

CITY OF SAN ANTONIO
Zoning Commission Agenda

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

December 2, 2008
Tuesday, 12:15 PM

ZONING COMMISSIONERS

Michael Westheimer – District 1	Jody Sherrill – District 7
Barbara Hawkins – District 2	Ramiro Valadez, III – 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. **12:15 PM - Work Session discussion of policies and administrative procedures plus briefing by Staff regarding zoning case recommendations and all other items for consideration on the agenda for December 2, 2008, in the Tobin Room, 1901 South Alamo Street, Cliff Morton Development and Business Services Center.**
2. 1:00 P. M. – Call to Order – Board Room
3. Roll Call.
4. Pledge of Allegiance.
5. Director's Report: Update on the Military Lighting Overlay District UDC amendment.
6. Approval of November 18, 2008 Minutes.
7. **ZONING CASE NUMBER Z2008213 S ERZD:** A request for a change in zoning from “C-2 ERZD” Commercial Edwards Recharge Zone District to “C-2 S ERZD” Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Wireless Communication System on 0.0367 acres out of CB 5014, 15943 Bulverde Road. (Council District 10)
8. **ZONING CASE NUMBER Z2008255 ERZD:** A request for a change in zoning from “MH ERZD” Manufacturing Housing Edwards Recharge Zone District to “C-2 ERZD” Commercial Edwards Recharge Zone District on Lot 6, Block 5, NCB 15659 save and except 0.023 acres out of NCB 15659, 13315 Babcock Road and 13403 Glidden Drive. (Council District 8)

9. **ZONING CASE NUMBER Z2008193:** A request for a change in zoning from "R-20" Residential Single-Family District to "PUD R-6" Planned Unit Development Residential Single-Family District on Lots 1, 2, 3, and 4, Block 1, NCB 11670, 11327 Dreamland. (Council District 8)
10. **ZONING CASE NUMBER Z2008209:** A request for a change in zoning from "R-6" Residential Single-Family District to "MF-25" Multi-Family District on Parcel 22 and Parcel 8, NCB 16325, 12800 Block of West Avenue. (Council District 9)
11. **ZONING CASE NUMBER Z2009011 CD:** A request for a change in zoning from "MF-33" Multi-Family District to "MF-33 CD" Multi-Family District with a Conditional Use for a Day Care Center on Lot 22 and east 15.34 feet of Lot 21, Block 14, NCB 1956, 1730 West Huisache Avenue. (Council District 7)
12. **ZONING CASE NUMBER Z2009012:** A request for a change in zoning from "C-3R" General Commercial Restrictive Alcoholic Sales District to "C-2" Commercial District on Lot 14, Block 2, NCB 7467, 764 West Old Highway 90. (Council District 6)
13. **ZONING CASE NUMBER Z2009013:** A request for a change in zoning from "I-1" General Industrial District to "C-3NA" General Commercial District, Nonalcoholic Sales on Lot 4, NCB 9485, 6700 South Flores Street. (Council District 3)
 - A. Finding of consistency with Master Plans.
 - B. Recommendation on zoning change request.
14. **ZONING CASE NUMBER Z2009014:** A request for a change in zoning from "R-6" Single-Family Residential District and "I-1" General Industrial District to "C-2" General Commercial District on 10.008 acres out of NCB 15324, 5400 Block of Medina Base Road. (Council District 4)
 - A. Finding of consistency with Master Plans.
 - B. Recommendation on zoning change request.
15. **ZONING CASE NUMBER Z2009015 CD:** A request for a change in zoning from "C-2" Commercial District to "C-2 CD" General Commercial District with a Conditional Use for Outside Storage of Ornamental Pieces on Lot 1, Block 23, NCB 17635, 7363 Leslie Road. (Council District 7)
16. **2:30 P.M. TIME CERTAIN ITEM (may be heard after this time)**

ZONING CASE NUMBER Z2008258 CD: A request for a change in zoning from "I-2" Heavy Industrial District, "I-1" General Industrial District, "MF-33" Multi-Family District and "R-4" Single-Family Residential District to "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Auto and Light Truck Repair Land Use; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Bar/Tavern Land Use; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Warehousing Land Use; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District; "C-2" Commercial District; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and an

Eight-Unit Dwelling; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Three-Unit Dwelling; "IDZ" with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Two-Unit Dwelling; "R-4" Single-Family Residential District with a Conditional Use for a Non-Commercial Parking Lot; "R-4" Single-Family Residential District with a Conditional Use for a Three-Dwelling Unit; and "R-4" Single-Family Residential District on Multiple properties generally bound by Ruiz Street to the north, Buena Vista Street to the south, North Salado Street to the east and North Colorado Street to the west. (Council District 5)

- A. Finding of consistency with Master Plan.
- B Recommendation on zoning change request.

17. **3:30 P.M. TIME CERTAIN ITEM (may be heard after this time)**

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

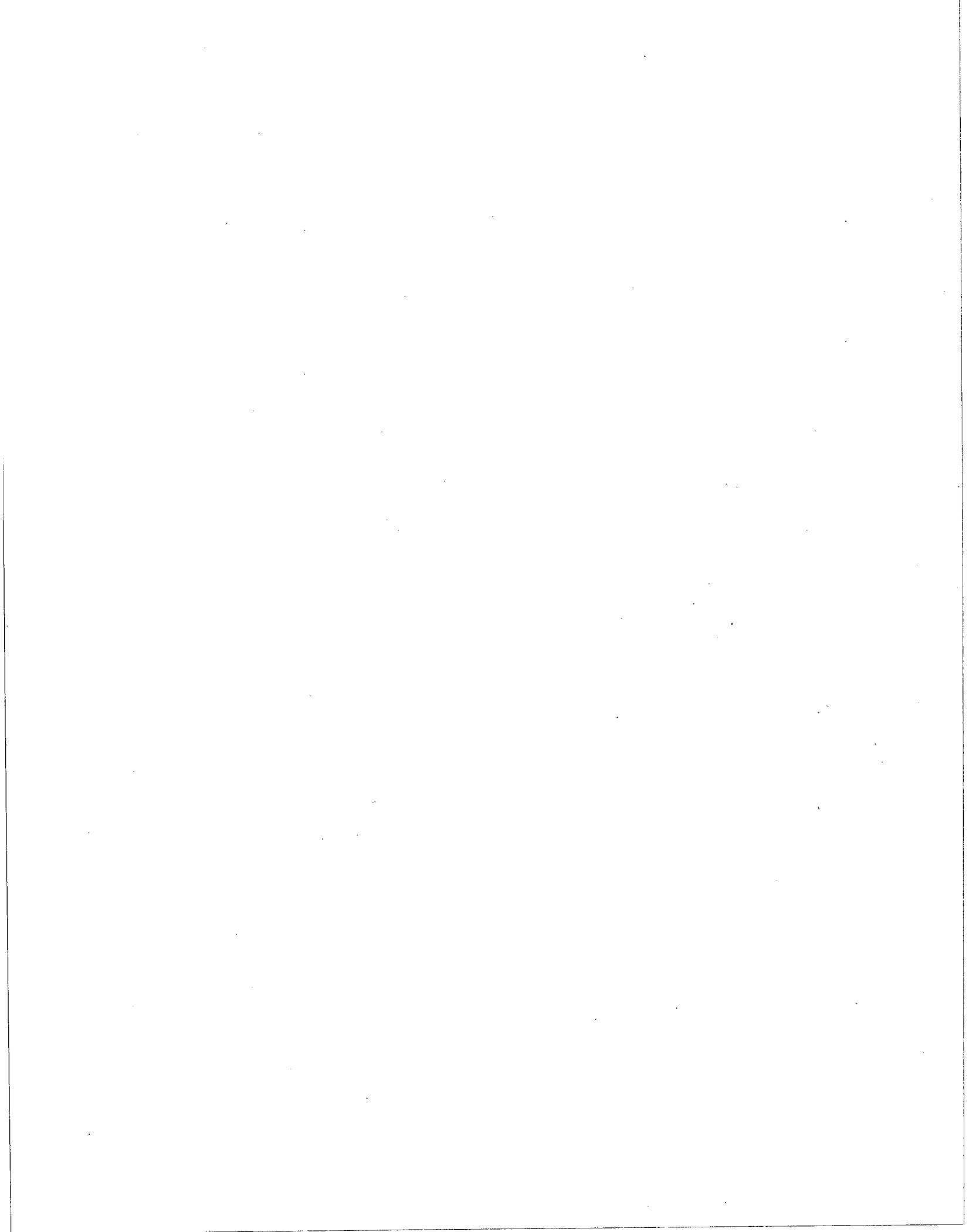
AE-3 EP-1” Historic Significant, Arts and Entertainment Event Parking Overlay District, “AE-3 S EP-1” Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization, “AE-4 EP-1” Arts and Entertainment Event Parking Overlay District, “AE-4 S EP-1” Arts and Entertainment Event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

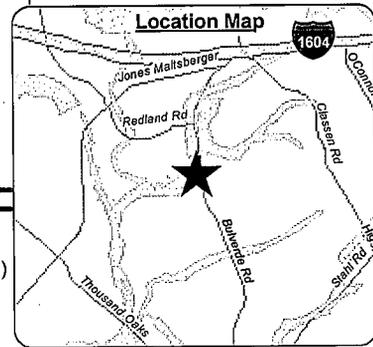
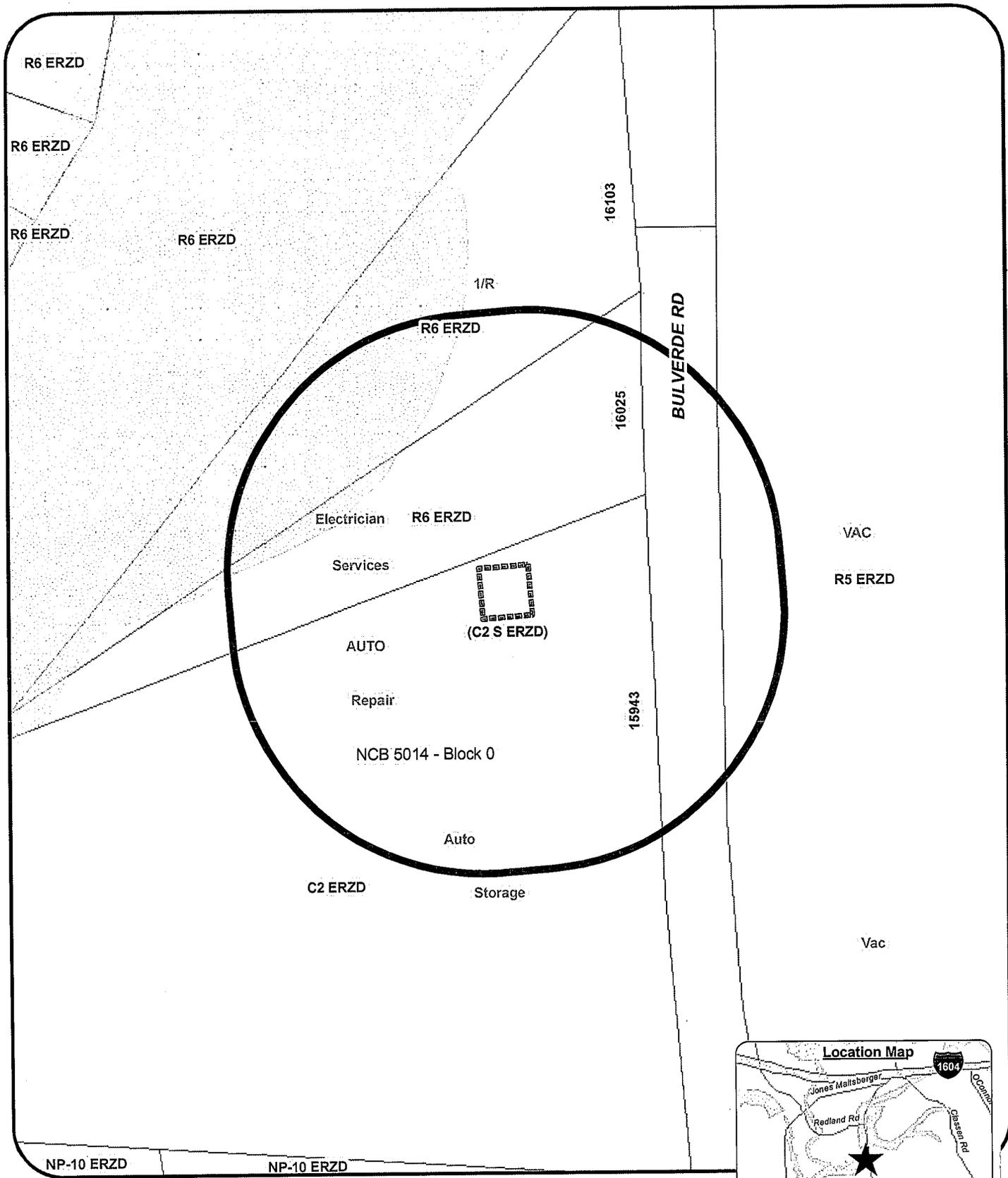
- A. Finding of consistency with Master Plans.
- B. Recommendation on zoning change request.

18. Consideration and action to identify a Zoning Commissioner to attend the January 15, 2009 City Council meeting and speak on behalf of the Zoning Commission with regard to the proposed amendments to the Unified Development Code as part of the 2008 biennial update program.
19. 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.
20. **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 Z2008-213 S ERZD

Council District 10
 Scale: 1" approx. = 100'
 Subject Property Legal Description(s): 0.0367 arec out NCB 5014

- Legend**
- Subject Property (0.0367 acres)
 - 200' Notification Buffer
 - Current Zoning **C2 ERZD**
 - Requested Zoning Change **(C2 S ERZD)**
 - 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 10/31/2008
 D. E. Castillo

CASE NO: Z2008213 S ERZD

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Zoning Commission continuance (Commissioner Request) from November 18, 2008

Council District: 10

Ferguson Map: 518 B6

Applicant Name:

Owner Name:

T-Mobile West Corporation

Daniel G. Blue, Jr.

Zoning Request: From "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Wireless Communication System.

Property Location: 0.0367 acres out of CB 5014

15943 Bulverde Rd.

On the west side of Bulverde Road between Redland Road to the north and Green Spring Drive to the south

Proposal: To allow a wireless communication system

Neigh. Assoc. None

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Denial

The subject property is located within an auto repair and auto storage facility, which has ingress/egress on Bulverde Road (a Primary Arterial Type "A" street). The property is adjacent to R-6 zoning to the north and west, NP-10 zoning to the south and R-5 zoning to the east across Bulverde Road. The surrounding land uses consist of undeveloped land to the east across Bulverde Road; a residential dwelling to the south; a drainage right-of-way to the west and a residential dwelling and a contractor facility to the north. The current uses on the subject property, located at 15943 Bulverde Road, which consist of auto repair, outside storage and landscape maintenance and sales were registered as non-conforming on January 9, 1997.

The applicant has applied for a Specific Use Authorization in order to construct a wireless communication system with accessory support structures on approximately 0.0367 acres (1,600 square feet) of the commercial property. This proposed system would consist of a 150-foot tall monopole and an equipment shelter. According to the applicant, this location is a preferred site to eliminate gaps in cellular phone service in the area.

This property is located over the Edwards Aquifer Recharge Zone. As such, Planning and Development Services staff supports the SAWS recommendation that a wireless communication tower, as proposed at this location, may be detrimental to the Edwards Aquifer. SAWS has expressed concerns regarding the on-site, above ground storage tank. This storage tank, which has a 132 gallon fuel storage capacity, could allow diesel fuel to infiltrate the water source should there be a leak. The applicant has informed staff that a secondary containment structure for the storage tank is not necessary because the tank that will be used for the diesel fuel storage is double walled. Therefore, according to the applicant the requested containment structure requested by SAWS would serve as a third method of containment.

CASE NO: Z2008213 S ERZD

Final Staff Recommendation - Zoning Commission

Staff encourages the applicant to consider co-location or clustering of the proposed wireless communication system with other existing wireless systems in the vicinity, and/or to consider stealth design. Should the Zoning Commission recommend approval of the Specific Use Authorization, it is possible that concerns may be addressed by placing conditions on the proposed wireless communication system.

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.

SAWS Summary:

1. SAWS recommends disapproval of the proposed land use.
2. SAWS currently identifies the subject property as a Category 2 property.
3. SAWS recommends a maximum impervious cover of 10% on the site.

