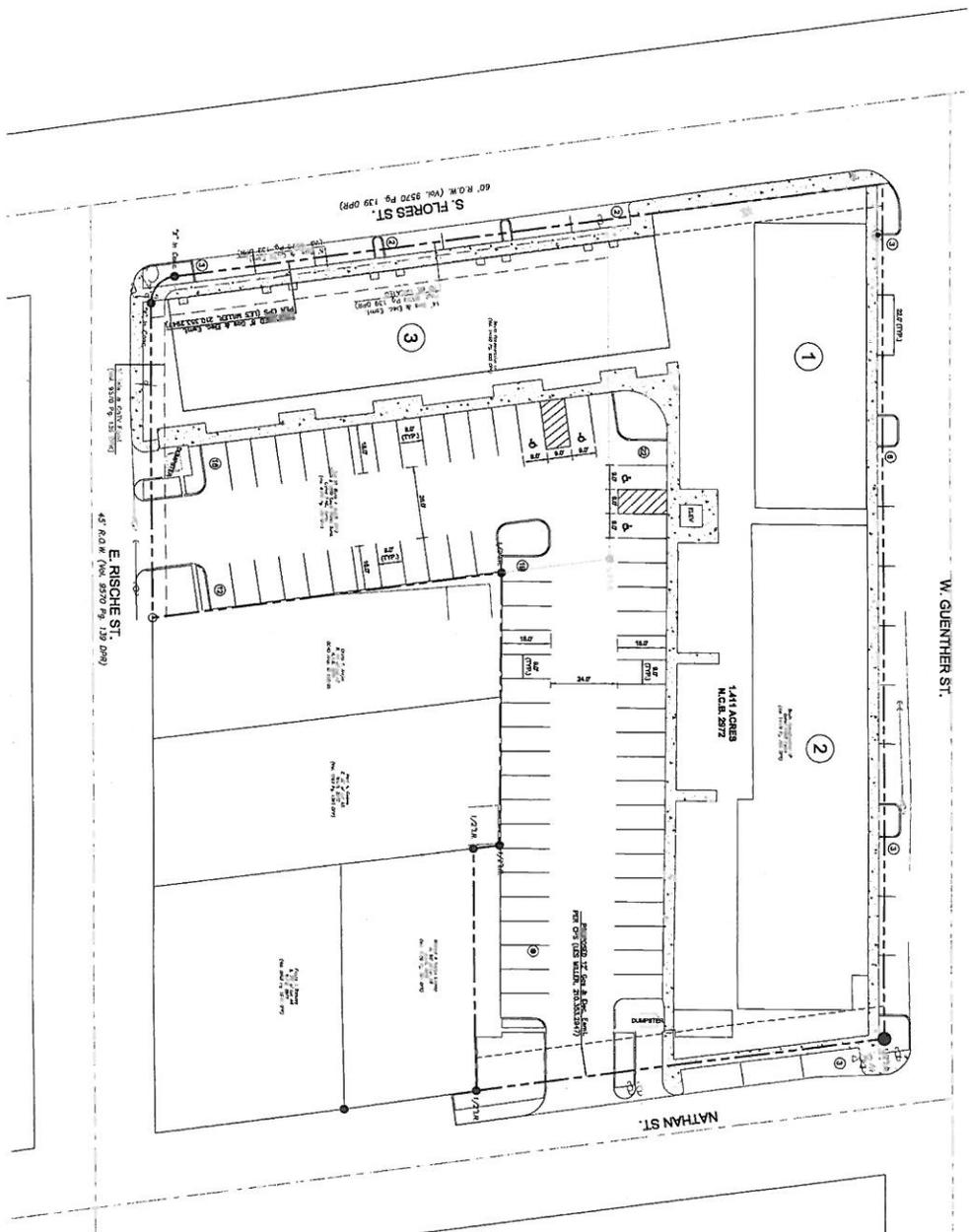
The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

6. Size of Tract:

The subject property is of sufficient size to accommodate the proposed uses with the flexibility offered by the “IDZ” district.