CASE MANAGER : Brenda Valadez 207-7945

DEVELOPMENT SERVICES
RECEIVED
SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet
2008 OCT 21 AM 11:55

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008213 (T-Mobile)

Date: October 21, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 0.25-acre tract located on the city's northeast side. A change in zoning from C-2 ERZD to C-2 SUP ERZD is being requested by the applicant, T-Mobile West Corp. The change in zoning has been requested to allow for the development of a telecommunications tower.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **disapproval** of the proposed land use. SAWS has concerns regarding the on-site, above ground storage tank (AST) that has a capacity of 132 gallons of diesel. The applicant is stating that a curbed, concrete, secondary containment structure will not be constructed as requested by SAWS.

LOCATION

The subject property is located in City Council District 10, near the intersection of Bulverde Road, near Loop 1604. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 ERZD to C-2 SUP ERZD and will allow for the construction of a telecommunications tower. The 0.25 acre tract is located at the front corner of an existing commercial, automotive repair facility.

2. Surrounding Land Uses:

Redland Oaks and Green Spring Valley Neighborhoods are located to the north, west, and south of the subject tract. Undeveloped land and Bulverde Road is located the east of the site.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on September 3, 2008, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

- A. The subject site was observed to be developed as an automotive repair and salvage yard, approximately 5.1843 acres in area, of which 0.25 acres are to be rezoned for the tower. Numerous buildings, sheds, storage units, disassembled automobiles and associated asphalt driveways and parking lots were observed on the site. The majority of the subject site was observed to be covered with compacted gravel or asphalt paving.

No exposure of bedrock was observed throughout the entire extents of the property. The subject property was observed with compacted gravel cover or asphalt paving throughout.

The site appeared to slope gently to the east. Stormwater occurring on the subject site would drain to the east towards Bulverde Road, and into a series of ephemeral drainages beyond.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine Member of the

Person Formation of the Edwards Aquifer. This could not be confirmed by visual observation due to the use of compacted gravel cover and asphalt parking throughout the property.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick.

- C. The subject site was observed to be covered with significant compacted gravel cover and asphalt parking. No sensitive geologic features were observed on the subject site.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

Site Specific Concerns

1. A generator will be used on site that has an integrated diesel tank that will contain 132 gallons of diesel for a back up generator without a curbed concrete, secondary containment.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 10% on the site.
2. The SAWS recommendation of 10% maximum impervious cover for the 0.25 acres is based on the fact that with the exception of a cell tower pad and generator pad the rest of the site will include pervious cover.

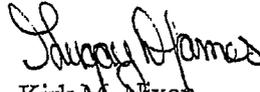
3. The AST shall be placed within a containment basin designed to capture and retain a minimum of 150 percent of the storage capacity of the AST.
4. A spill containment kit and approved absorbent materials designed to capture and retain potential spills shall be clearly labeled and displayed within 20 feet of the containment area.
5. Measures should be taken to insure no contamination will occur in the event of an accidental spill. The above ground storage tank on site shall have secondary containment that will capture 150% of the volume and a monitoring system that will prevent any accidental leaks.
6. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
7. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
8. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution. A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
9. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3520.
10. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3520.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - a. Below grade basins shall not be allowed to be constructed on the site.
 - b. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3520 to schedule a site inspection.
 - c. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3520 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection Section.
 - d. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - e. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division.

6. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
7. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **disapproval** of the proposed land use. SAWS has concerns regarding the on-site, above ground storage tank (AST) that has a capacity of 132 gallons of diesel. The applicant is stating that a curbed, concrete, secondary containment structure will not be constructed as requested by SAWS.

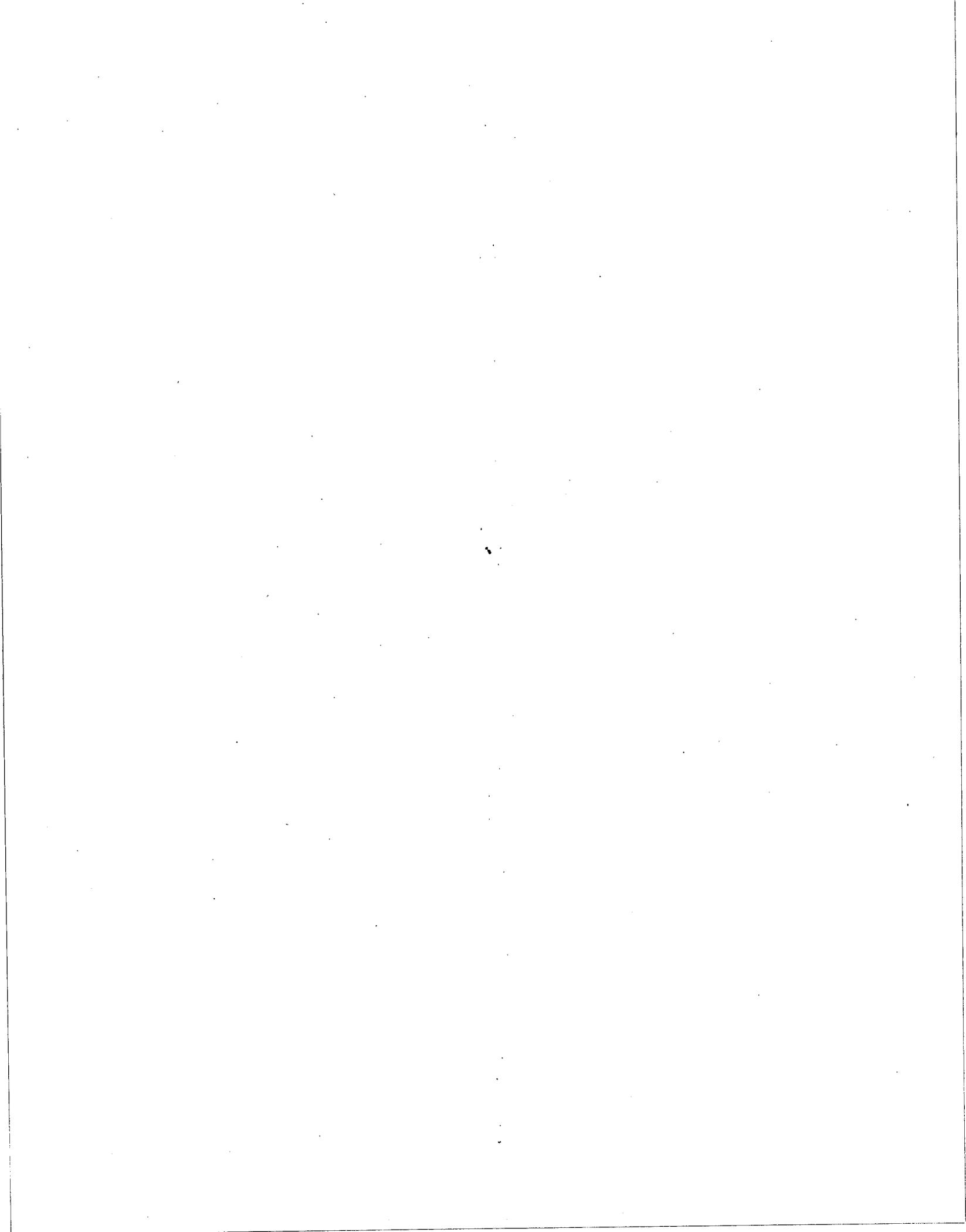

For Kirk M. Nixon
Manager
Resource Protection Division

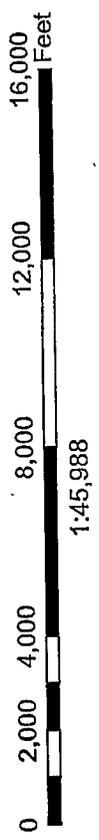
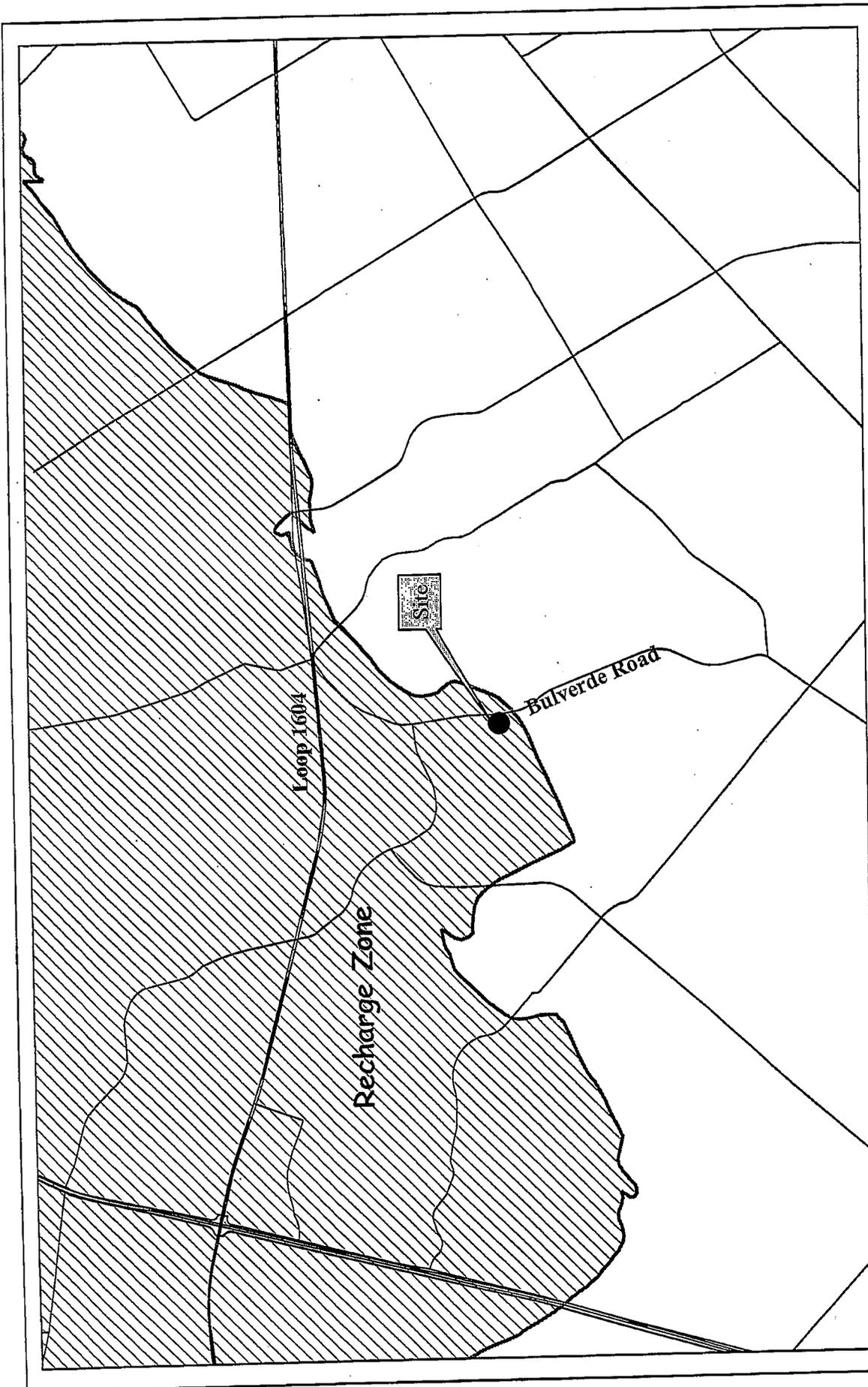
DISAPPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB





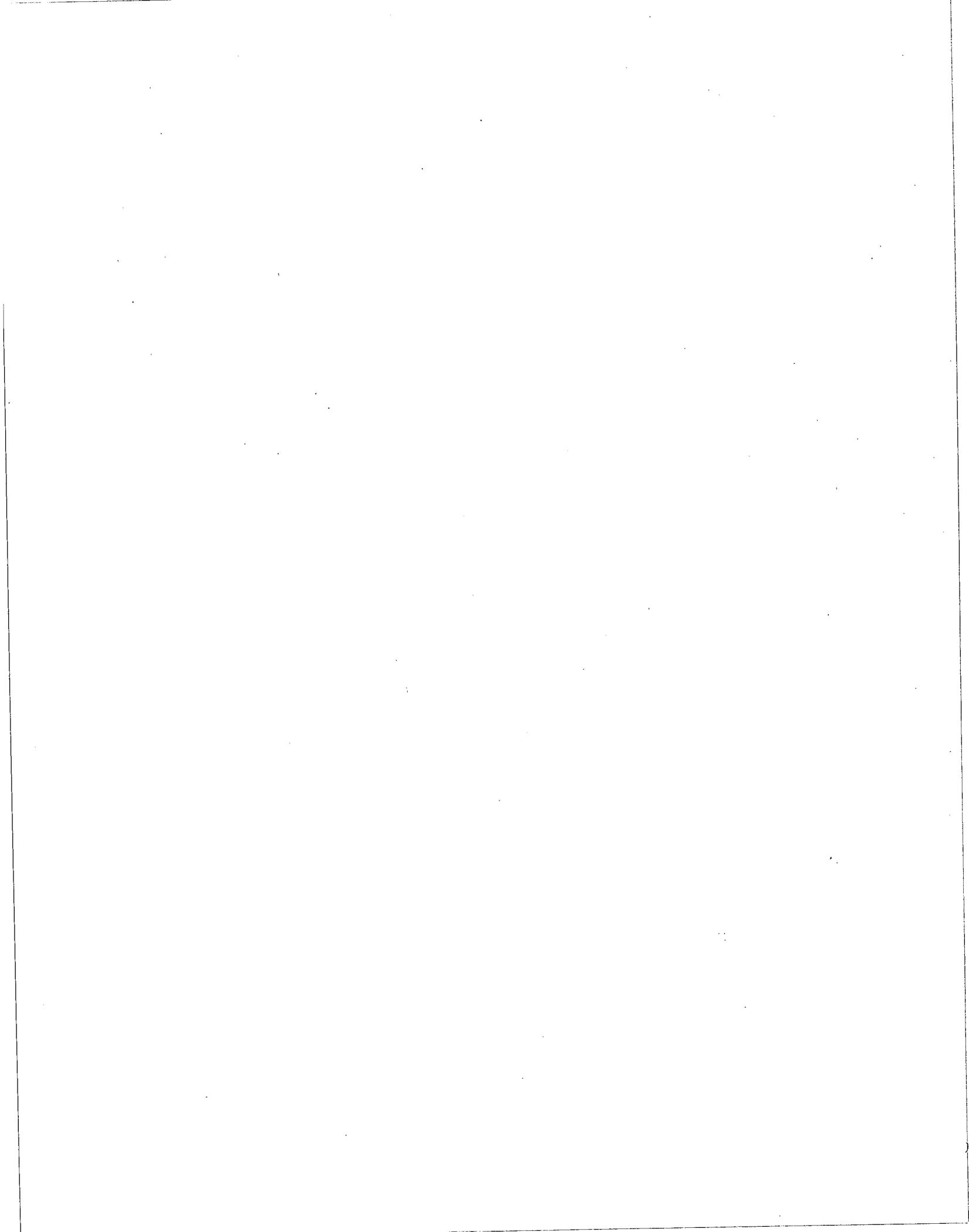
Zoning Case No. Z2008213 Figure 1

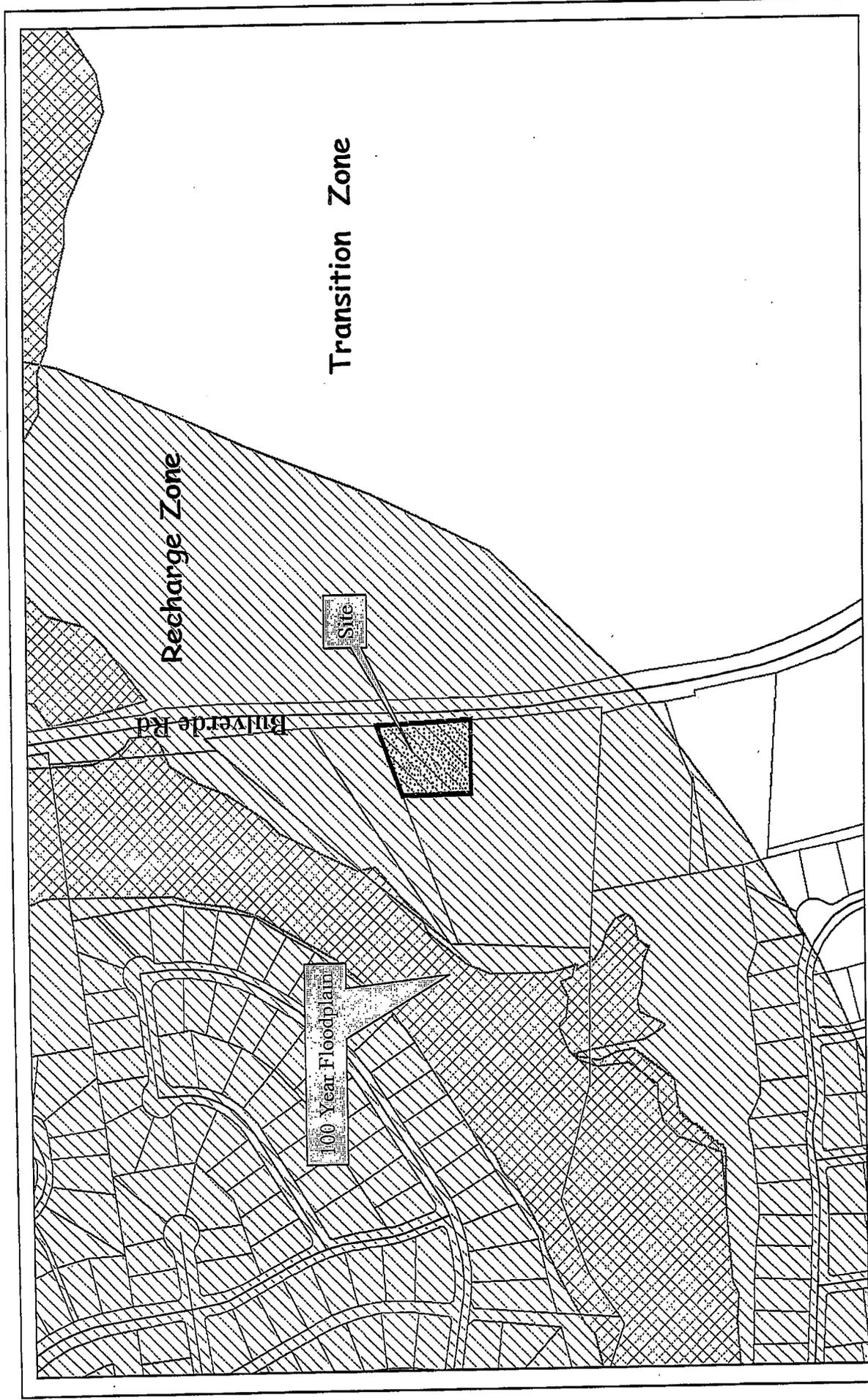
T-Mobile

Map Page 518 B6

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Map Prepared by Aquifer Protection and Evaluation MJB 9/3/2008