7. Other Factors:

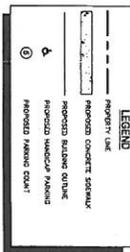
The existing zoning allows a maximum of 46 dwelling units on the subject properties. The requested zoning could allow a total of 56 dwelling units.



PROPOSED USE FOR BUILDINGS	
BUILDING No.	BUILDING USE
1	ALL FLOORS, MULTI-FAMILY RESIDENTIAL
2	ALL FLOORS, MULTI-FAMILY RESIDENTIAL
3	1ST FLOOR OFFICES, RETAIL, SERVICE, AND MULTI-FAMILY RESIDENTIAL, 2ND AND 3RD FLOOR, MULTI-FAMILY RESIDENTIAL

OFF-STREET PARKING	
TYPE OF SPACE	SPACE No.
STANDARD	53
HANDICAP	4
COMPACT	12
TOTAL	69

* 22 DEVELOPER PROVIDED ON-STREET PARKING SPACES NOT INCLUDED IN PARKING CALCULATIONS ABOVE.

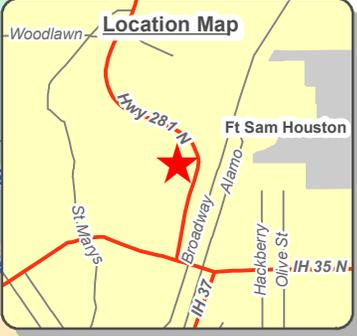
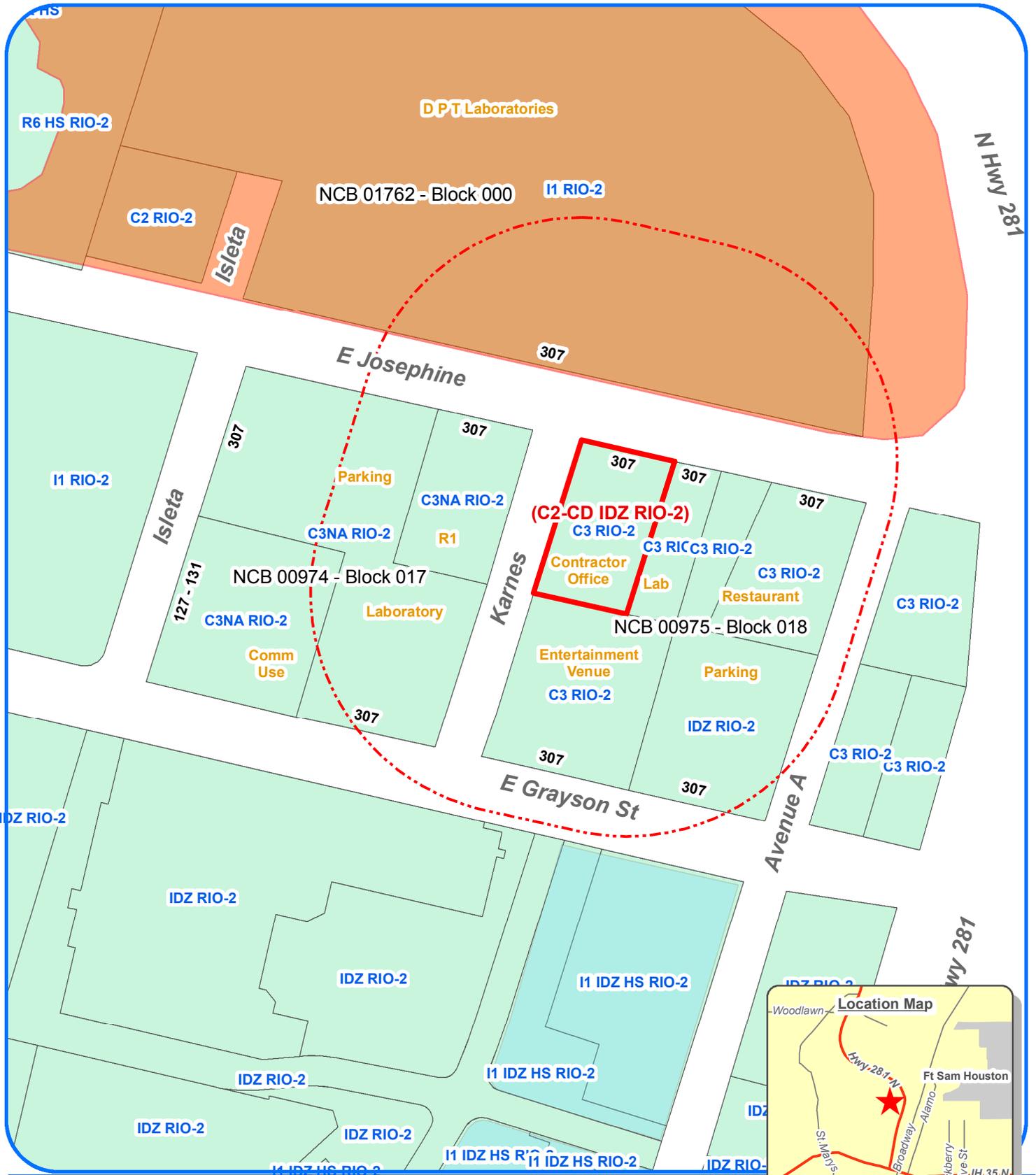