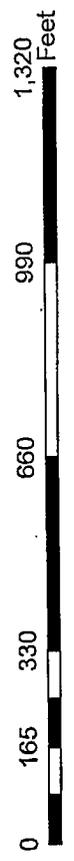
Zoning Case No. Z2008213 Figure 2

T-Mobile

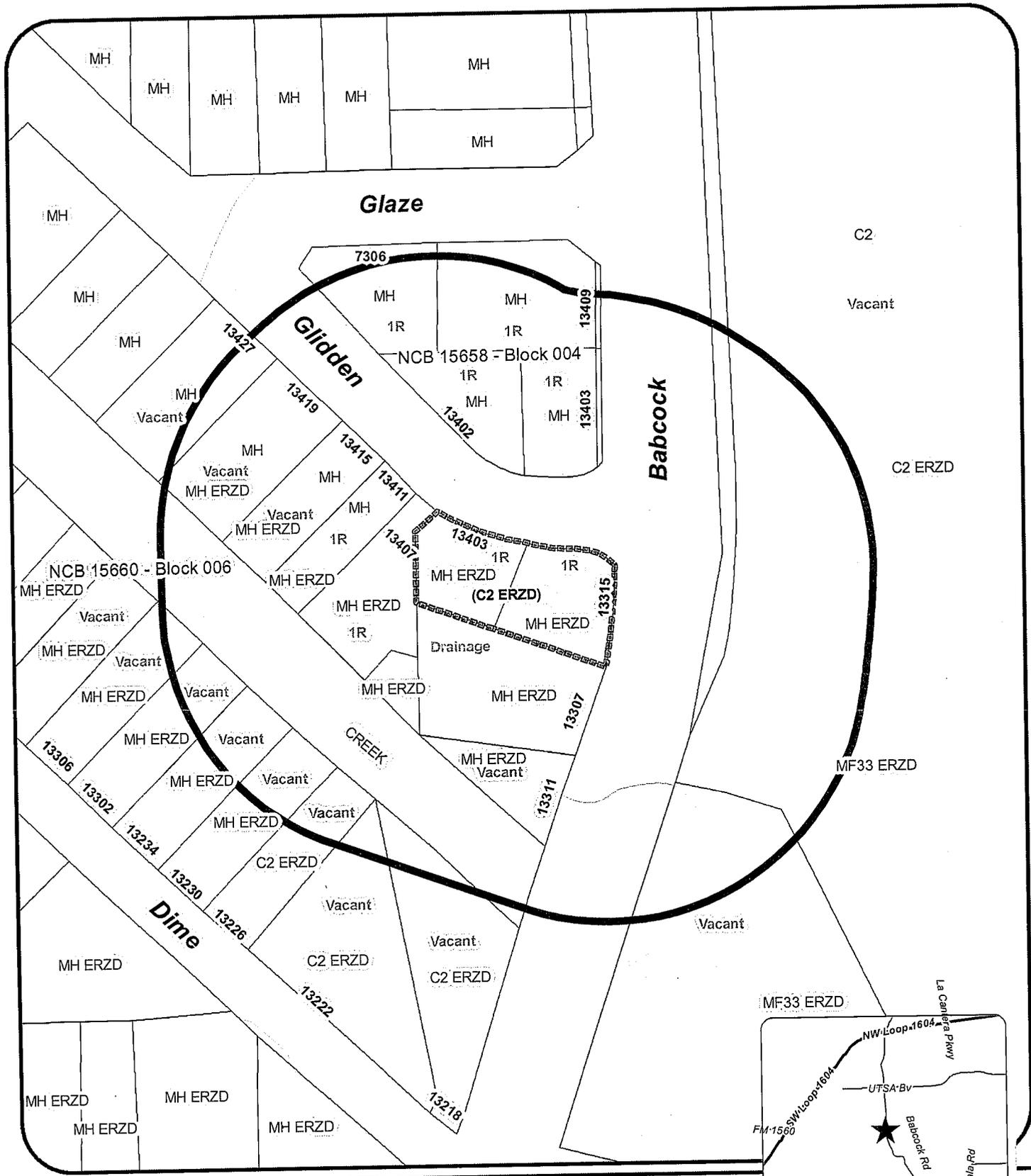
Map Page 518 B6

X=2151606 Y=13761315

Map Prepared by Aquifer Protection and Evaluation MJB 9/3/2008



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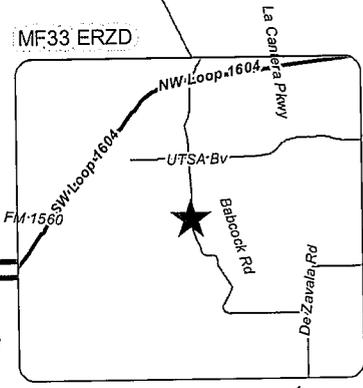
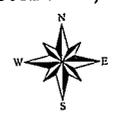


Zoning Case Notification Plan
Case Z2008255 ERZD

Council District 8
 Scale: 1" approx. = 100'
 Subject Property Legal Description(s): NCB 15659 - Block 005 - Lot 6A, 6B

Legend

- Subject Property (0.3992 acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



Planning & Development Services Dept
 City of San Antonio
 (09/23/2008) - PH

CASE NO: Z2008255 ERZD

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 8

Ferguson Map: 513 E8

Applicant Name:

Owner Name:

Wael and Karen Deeb

Wael and Karen Deeb

Zoning Request: From "MH ERZD" Manufacturing Housing Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District.

Property Location: Lot 6, Block 5, NCB 15659 save and except 0.023 acres out of NCB 15659

13315 Babcock Road and 13403 Glidden Drive

At the southwest corner of Babcock Road and Glidden Drive

Proposal: To allow a restaurant

Neigh. Assoc. None

Neigh. Plan None

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

Staff Recommendation:

Denial.

The subject property is located at the southwest corner of Glidden Drive and Babcock Road. Two manufactured homes currently exist on the site. The subject property was annexed in 1972, and is approximately 0.399 acres in size. Upon annexation, the subject property was zoned "Temp R-1" Temporary Single Family Residence District. In 1975, the property was rezoned to "R-4" Manufactured Home Residence District. Upon adoption of the 2001 Unified Development Code, the previous zoning converted to the current "MH ERZD" Manufactured Home Edwards Recharge Zone Overlay District. Surrounding zoning includes "MH" and "MH ERZD" to the north, west, and south; with "C-2" Commercial District to the northeast and south, and "MF-33" Multi-Family District to the west and southwest. Surrounding land uses include manufactured homes, undeveloped land, a creek bed and drainage infrastructure, much of which is located within the floodplain. The subject property is located within the Camp Bullis Awareness Zone; however the tract is smaller than 10 acres and is not immediately adjacent to Camp Bullis, thus the Military had no comment on the proposed development.

Staff finds the requested zoning to be inappropriate, as it would allow commercial uses too intense for the subject property location. "C-2" allows community commercial uses, which should be located in commercial nodes near major intersections. Babcock Road is a Secondary Arterial "Type A" thoroughfare and Glidden Drive is classified as a local road in the City's Major Thoroughfare Plan. An existing commercial node is located just to the north of the subject property, at the intersection of Babcock and West Hausman roads. However, the subject property is located away from this intersection, abutting and adjacent to established residential uses, on a local street which has neither curbs nor a center-stripe. Should the proposed commercial development be allowed, it would be surrounded by residential uses and floodplain. Commercial development would be better suited nearer to the intersection of Babcock and Hausman roads, where vacant commercially zoned land already exists.

SAWS Summary:

CASE NO: Z2008255 ERZD

Final Staff Recommendation - Zoning Commission

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the subject property as a Category 2 property.
3. SAWS recommends a maximum impervious cover of 35% on the site.

CASE MANAGER : Micah Diaz 207-5876

22008255

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEVELOPMENT SERVICES
RECEIVED

2008 OCT 21 AM 11:55

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008255 (Sandwich Shop)

Date: October 21, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 0.3992-acre tract located on the city's northwest side. A change in zoning from **MH ERZD** to **C-2 ERZD** is being requested by the applicant, Andrew C. Guerrero. The change in zoning has been requested to allow for the development of a sandwich shop.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 8, at the intersection of Babcock Road and Glidden Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from MH ERZD to C-2 ERZD and will allow for the construction of a sandwich shop. The 0.3992 acre tract is located at the intersection of Babcock Road and Glidden Road, which is near the intersection of Babcock Road and Hausman Road.

2. Surrounding Land Uses:

The site is located within the Valley View Mobile Home Park. Several manufactured homes surround the site to the north and west. Huestra Creek and residential development bounds the southern portion of the site. Babcock Road and undeveloped land is located east of the site.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on August 26, 2008, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

A. The subject site was observed to be developed as a residential lot, containing two (2) residential mobile homes and other lot improvements, approximately 0.3992 acres in area. Two (2) residential mobile homes and associated residential additions, sheds, garages, wood decking, and concrete driveways were observed on the subject site. The subject site was observed to front Babcock Road to the east, Glidden Road to the north, and a SAWS lift station with a drainage channel beyond.

No exposure of bedrock was observed throughout the entire extent of the property. The subject property was observed with a significant alluvial soil cover of several feet depth throughout the entire site. Additionally, a large percentage of the subject site was observed to be covered with existing concrete cover.

The site appeared to slope gently to the south. Stormwater occurring on the subject site would drain to the south towards the adjacent drainage channel.

B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine Member of the Person Formation of the Edwards

Aquifer on the northwestern portion of the subject site and underlain by The Upper Confining Unit of the Edwards Aquifer on the southeastern portion of the subject site. This could not be confirmed by visual observation due to the thick soil cover and existing concrete cover.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick.

The Undivided Upper Confining Unit is characterized by the presence of massive limestone with very low porosity and permeability throughout the formation. The full section thickness of this member is approximately 30 feet thick.

- C. The subject site was observed to be covered with significant soil cover and existing concrete cover. No sensitive geologic features, such as sinkholes, caves, creeks, or faults were observed on the site.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

Site Specific Concerns

1. The site has a septic system on the site, acting as a potential source of contamination.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 35% on the site.
2. The SAWS recommendation for the impervious cover limit for the subject tract is based on the current impervious cover that is on site (see attachment I). The current impervious cover for the site is 35%.

3. The septic systems, along with any additional septic system that may be located on the site will have to be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446 when the retail center is constructed.
4. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
5. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
6. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution. A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
7. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3520.
8. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3520.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.

2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Below grade basins shall not be allowed to be constructed on the site.
 - B. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3520 to schedule a site inspection.
 - C. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3520 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection Section.
 - D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - E. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Z2008255

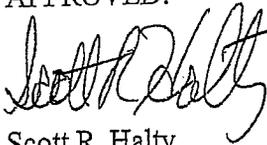
Zoning Commission Members
Zoning Case Z2008255 (Retail Center)
Page 6

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



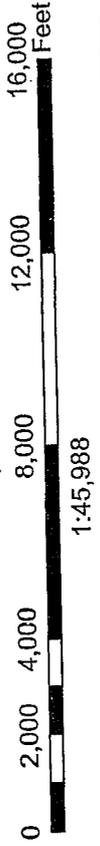
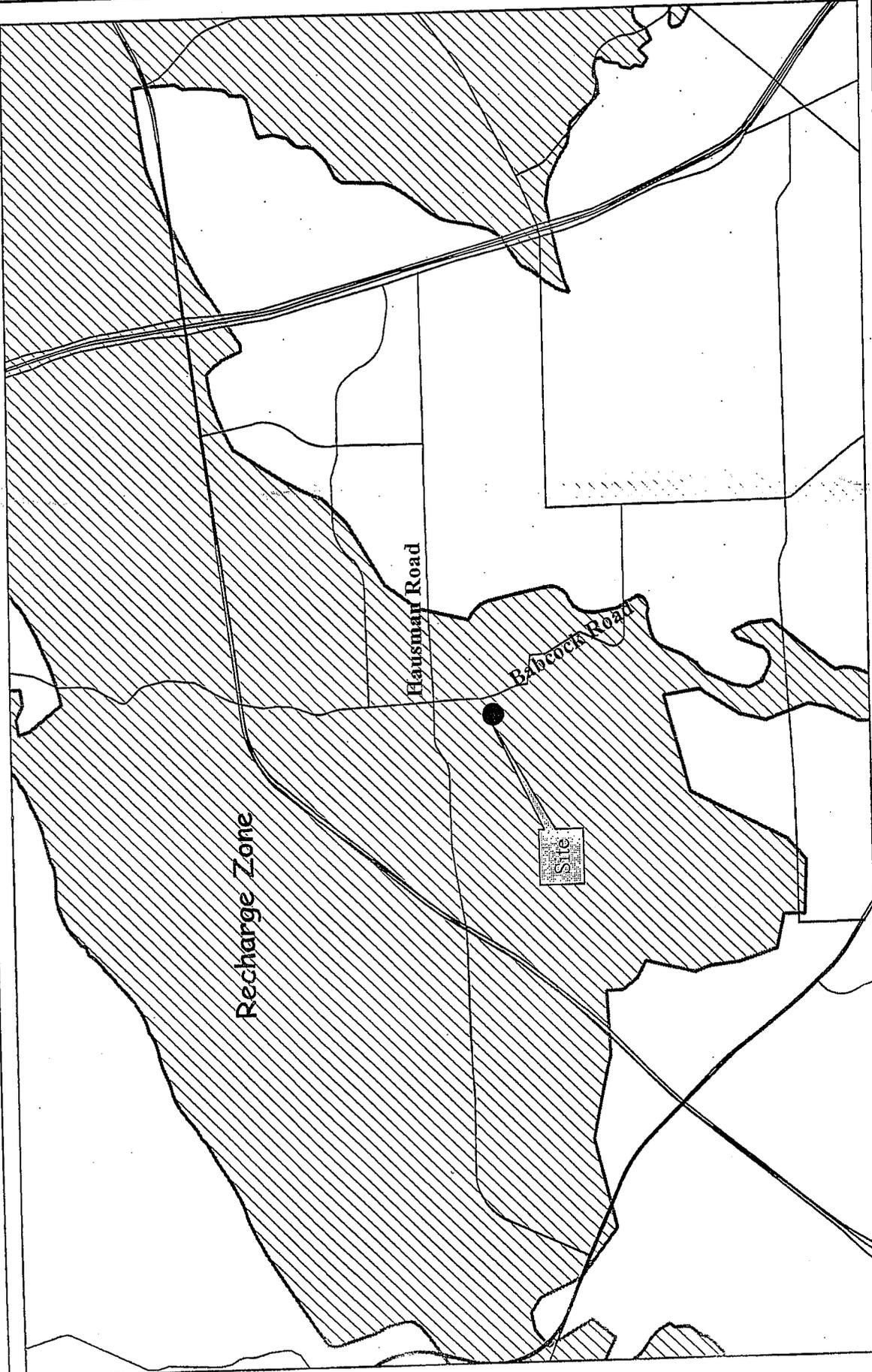
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



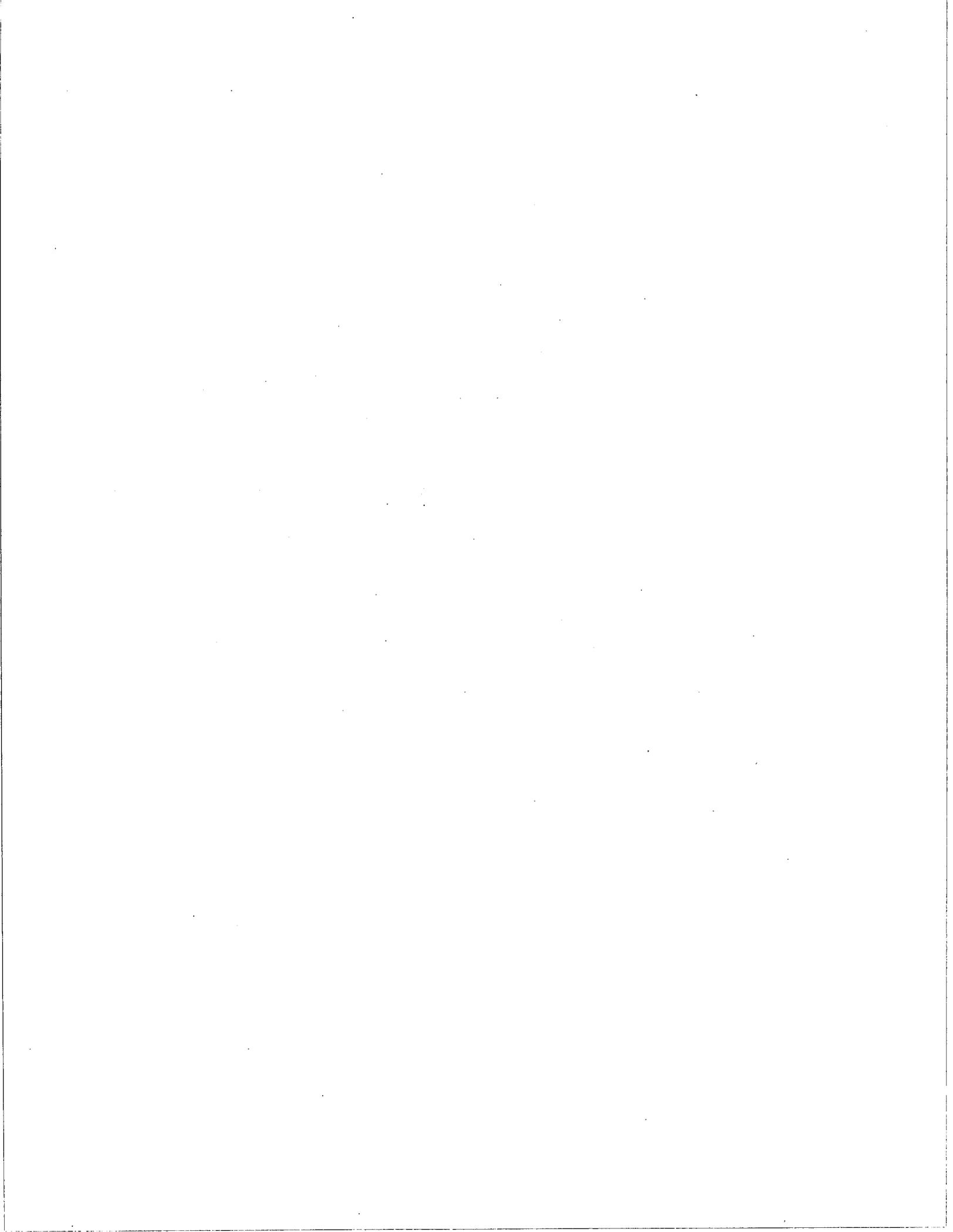
Zoning Case No. Z2008255 Figure 1

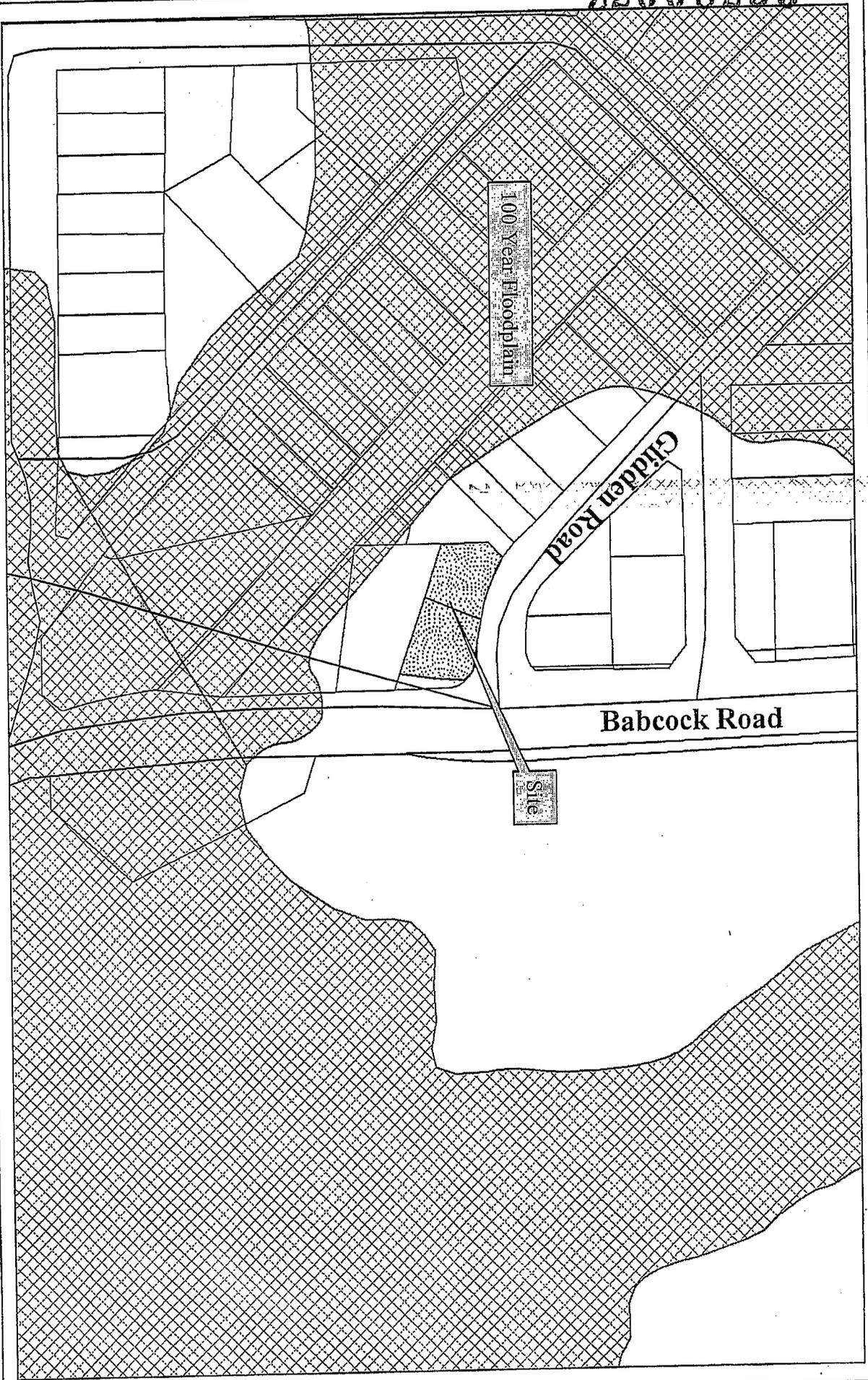
Retail Center

Map Page 513 E8

X=2085550 Y=13754731

Map Prepared by Aquifer Protection and Evaluation MJB 8/25/2008





Zoning Case No. Z2008255 Figure 2

Retail Center

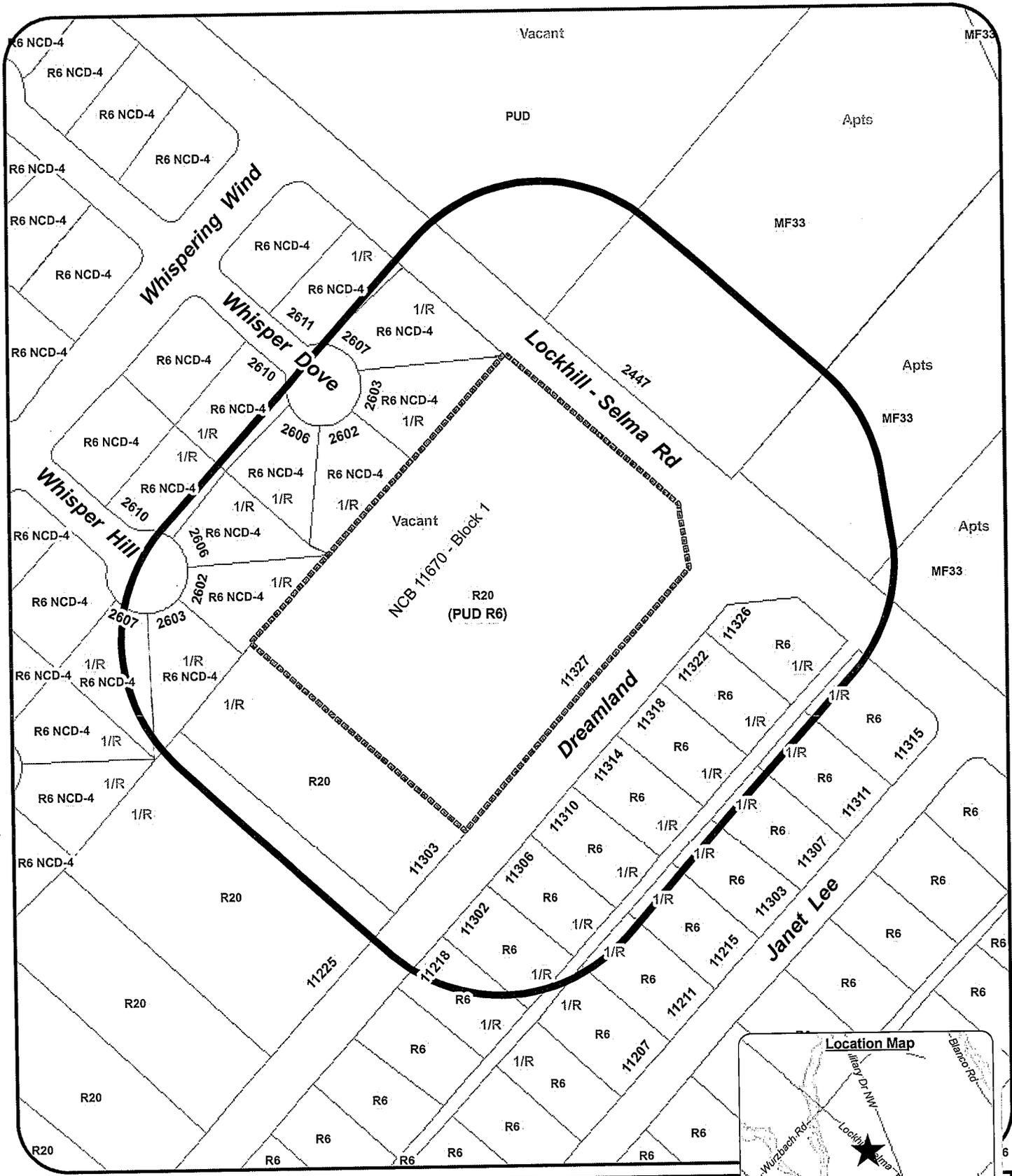
Map Page 513 E8

X=2085550 Y=13754731

Map Prepared by Aquifer Protection and Evaluation MJB 8/25/2008



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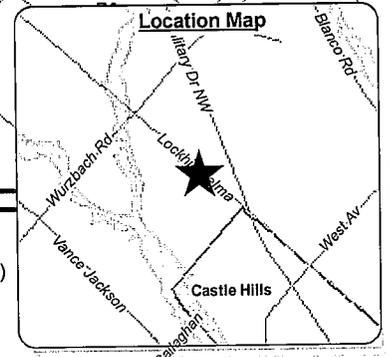
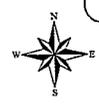


Zoning Case Notification Plan

Case Z2008193

Council District 8
 Scale: 1" approx. = 150'
 Subject Property Legal Description(s): Lots 1, 2, 3, 4, Block 1, NCB 11670

- Legend**
- Subject Property (3,432 acres)
 - 200' Notification Buffer
 - Current Zoning **R20**
 - Requested Zoning Change **(PUD R6)**
 - 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 10/31/2008
 D. E. Castillo

CASE NO: Z2008193

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 8

Ferguson Map: 549 F4

Applicant Name:

Brown & Ortiz, P. C.

Owner Name:

Ted and Jerelene Lee

Zoning Request: From "R-20" Residential Single-Family District to "PUD R-6" Planned Unit Development Residential Single-Family District.

Property Location: Lots 1, 2, 3, and 4, Block 1, NCB 11670

11327 Dreamland

11327 Dreamland

The west corner of Dreamland and Lockhill Selma Road

Proposal: To allow residential development

Neigh. Assoc. Whispering Oaks Neighborhood Association is within 200 feet.

Neigh. Plan None

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

Staff Recommendation:

Denial.

The subject property is located on the west corner of Dreamland and Lockhill-Selma Road, and is currently undeveloped. The subject property was annexed in 1968, and is approximately 3.432 acres in size. Upon annexation, the subject property was zoned "A" Single Family Residence District. In a 1991 City-initiated large-area rezoning case, the subject property was rezoned to "R-8" Large Lot Home District. Upon the adoption of the 2001 Unified Development Code, the previous zoning district converted to the current "R-20" Residential Single-Family District. Surrounding zoning includes "R6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation District to the northwest, "PUD MF-25" Planned Unit Development Multi-Family District to the north, "MF-33" Multi-Family District to the east, "R-6" Residential Single-Family District to the south, and "R-20" Residential Single-Family District to the southwest. Surrounding land uses include single-family homes to the northwest, west and south; undeveloped land to the north; and apartments to the east.

Staff finds the requested zoning to be inappropriate, as the allowed density would be out of character with the surrounding neighborhood. While much of the surrounding residential development is zoned "R-6", most lots are 10,000 square feet or larger. Large lots are a defining characteristic of single-family residential development in the area. The parcels along the northwest side of Dreamland were zoned specifically to preserve the large-lot development along that side of the street.

The current "R-20" zoning would allow development of up to 7 units on the subject property (approximately 2 units per acre). The requested "PUD R-6" zoning would allow development of approximately 17 units on the subject property (5 units per acre). If the requested zoning is approved, a PUD plan must be reviewed and approved by the Planning Commission prior to development of the site.