LEGAL DESCRIPTION OF LOT (TOTAL ACRES 1.411)
 LOT 10, BLOCK 4, N.C.B. 2972, PER VOLUME 9570, PAGE 139,
 DPR, AND A CALLED 0.828 ACRE TRACT OF LAND BEING ALL OF
 LOTS A-1, A-7 AND A-8 N.C.B. 2972, PER VOLUME 14160, PAGE
 885, DPR, SITUATED IN SAN ANTONIO.

I, EMILIO NICOLAS, SR. FOR HOOKY CREEK PARTNERS, L.L.C., THE
 PROPERTY OWNER, ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR
 THE PURPOSE OF REZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL
 APPLICABLE CITY ORDINANCES AND REGULATIONS. I UNDERSTAND THAT CITY COUNCIL APPROVAL OF A SITE
 PLAN IN CONJUNCTION WITH A REZONING CASE DOES NOT RELIEVE ME
 FROM ADHERENCE TO ANY CITY-ADOPTED CODES AT THE TIME OF
 PLAN SUBMITTAL FOR BUILDING PERMITS.

FLORES GUENTHER SITE SAN ANTONIO, TEXAS	ZONING EXHIBIT	SCALE AS NOTED DESIGNED BY ABC DRAWN BY SW CHECKED BY KHA	Kimley-Horn and Associates, Inc. 45 MC LOOP 410, SUITE 800, SAN ANTONIO, TEXAS 78216 PHONE 781-541-8181 FAX 781-541-8182 WWW.KIMLEY-HORN.COM © 2011 KIMLEY-HORN AND ASSOCIATES, INC. TSPC FPM No. 926	No. _____ DATE _____ BY _____
		DATE 07/20/11 PROJECT NO. 08585800 SHEET NUMBER 1		REVISIONS _____ DATE _____ BY _____

20111120



Zoning Case Notification Plan

Case Z-2011-173 CD

Council District 1

Scale: 1" approx. = 120 ft.

Subject Property Legal Description(s): NCB 00975 - Block 018 - Lots 9 & 10

Legend

- Subject Properties (0.293 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning TEXT
- Requested Zoning Change (TEXT)
- 100-Year DFIRM Floodplain
- Single Family Residential 1R



Development Services Dept
City of San Antonio
(08/01/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2011173 CD
Hearing Date: August 16, 2011
Property Owner: Glenn W. Buchhorn, Sr. and Ruth Ann Buchhorn
Applicant: Jonathan R Card AIA
Representative: Jonathan R Card AIA
Location: 302 East Josephine Street
Legal Description: Lot 9 and Lot 10, Block 18, NCB 975
Total Acreage: 0.293
City Council District: 1
Case Manager: Pedro Vega, Planner
Case History: This is the first public hearing for this zoning request.