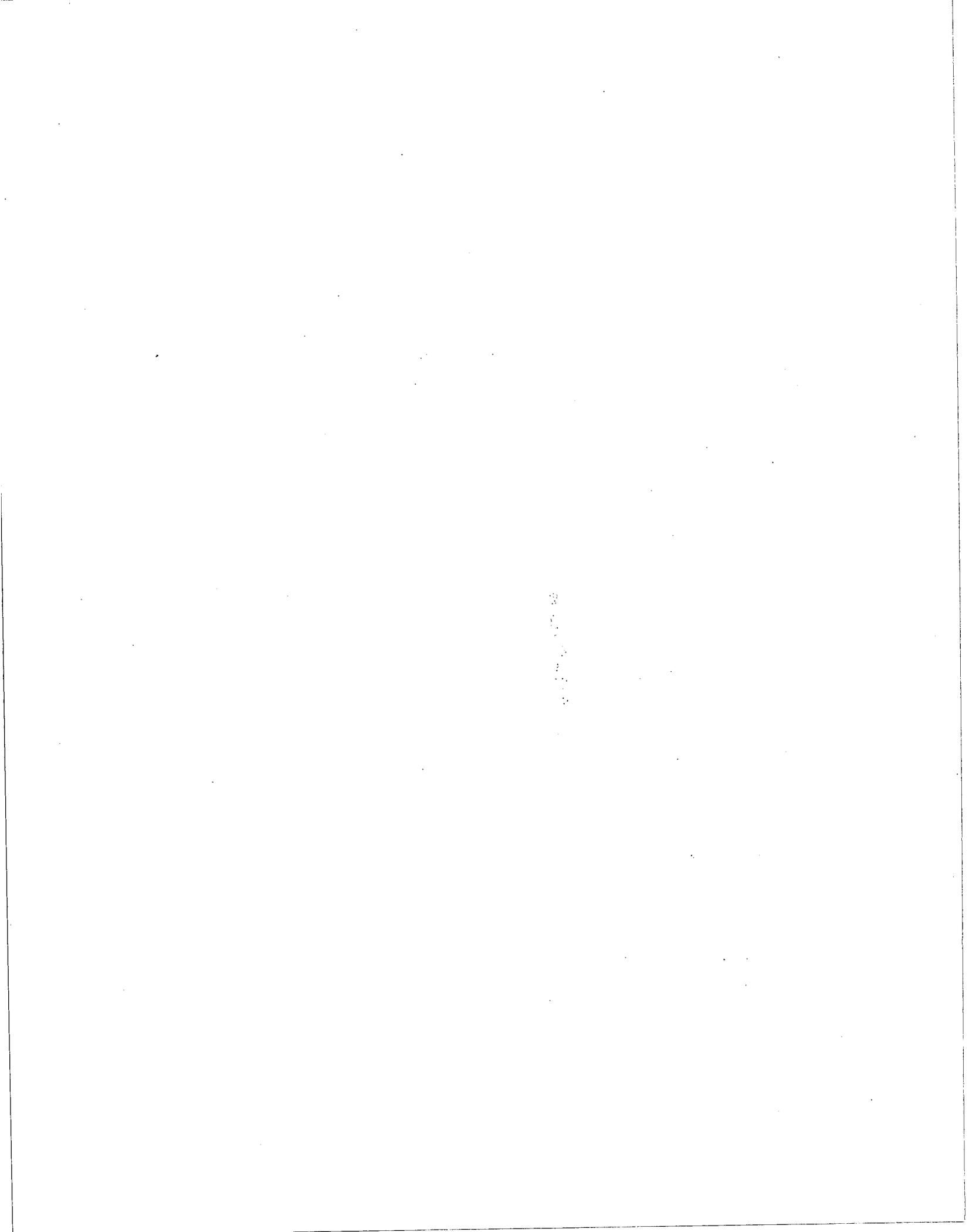
The PUD Planned Unit Development District is established to provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan. The PUD Plan requirement is meant to protect adjacent properties and to encourage the

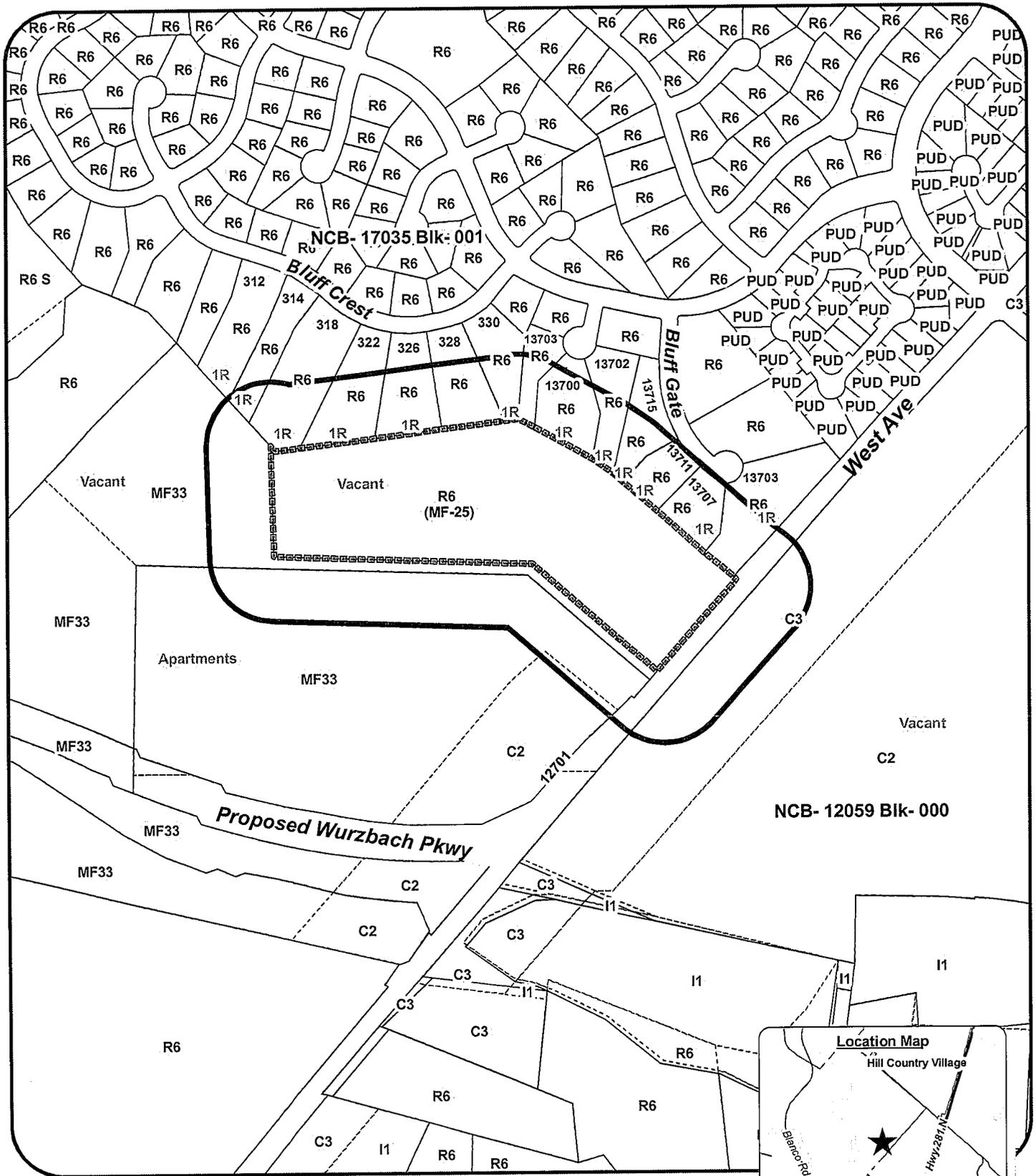
CASE NO: Z2008193

Final Staff Recommendation - Zoning Commission

preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space. In addition, the Planned Unit Development District is designed to provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure; while also allowing for private streets and gated entrances for new subdivisions. Staff's objections to the requested zoning are based on the "R-6" base zone, not the "PUD" classification.

CASE MANAGER : Micah Diaz 207-5876





Zoning Case Notification Plan

Case Z2008209

Council District 9

Scale: 1" approx. = 400'

Subject Property Legal Description(s): Parcel 22 and Parcel 8, NCB 16325

Legend

- Subject Property (12.93 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



NCB- 12059 Bik- 000

NCB- 17035 Bik- 001

CASE NO: Z2008209

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 9

Ferguson Map: 550 E1

Applicant Name:

Owner Name:

Earl & Associates, P. C.

Tosoro Homes Ltd.

Zoning Request: From "R-6" Residential Single-Family District to "MF-25" Multi-Family District.

Property Location: Parcel 22 and Parcel 8, NCB 16325

12800 Block of West Avenue

On the west side of West Avenue, between Interpark Road and West North Loop Road

Proposal: To allow multi-family development

Neigh. Assoc. Bluffview at Camino Real Home Owners Association is within 200 feet

Neigh. Plan None

TIA Statement: A Level 1 Traffic Impact Analysis will be required at platting or permitting.

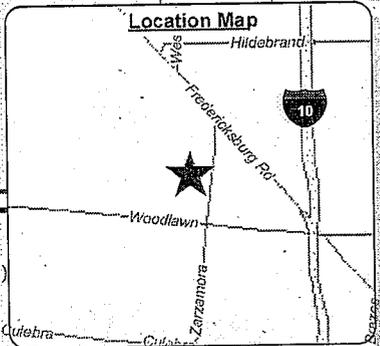
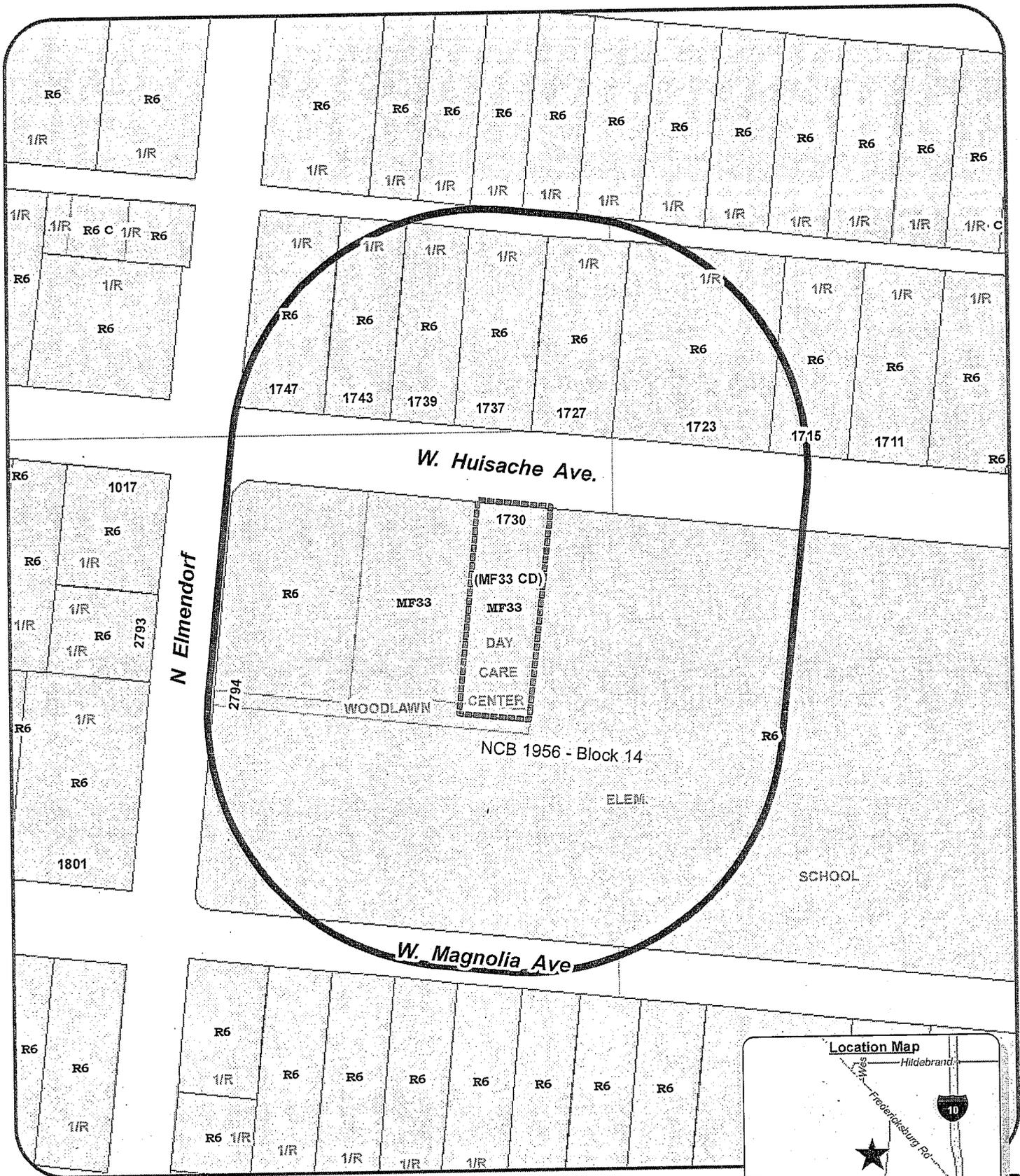
Staff Recommendation:

Approval.

The subject property is located on the west side of West Avenue, between Interpark Road and West North Loop Road, and is currently undeveloped. The subject property was annexed in 1980, per ordinance 52125, and is approximately 12.93 acres in size. Upon annexation, the subject property was zoned "Temp R-1" Temporary Single Family Residence District, and converted to "R-6" Residential Single-Family District following the adoption of the 2001 Unified Development Code. Currently, the surrounding properties are zoned "R-6" to the north, "MF-33" Multi-Family District to the west and south, and "C-2" Commercial and "C-3" General Commercial Districts to the south and east. Surrounding land uses include single-family homes to the north, apartments to the south, a golf course to the west, and undeveloped land to the east and west. A proposed extension of Wurzbach Parkway and the existing Walker Ranch Historic Landmark Park are located further south of the subject property.

The applicant requests "MF-25" Multi-Family District to allow apartments or condominiums. Staff finds the request to be appropriate as the proposed zoning district would provide a transitional buffer between the higher-density multi-family development to the south and the single-family residential development to the north. Additionally, the subject property is located on West Avenue (a Secondary Arterial "Type A"), and between two commercial nodes at the intersections of West Avenue and Blanco Road to the southwest and West Avenue and Bitters Road to the northeast. Such locations along major roads, and between major intersections, are considered ideal for multi-family development. Although neighbors are concerned with the loss of green-space should this property be developed; there are large areas of floodplain in the vicinity, as well as the historic landmark Walker Ranch Park, which are likely to remain undeveloped. The subject property is not located within the floodplain, and therefore, is not currently protected from development.

CASE MANAGER : Micah Diaz 207-5876



Zoning Case Notification Plan

Case Z2009-011CD

Council District 7

Scale: 1" approx. = 100'

Subject Property Legal Description(s): Lot 22, E. 15.34 ft of 21, NCB 1956, Blk 14

Legend

- Subject Property : [dashed line] (0.2153 acres)
- 200' Notification Buffer : [thick solid line]
- Current Zoning : MF33
- Requested Zoning Change : (MF33 CD)
- 100-Year FEMA Floodplain : [wavy line]



City of San Antonio
 Planning - Development Services Dept.
 11/5/2008
 D. E. Castillo

CASE NO: Z2009011 CD

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 7

Ferguson Map: 582 A8

Applicant Name:
Little Learning Center, Inc.

Owner Name:
Paula G. Kaples

Zoning Request: From "MF-33" Multi-Family District to "MF-33 CD" (CD-Day Care Center) Multi-Family District with a Conditional Use for a Day Care Center.

Property Location: Lot 22 and the east 15.34 feet of Lot 21, Block 14, NCB 1956
1730 West Huisache Avenue

Located on the south side of West Huisache Avenue between North Zarzamora and North Elmendorf Street

Proposal: To allow for a Day Care Center

Neigh. Assoc. Jefferson Neighborhood Association and Woodlawn Lake Community Association

Neigh. Plan Near Northwest Community Plan

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

Staff Recommendation:

The base zoning is not changing; therefore a finding of consistency with the Land Use Plan is not required. The subject parcel is designated Public Institutional in the Near Northwest Community Land Use Plan. Staff supports a recommendation of approval.

Approval

The subject property is located on the south side of West Huisache Avenue between North Zarzamora and North Elmendorf Street and totals approximately 0.2153 acres. There is an existing structure on the subject property that measures approximately 3,212 square feet and was constructed in 1948. Upon adoption of the 2001 Unified Development Code, the existing "MF-33" Multi-Family District converted from the previous "R-3" Multi-Family Residence District. Surrounding zoning includes "MF-33" Multi-Family District to the west and "R-6" Residential Single-Family District to the east and south. Properties to the north across West Huisache Avenue are zoned "R-6" Residential Single-Family District. The subject property is surrounded on three sides by Woodlawn Elementary School and single-family dwellings to the north across West Huisache Avenue.

The applicant has registered with the Corporate Division of the State of Texas and Bexar County as the Little Learning Center. The requested Conditional Use for a Day Care Center would be appropriate at this location. Staff finds this request reasonable given the property had previously been an existing Day Care Center for many years. The applicant's attempt to apply for non-conforming rights was nullified as a result of the Day Care Center not being in operation for more than a year. The applicant is not requesting a change in the base zoning and is providing a positive and convenient child-care service to the community. A day care center would not be completely out of character given the presence of the adjacent Woodlawn Elementary School.

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 applicant will have to comply with all current site development standards to receive a Certificate of Occupancy, which include parking, landscaping, exterior lighting and the issuance of building and other supplemental permits.

CASE MANAGER : Pedro Vega 207-7980

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z20090011

Address: 1730 W. Huisache

Existing Zoning: MF33

Requested Zoning: MF33 CD Daycare

Registered Neighborhood Association(s): Jefferson / Woodlawn Lake

Neighborhood/Community/Perimeter Plan: Near Northwest Community Plan

Future Land Use for the site: Public Institutional

Analysis:

The subject parcel is designated Public Institutional in the Near Northwest Community Land Use Plan. The surrounding land use designations are Medium Density Residential. One of this community's priorities is to "instigate community efforts to support area business assets" through "addressing community needs" (objective 2.4). Providing childcare and repurposing a vacant building will address the needs of working families in the area as well as support economic development and local businesses. In addition, the low intensity use would provide a buffer between the single family residences and the institutional use adjacent to the property.

The base zoning is not changing; therefore a finding of consistency with the Land Use Plan is not required. Staff supports a recommendation of approval.

Request conforms to Land Use Plan

Request does not conform to Land Use Plan

Consistency not required because base zoning not changing

Staff Recommendation:

Approval

Denial

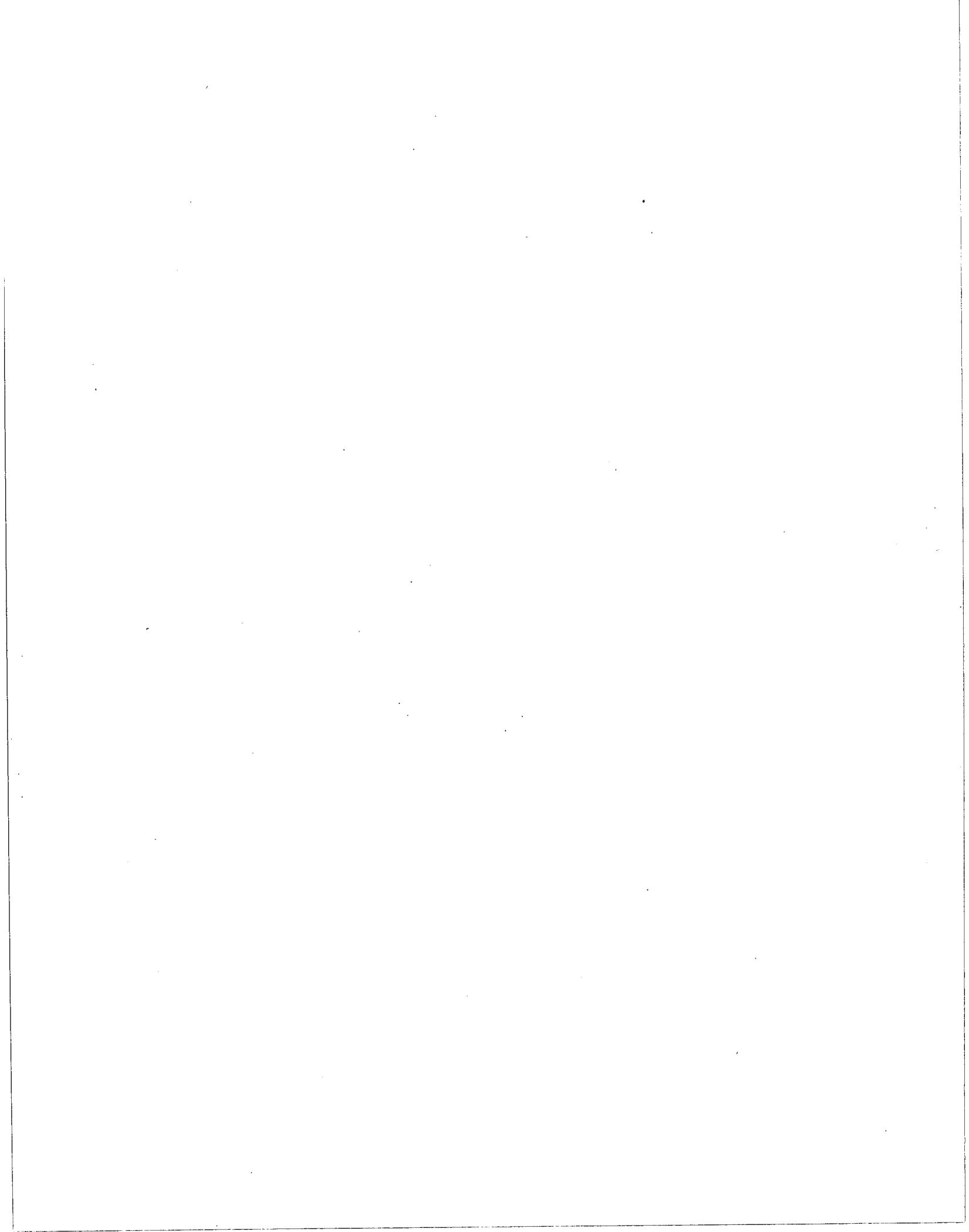
Reviewer: Lauren Edlund

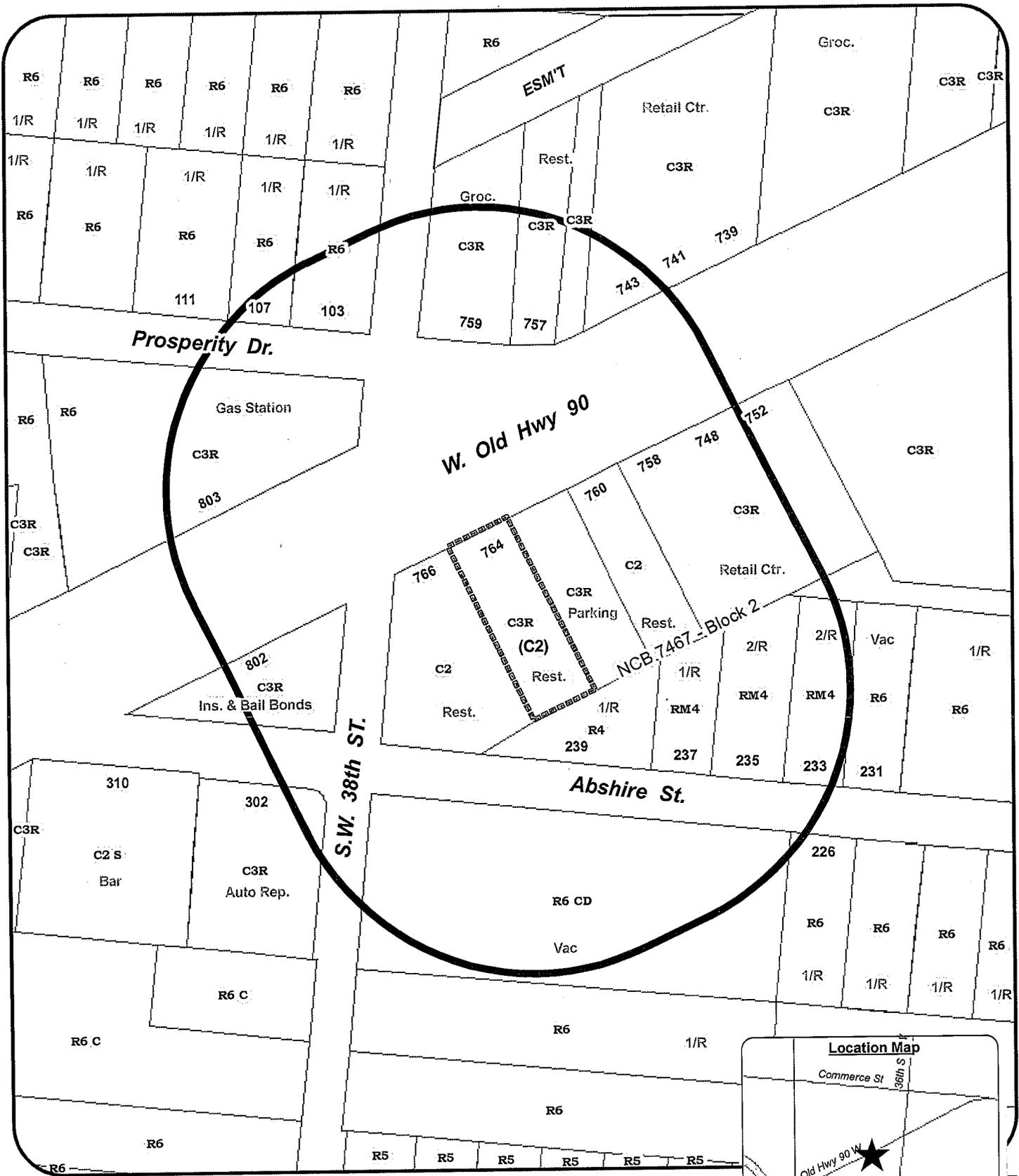
Title: Planner

Date: 10/23/08

Manager Review: Nina Nixon-Mendez

Date: 11/12/08





Zoning Case Notification Plan

Case Z2009012

Council District 6

Scale: 1" approx. = 100'

Subject Property Legal Description(s): Lot 14, Block 2, NCB 7467

Legend

- Subject Property (0.1722 acres)
- 200' Notification Buffer
- Current Zoning **C3R**
- Requested Zoning Change **(C2)**
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 10/5/2008
 D. E. Castillo

CASE NO: Z2009012

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 6

Ferguson Map: 614 F5

Applicant Name:

Eloy Sotelo

Owner Name:

Alicia Arizmendi

Zoning Request: From "C-3R" General Commercial Restrictive Alcoholic Sales District to "C-2" Commercial District.

Property Location: Lot 14, Block 2, NCB 7467

764 West Old Highway 90

On the south side of Old Highway 90, east of Southwest 38th Street

Proposal: To allow alcohol sales with food consumption

Neigh. Assoc. Community Workers Council/Los Jardines Neighborhood Association

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required because there are no new improvements proposed

Staff Recommendation:

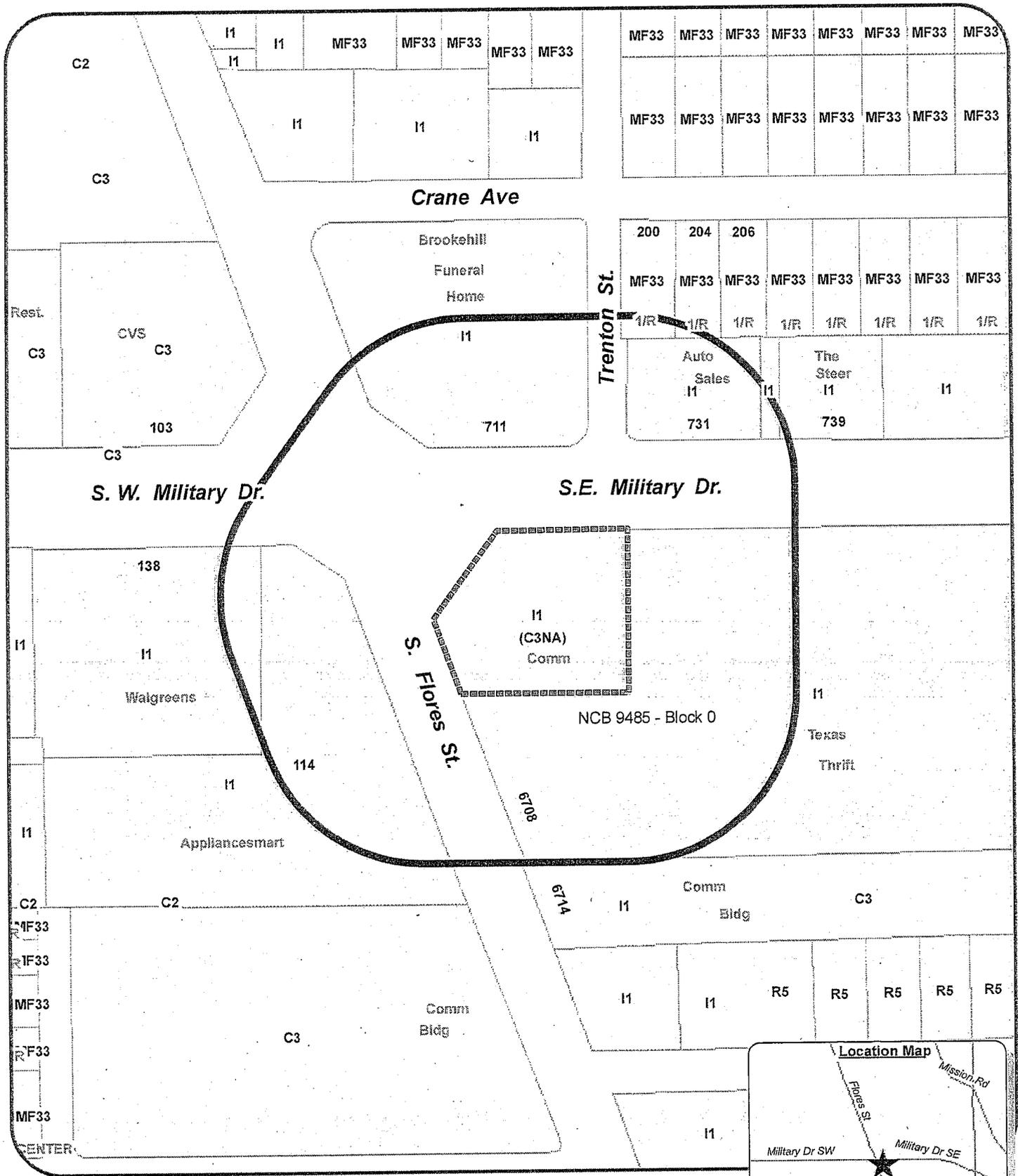
Approval.

The subject property is located on the south side of Old Highway 90, just east of Southwest 38th Street, and is approximately 0.172 acres in size. There is an existing restaurant on the property, which measures approximately 2,016 square feet and was built in 1998. The subject property was annexed in 1944. Upon annexation, the subject property was zoned "F" Local Retail District. In a 1988 City-initiated large-area rezoning case, the property was rezoned to "B-3R" Restrictive Business District. Upon the adoption of the 2001 Unified Development Code, the previous zoning district converted to the current "C-3R" General Commercial Restrictive Alcoholic Sales District.

Surrounding zoning includes "C-2" Commercial District and "C-3R" along both sides of Old Highway 90. Other surrounding zoning includes "R-6" Residential Single-Family District to the northwest and "R-6", "R-4" Residential Single-Family District and "RM-4" Residential Mixed District to the south. Surrounding land uses include insurance and bail bonds, auto repair, gas stations, restaurants, small grocery stores, a bar, a motel, and multi-use retail strip centers along Old Highway 90. There are residential developments to the north and south along Southwest 38th Street.

The applicant requests a zoning change in order to allow alcohol sales in the existing restaurant. Staff finds the request to be an appropriate down-zoning of the subject property. The current "C-3R" zoning allows many intense commercial uses that are not well suited for abutting residential development. Rezoning to "C-2" would allow alcohol sales in conjunction with food sales, but would not allow by-right bar or nightclub uses.

CASE MANAGER : Micah Diaz 207-5876



Zoning Case Notification Plan

Case Z2009-013

Council District 3

Scale: 1" approx. = 150'

Subject Property Legal Description(s): Lot 4, NCB 9485, Blk 0

Legend

- Subject Property (0.7830 acres)
- 200' Notification Buffer
- Current Zoning I1
- Requested Zoning Change (C3NA)
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 11/5/2009
 D. E. Castillo

CASE NO: Z2009013

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 3

Ferguson Map: 650 E7

Applicant Name:
Scott Farrimond

Owner Name:
6700 S. Flores, L.L.C.

Zoning Request: From "I-1" General Industrial District to "C-3NA" General Commercial District,
Nonalcoholic Sales.