Proposed Zoning Change

Current Zoning: "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2

Requested Zoning: "C-2 CD IDZ AHOD RIO-2" Commercial Infill Development Zone Airport Hazard Overlay River Improvement Overlay District-2 with a Conditional Use for a Food, Mobile Vending Unit (Base Operations)

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 3, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 28, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 12, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 12

Neighborhood Associations: Tobin Hill Neighborhood Association

Planning Team Members: 13 (Tobin Hill Neighborhood Plan)

Applicable Agencies: None

Property Details

Property History: The subject property is located within the City Limits as recognized in 1938. The subject property was originally zoned "J" Commercial District. In December of 1995, the 0.293 acre site was part of a large area rezoning that change the zoning to "B-3" Business District. In 2001 following the adoption of the Unified Development Code, the existing "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2 converted from the previous "B-3" Business District.

Topography: The subject property is relatively flat and has no physical characteristics that are likely to affect the use.

Adjacent Zoning and Land Uses

Direction: Northeast across East Josephine Street

Current Base Zoning: "I-1 AHOD RIO-2" General Industrial Airport Hazard Overlay River Improvement Overlay District-2

Current Land Uses: Commercial Use

Direction: Southwest

Current Base Zoning: "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2

Current Land Uses: Commercial Use

Direction: Southeast

Current Base Zoning: "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2

Current Land Uses: Parking

Direction: Northwest across Karnes Street

Current Base Zoning: "C-3NA AHOD RIO-2" General Commercial Nonalcoholic Sales Airport Hazard Overlay River Improvement Overlay District-2

Current Land Uses: Single-Family Dwelling

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

River Improvement Overlay District "RIO 2": The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

Transportation

Thoroughfare: East Josephine Street

Existing Character: Collector Street one lane in each direction

Proposed Changes: None known.

Public Transit: The VIA number 20 bus line operate along East Josephine Street

Traffic Impact: A Traffic Impact Analysis (TIA) is not required because traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Minimum Parking Requirement: 1 per 100 sf GFA. Maximum Parking Requirement: 1 per 40 sf GFA.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the Tobin Hill Neighborhood Plan and is currently designated as "High Density Mixed Use" which includes a well planned and integrated blend of higher density residential with retail, office, entertainment, or other land uses. The corresponding commercial zoning is "NC", "C-1", "C-2P", "C-2", "IDZ", "TOD", "MXD", "UD", "O-1" "O-2" and "FBZD". Therefore, the requested zoning district is consistent with the Tobin Hill Neighborhood Plan.

2. Adverse Impacts on Neighboring Lands:

The granting of the zoning request will not have an adverse impact on the neighborhood. The "C-2 CD IDZ AHOD RIO-2" Commercial Infill Development Zone Airport Hazard Overlay River Improvement Overlay District-2 with a Conditional Use for a Food, Mobile Vending Unit (Base Operations) is a downzoning from the current "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2.

3. Suitability as Presently Zoned:

The current "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2 and proposed The "C-2 CD IDZ AHOD RIO-2" Commercial Infill Development Zone Airport Hazard Overlay River Improvement Overlay District-2 with a Conditional Use for a Food, Mobile Vending Unit (Base Operations) are both appropriate for the area.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The rezoning request to "C-2 CD IDZ AHOD RIO-2" Commercial Infill Development Zone Airport Hazard Overlay River Improvement Overlay District-2 with a Conditional Use for a Food, Mobile Vending Unit (Base Operations) is a less intense use than the existing "C-3 AHOD RIO-2" General Commercial Airport Hazard Overlay River Improvement Overlay District-2.

5. Public Policy:

The request does not appear to conflict with any established public policy.

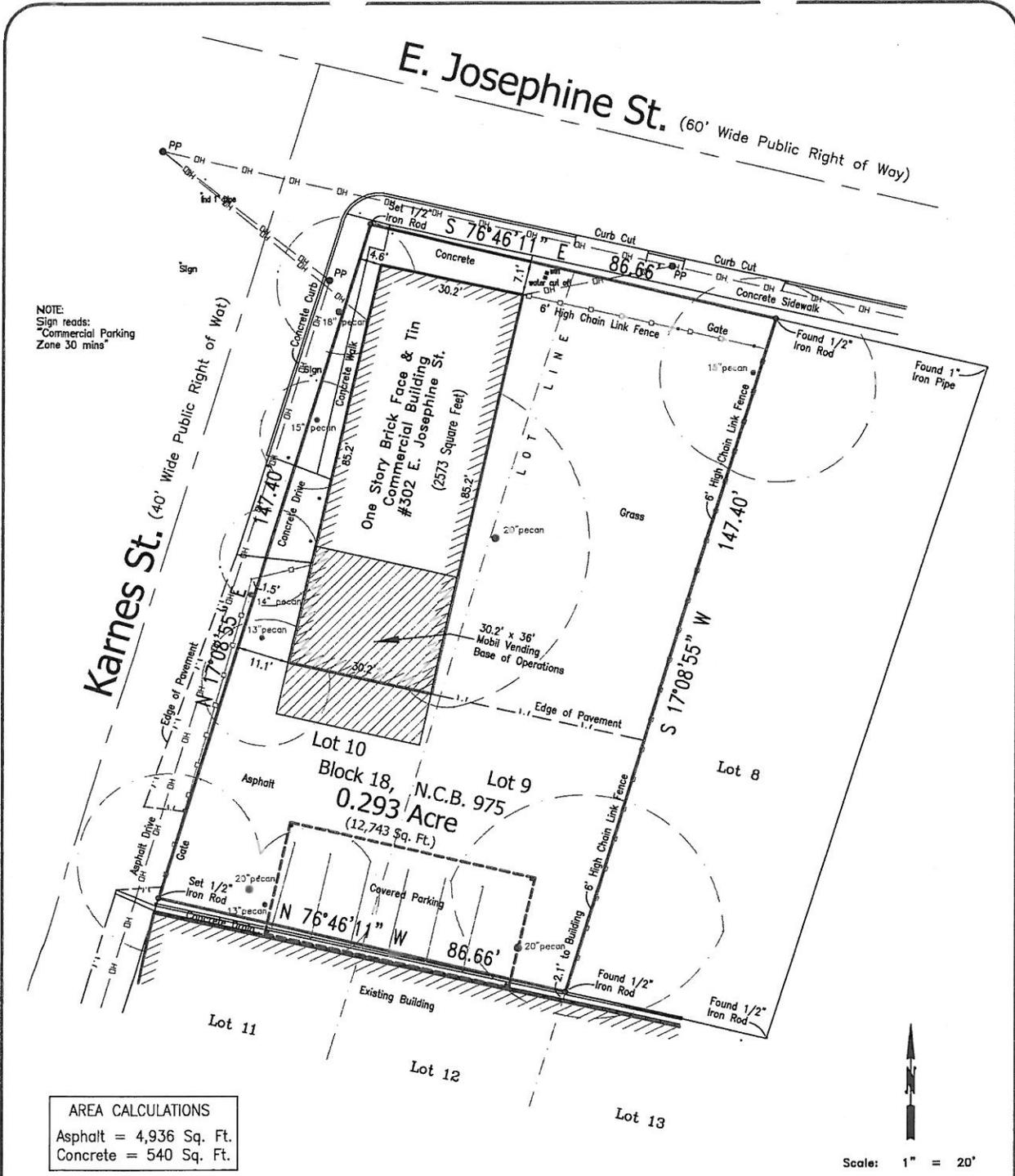
6. Size of Tract:

The 0.293 acre tract is of sufficient size to accommodate the proposed use. The applicant has submitted a site plan in order to comply with the Conditional Use requirements.

7. Other Factors:

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of conditional zoning shall only be for the conditional use named in the ordinance (Food, Mobile Vending Unit -Base Operations) approving the conditional zoning district.

The "IDZ" district provides flexibility to the property owner in adhering to several typical development requirements, such as, setback limitations, parking, parks and open space, and buffer requirements.