Property Location: Lot 4, NCB 9485

6700 South Flores Street

Southeast corner of South Flores Street and Southeast Military Drive

Proposal: To allow for a Bank

Neighborhood Association: Mission San Jose Neighborhood Appearance & Safety Committee within 200
feet

Neighborhood Plan: None

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

Staff Recommendation:

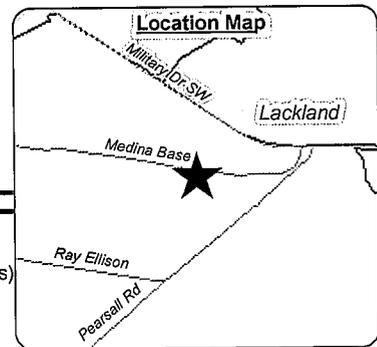
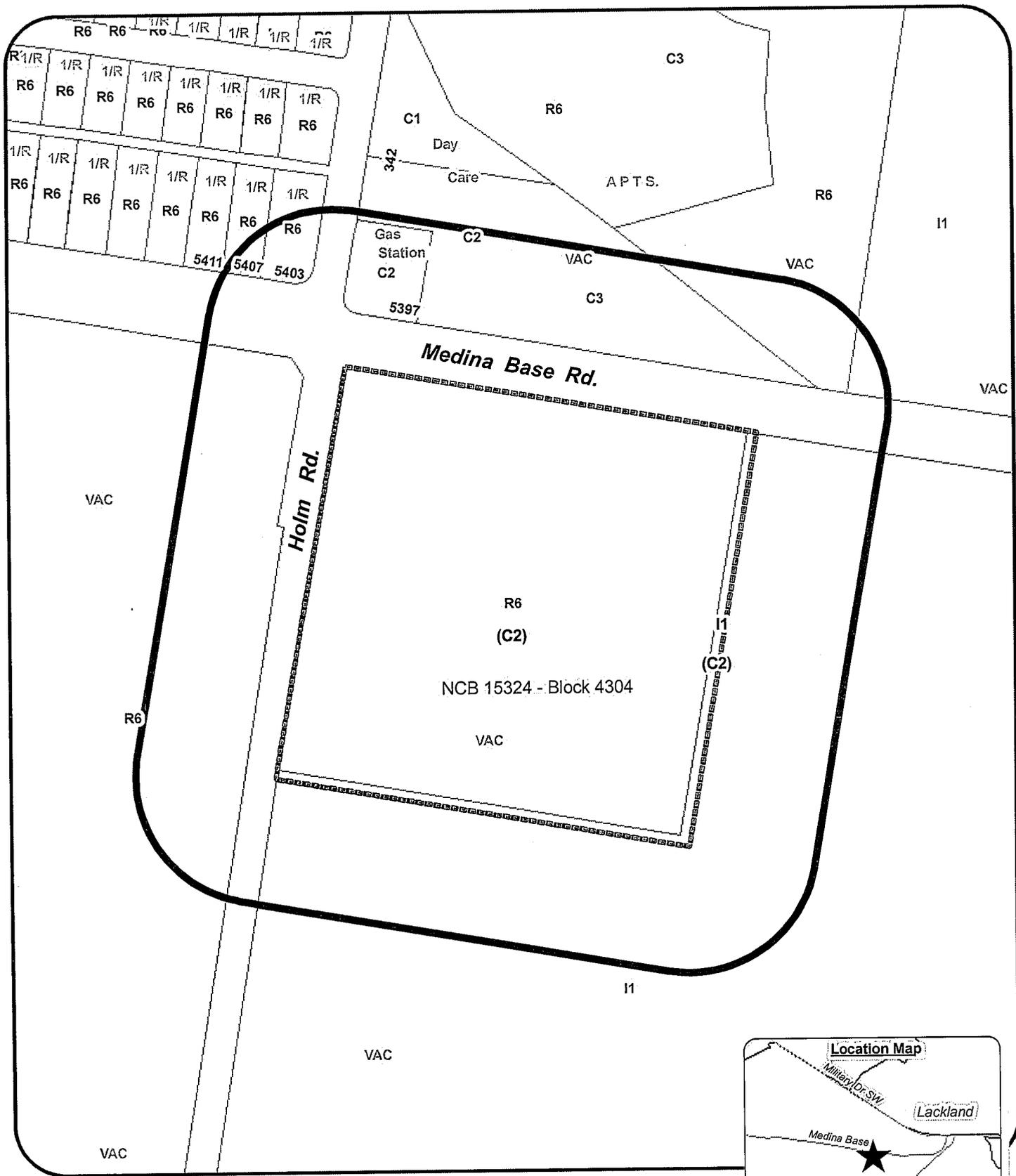
Approval

The subject property was annexed in 1947 and totals approximately 0.7830 acres. There is an existing commercial structure on the subject property that measures approximately 7020 square feet and was constructed in 1993. Upon adoption of the 2001 Unified Development Code, the existing "I-1" General Industrial District converted from the previous "J" Commercial District. "I-1" General Industrial District zoning currently exists to the south and east of the subject property. Properties to the north and west across Southeast Military Drive and South Flores Street are zoned "I-1" General Industrial District. Land uses immediately adjacent to the subject property consist of parking and commercial uses.

The requested "C-3" zoning is a downzone from the existing "I-1" industrial zoning district. The intersections of major streets and highways, such as Southeast Military Drive and South Flores Street, are the most appropriate locations for the regional commercial uses allowed in the "C-3" zoning district. Major intersections feature properties that have multiple frontages and provide greater capacity and flexibility for vehicular ingress and egress and where property lines are typically shared with office and commercial uses instead of less intense residential uses.

The applicant is proposing a bank to occupy the portion of the building being vacated by a video rental store. The "C-3NA" zoning is proposed to eliminate the possibility of bars or other alcoholic beverage based facilities. Considering the frontage the subject property maintains, commercial uses would be better suited at this location than industrial uses. The uses associated with "C-3" zoning would be appropriate for this location because residential uses are not immediately adjacent to the subject property. With regards to the property's location at the South Flores Street and Southeast Military Drive commercial node, the desired zoning change would be appropriate for the area.

CASE MANAGER : Pedro Vega 207-7980



Zoning Case Notification Plan
Case Z2009-014

Council District 4

Scale: 1" approx. = 200'

Subject Property Legal Description(s): 10.008 acres out of NCB 15324

Legend

- Subject Property (10.008 acres)
- 200' Notification Buffer
- Current Zoning **R6, I1**
- Requested Zoning Change **(C3)**
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 11/5/2008
 D. E. Castillo

CASE NO: Z2009014

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 4

Ferguson Map: 648 C6

Applicant Name:
Bobby Perez

Owner Name:
Waring Investments Inc.

Zoning Request: From "R-6" Single-Family Residential District and "I-1" General Industrial District to "C-2" Commercial District.

Property Location: 10.008 acres out of NCB 15324

5400 Block of Medina Base Road

The southeast corner of the intersection of Medina Base Road and Holm Road

Proposal: To allow a retail development

Neigh. Assoc. People Active in Community Effort (PACE). Valley Forest Neighborhood Association is within 200 feet.

Neigh. Plan United Southwest Community Plan

TIA Statement: A Traffic Impact Analysis will be required at permitting.

Staff Recommendation:

Consistent

The requested C-2 commercial district is consistent with the land use designation identified in the United Southwest Community Plan. The United Southwest Community Plan identifies the future land use as Community Commercial.

Approval

The subject property consists of undeveloped land with frontage on Medina Base Road (a Secondary Arterial "Type A" street) and Holm Road (a local street). The property is adjacent to R-6 zoning to the west, C-2 and C-3 zoning to the north and I-1 zoning to the east and south. The surrounding land uses consist of a gas station and day care to the north; undeveloped land to the east and south and residential dwellings and vacant land to the west. The property to the west was the subject of rezoning case (Z2005189) in which the applicant was granted a zoning change from NP-8 Neighborhood Preservation District to R-6 Residential Single-Family District to allow residential development.

The applicant is requesting a zoning change to allow a retail development. Staff finds the request for commercial zoning to be appropriate given the subject property's location along a major arterial, the prevalence of commercial zoning and uses to the north, and the request's consistency with the Neighborhood Plan. Further, the subject property is encumbered by I-1 zoning to the east and south. Staff believes that this zoning case may begin the transition in land uses to a more appropriate zoning scheme that would invite low-density residential and neighborhood commercial uses in the future. Therefore, the requested commercial use would be appropriate at this location. Furthermore, commercial zoning would provide commercial and retail uses that would compliment and serve the extensive neighboring residential developments in the immediate area.

City Council has requested that this case be expedited. It has been scheduled to go to City Council December 11, 2008.

CASE MANAGER : Brenda Valadez 207-7945

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z2009014

Address: Medina Base Rd. and Holm

Existing Zoning: R-6

Requested Zoning: C-2

Registered Neighborhood Association(s): People Active in Community Effort

Neighborhood/Community/Perimeter Plan: United Southwest Communities Plan

Future Land Use for the site: Community Commercial

Analysis:

The subject property is approximately 10.00 acres of vacant land; the subject property sits on the corner of Medina Base Rd. and Holm Rd. The applicant is seeking a zoning change from R-6 to C-2 in order to develop consistent commercial uses.

The future land use in the United Southwest Communities Plan designates the corner of Medina Base Rd. and Holm Rd. as Community Commercial. The United Southwest Community Plan also designates the properties to the north, south, east, and west as Community Commercial, southwest and northwest across Holm Rd., the plan designates the properties as Low Density Residential. The properties to the east, south, and west are currently vacant, the properties to the north and northwest are currently developed.

The first goal in the United Southwest Communities Plan is Economic Development, the goal states, "Attract new businesses, services and retail establishments to the United Southwest Communities. Objective 1.1 in the United Southwest Communities Plan states "Implement strategies to attract commercial development." Examples of Community Commercial use include "cafes, offices, restaurants, beauty parlors, neighborhood groceries or markets, shoe repair shops and medical clinics."

Other Comments:

Request does comply with the United Southwest Communities Plan. Placing Community Commercial on this corner would aid in achieving the economic growth and commercial development laid out in this plan and stated in Goal 1.

Request conforms to Land Use Plan Request does not conform to Land Use Plan

Consistency not required because base zoning not changing

Staff Recommendation:

Approval Pending Plan Amendment

Denial

Alternate Recommendation:

Reviewer: Sidra Maldonado

Title: Planner

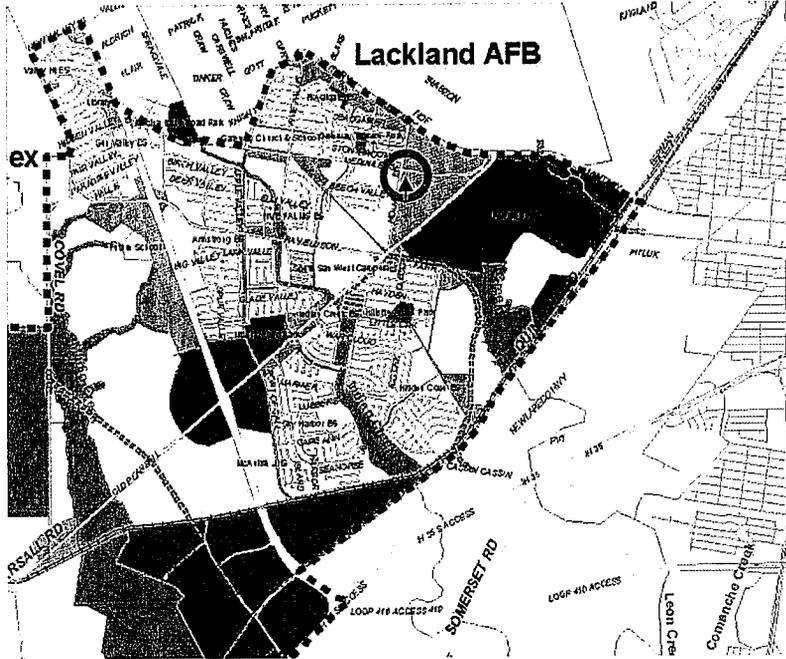
Date: 11/12/2008

Manager Review: Nina Nixon-Mendez

Date: 11/12/2008

Neighborhood and Urban Design Division Zoning Case Review

Medina Base Rd. and Holm Rd.

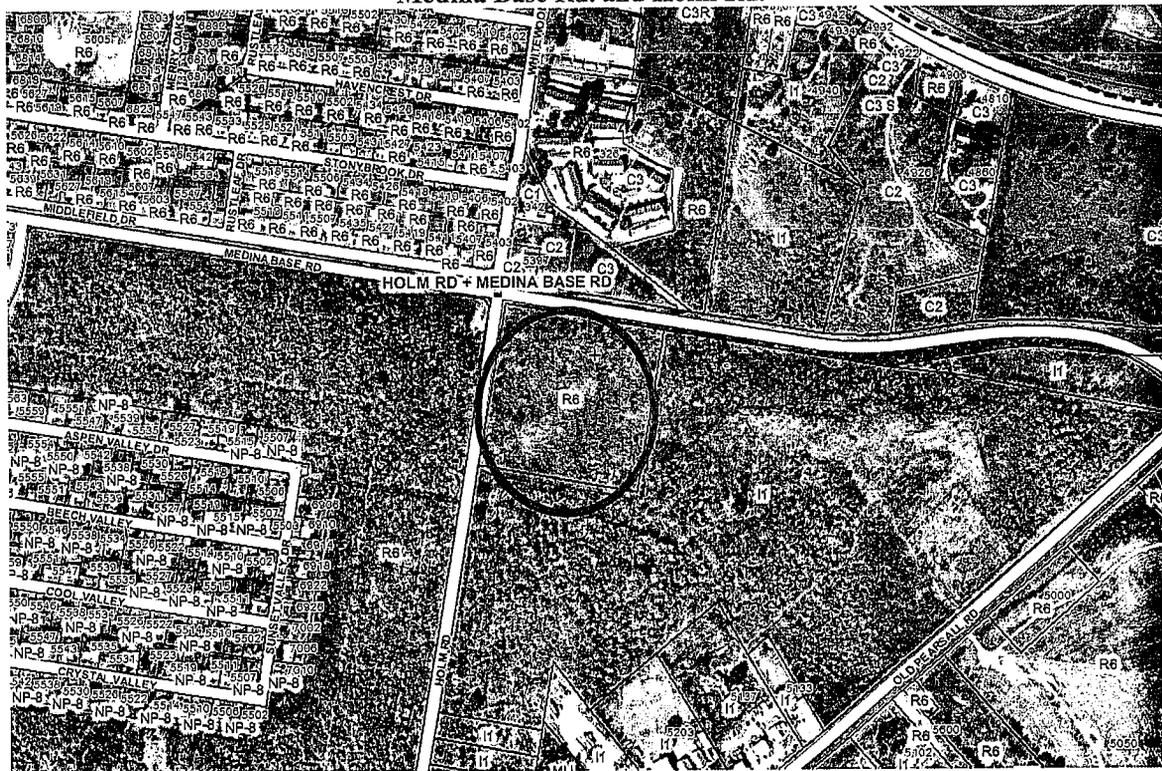


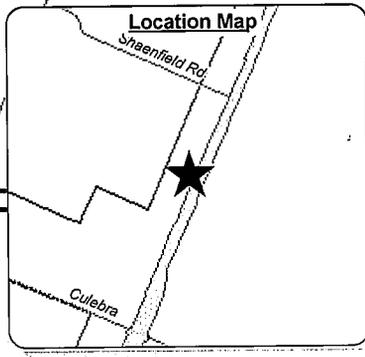
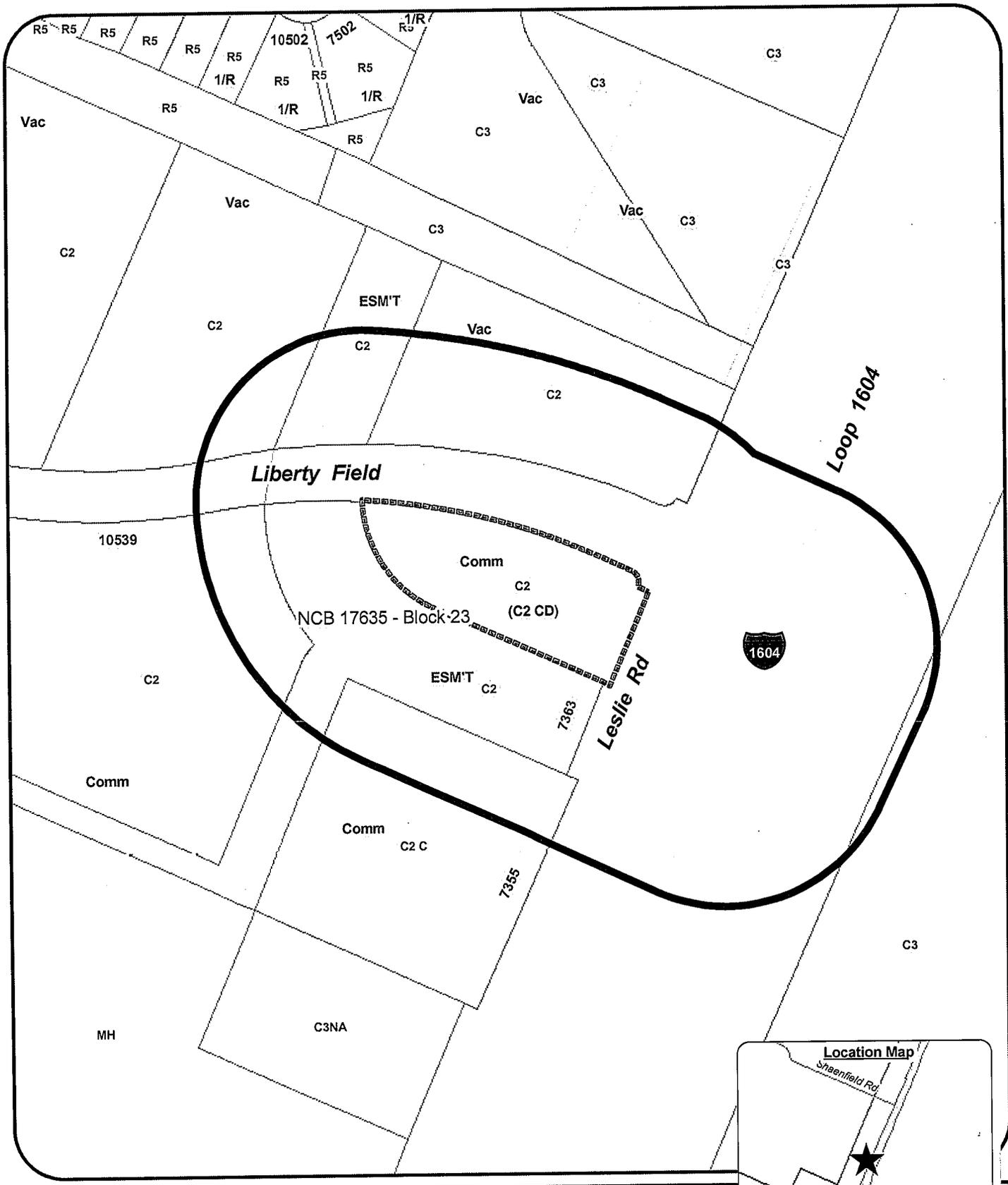
United Southwest Communities Plan Future Land Use Map

Legend

- Military Bases
- Land Use Categories**
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Community Commercial
- Regional Commercial
- Mixed Use
- Industrial
- Public/Institutional
- Parks
- Open Space
- Agricultural
- Major Thoroughfare Extensions

Medina Base Rd. and Holm Rd.