NOTE:
Sign reads:
"Commercial Parking
Zone 30 mins"

AREA CALCULATIONS
Asphalt = 4,936 Sq. Ft.
Concrete = 540 Sq. Ft.

A Survey of:

0.293 acre being Lots 9 & 10, Block 18, New City Block 975, San Antonio, Bexar County, Texas, being that same certain tract recorded in Volume 9273, Page 156 of the Real Property Records of Bexar County, Texas.

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENTS
RECORDED IN: VOL. 9273 PG. 156 ,VOL. 9273 PG. 170 ;

I hereby certify that this map represents an actual survey made on the ground by men working under my direct supervision and that this professional service conforms to the minimum standards of survey practices as set out by the Texas Board of Professional Land Surveying as of this date.

Survey field work completed on:
THE 11th DAY OF JULY 2011, A.D.

GARY A. GIBBONS
Registered Professional Land Surveyor Number 4716

Survey not valid unless contains original seal and signature.

I, Glenn W. Buchhorn, Sr., and Ruth Ann Buchhorn, the property owners, 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-adapted Codes at the time of plan submittal for building permits.

- NOTES:
- Bearing rotation is based on GPS observations. Datum is NAD '83.
 - Found monumentation resulted in all bearings and distances falling within minimum positional tolerances.

JOB NO. 02-3254-01_B

Gibbons Surveying & Mapping, Inc.
P.O. Box 700576,
San Antonio, Texas
78270-0576
(210) 366-4600
(FAX) 366-4673

**CITY OF SAN ANTONIO
DOWNTOWN OPERATIONS DEPARTMENT**

TO: Members of the Zoning Commission

FROM: Paula X. Stallcup, Director

COPIES: A.J. Rodriguez, Deputy City Manager; Roderick Sanchez, Director

SUBJECT: Amendment to Sections 35-673 and 35-678 of the Unified Development Code

DATE: August 8, 2011

SUMMARY:

An ordinance amending Sections 35-673 and 35-678 of the Municipal Code, the Unified Development Code (“UDC”).

BACKGROUND:

Mayor Julian Castro, in partnership with the City of San Antonio, is encouraging downtown property owners to participate in the inaugural Light Up Downtown Holiday Contest. The effort aims to promote downtown as a top holiday destination in San Antonio, showcase downtown’s vast inventory of iconic structures and enhance street level activity while complementing the River Walk's unique holiday atmosphere. The project is based on holiday lighting contests in other U.S. cities including Denver, Chicago, and Gatlinburg.

The Light Up Downtown Holiday Contest will kick off on November 25, 2011 and run through January 10, 2012. The UDC currently requires season lighting to be removed before that date. Proposed is an amendment to the relevant sections of Chapter 35 of the City Code, the Unified Development Code (UDC), which is needed to ensure the desired effects of the holiday lighting campaign.

Section 35-673-Site Design Standards currently limits seasonal decorating lights from November 20 through January 6. Section 35-678-Signs and Billboards in the RIO limits seasonal decorations to be displayed from November 20 through January 4. The proposed changes will unify the language and allow lighting to remain in place through January 10 during special events within the River Improvement Overlay zoning districts.

The HDRC recommended adoption of the proposed amendments on July 27, 2011. The notice was advertised on July 29, 2011.

ISSUE:

Chapter 35, Section 673 and 678, of the City Code of San Antonio, Texas specifies time limitations regarding seasonal decorating lights. This ordinance will unify the code language of the various sections and allow lighting to remain in place during special events within the River Improvement Overlay zoning districts.

ALTERNATIVES:

The main alternative is to leave the Unified Development Code as it exists today, without the proposed update. The UDC, however, would continue to have various time limits for seasonal lighting decorations.

FISCAL IMPACT:

There is no fiscal impact associated with the proposed UDC amendments.

RECOMMENDATION:

The Downtown Operations Department recommends that the Zoning Commission recommend forwarding the proposed amendments to the Unified Development Code to City Council for consideration.



Paula X. Stallcup, Director
Downtown Operations Department