Zoning Case Notification Plan

Case Z2009-015 CD

Council District 7
 Scale: 1" approx. = 150'
 Subject Property Legal Description(s): Lot 1, NCB 17635, Blk 23

Legend	
Subject Property	▬ (0.986 acres)
200' Notification Buffer	▬
Current Zoning	C2
Requested Zoning Change	(C2 CD)
100-Year FEMA Floodplain	▬



City of San Antonio
 Planning - Development Services Dept.
 11/5/2008
 D. E. Castillo

CASE NO: Z2009015 CD

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 7

Ferguson Map: 578 C1

Applicant Name:
Omex Enterprises, LLC

Owner Name:
Omex Enterprises, LLC

Zoning Request: From "C-2" Commercial District to "C-2" (CD- Outside Storage) General Commercial District with a Conditional Use for Outside Storage of Merchandise.

Property Location: Lot 1, Block 23, NCB 17635

7363 Leslie Road

Southwest corner of Leslie Road and Liberty Field

Proposal: To allow for Ornamental Pieces to be displayed outdoor.

Neigh. Assoc. None

Neigh. Plan None

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

Staff Recommendation:

Approval.

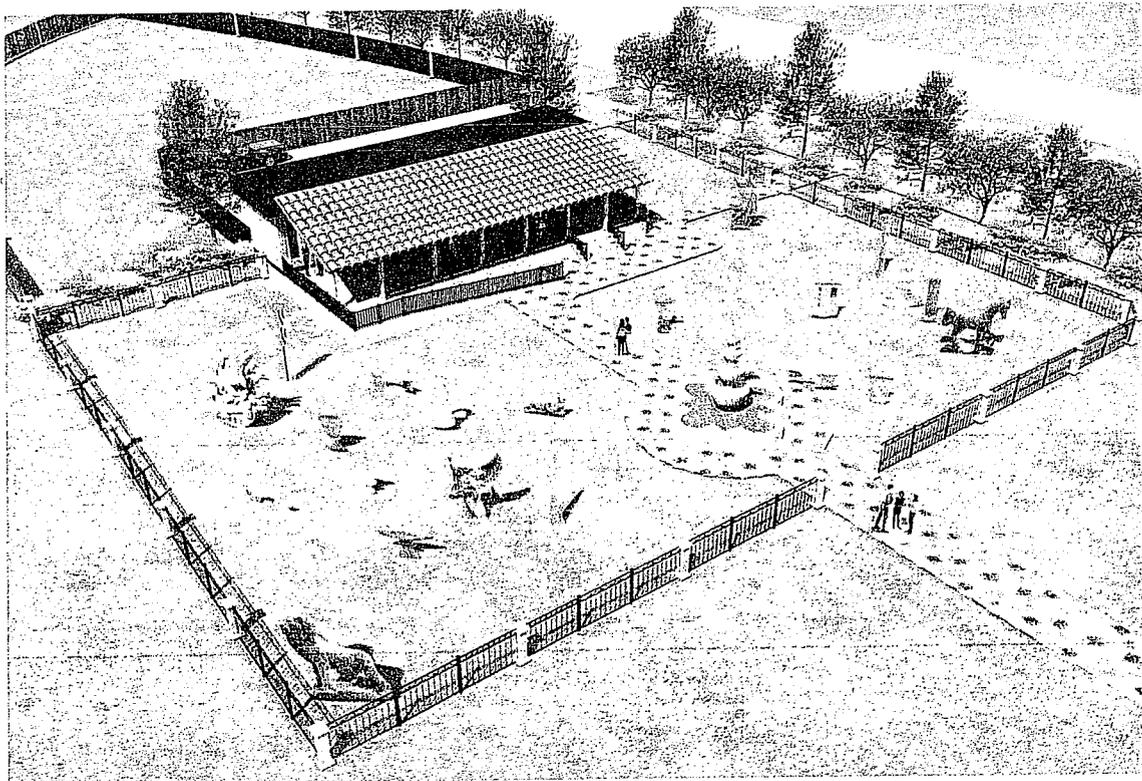
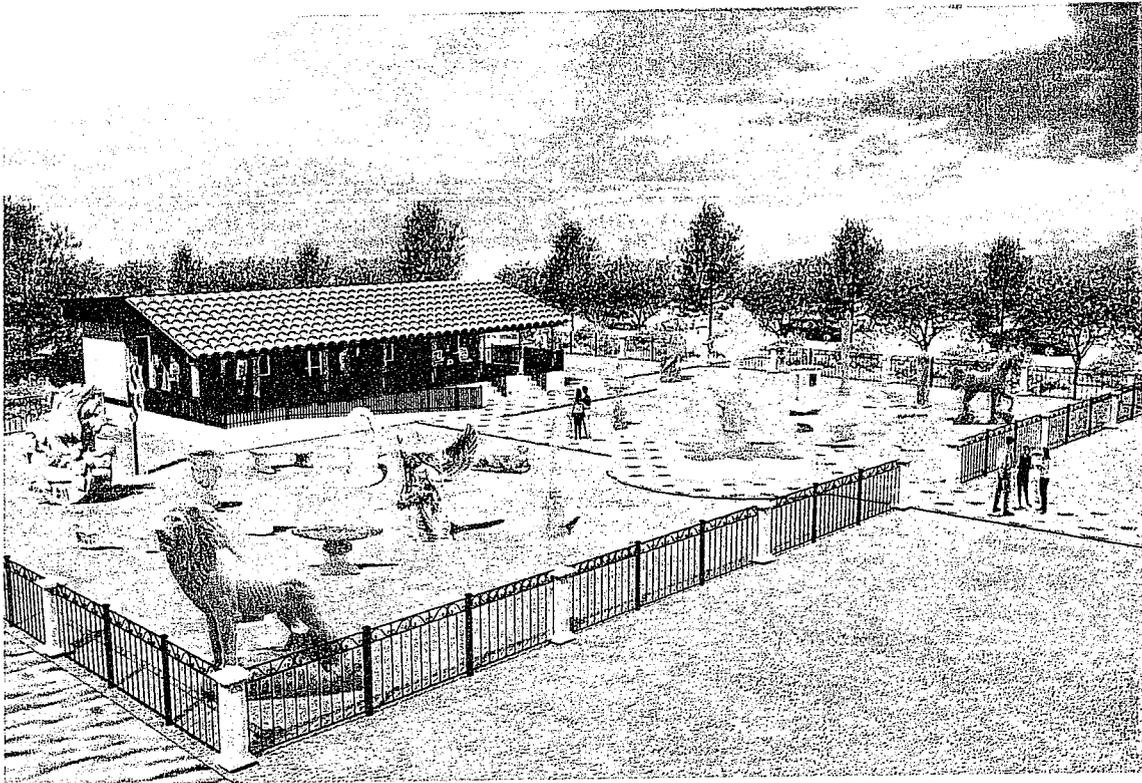
The subject property fronts Leslie Road which, at this location, acts as a two-way frontage road for Loop 1604. The subject property is located on the corner of Leslie Road and Liberty Field. There is a 115-foot wide drainage right-of-way that provides some separation between the subject property and the property to the northwest and southwest. Vehicular access to the property is presently limited to the rear of the office building from Liberty Field, the layout of the property is intended to promote the exhibition of quarry stone imported from Mexico and ornamental pieces which are going to be displayed outdoors. Much of the rear yard is enclosed with wood fencing and there are several mature trees in the side yard along Liberty Field. The front of the property will be enclosed with iron fencing. The applicant has indicated that the project site will be unique and attractive to the public.

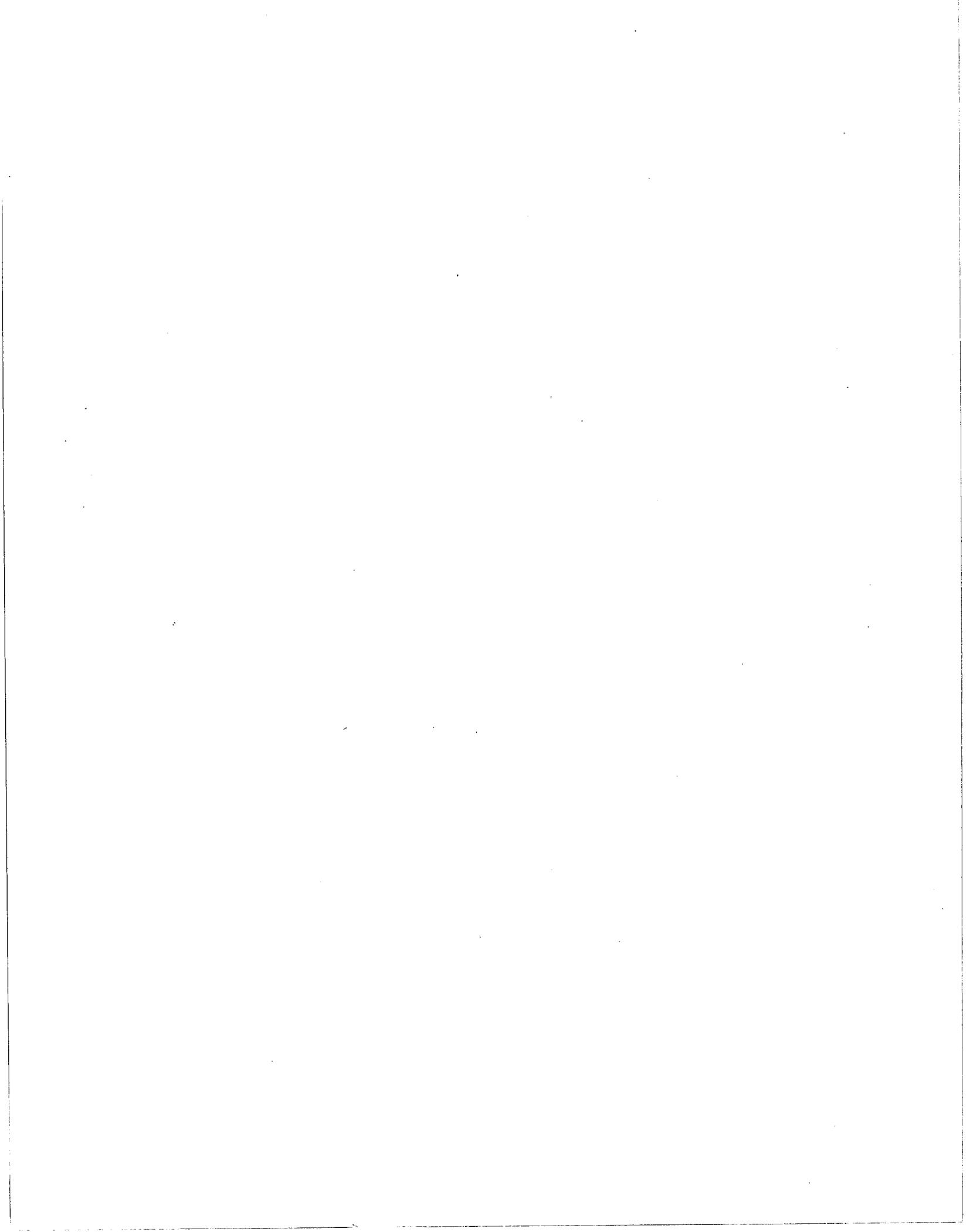
The subject property was zoned "B-2" Business District, and converted to "C-2" Commercial District in 2002. The property is surrounded by "C-2" zoning to the northwest, southwest and across Leslie Road to the northeast. This commercial zoning extends along the northwest side of Leslie Road from Shaenfield Road to Culebra Road with a combination of "C-2", "C-2 CD", "C-3", "C-3R" and "C-3 NA" zoning. "C-2" districts accommodate commercial and retail uses with no outdoor storage or display of goods permitted except for outdoor dining. Staff believes the request is appropriate for the area. The "C-2" (CD- Outside Storage) would be appropriate considering the location of the subject property on Leslie Road. The application of a conditional use provides an opportunity to limit the impact of the proposed use on surrounding properties.

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.

CASE MANAGER : Pedro Vega 207-7980

Z2009015CD





CASE NO: Z2008258 CD

Final Staff Recommendation - Zoning Commission

Date: December 02, 2008

Council District: 5

Ferguson Map:

Applicant Name:

Owner Name:

City of San Antonio

Multiple Property Owners

Zoning Request:

From "I-2" Heavy Industrial District, "I-1" General Industrial District, "MF-33" Multi-Family District and "R-4" Single-Family Residential District to IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Auto and Light Truck Repair Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Bail Bond Agency Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Bar/Tavern Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Warehousing Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and an Eight-Unit Dwelling; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Three-Unit Dwelling; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Two-Unit Dwelling; "C-2" Commercial District; "R-4" Single-Family Residential District with a Conditional Use for a Non-Commercial Parking Lot; "R-4" Single-Family Residential District with a Conditional Use for a Three-Dwelling Unit and "R-4" Residential Single-Family District.

Property Location: Multiple properties generally bound by Ruiz Street to the north, Buena Vista Street to the south, North Salado Street to the east and North Colorado Street to the west

Proposal: To make zoning compatible with the Downtown Neighborhood Plan Update

Neigh. Assoc. Prospect Hill Neighborhood Association

Neigh. Plan Downtown Neighborhood Plan

Traffic Impact Analysis: A Traffic Impact Analysis (TIA) is not required, per §35-343 (k).

Staff Recommendation:

Inconsistent. The subject property is located within the boundaries of the Downtown Neighborhood Plan. The Plan is currently undergoing a plan update and the recommended rezoning proposal will be consistent with the proposed Future Land Use Plan. The Planning Commission recommended approval of the plan update on November 12, 2008. City Council will consider the plan amendment on January 15, 2009.

Approval, pending approval of the Downtown Neighborhood Plan update.

The zoning request, initiated by the City of San Antonio, is to rezone properties within the Downtown West Neighborhood Plan boundaries in order to provide a zoning buffer adjacent to the Bexar County Jail Complex expansion and to bring properties into conformity with the current provisions of the Unified Development Code. Per direction from City Council, Staff has conducted a study of these properties and is recommending a rezoning proposal that would be compatible with the current uses, while attempting to provide consistency with current and proposed adjacent zoning districts.

CASE NO: Z2008258 CD

Final Staff Recommendation - Zoning Commission

The subject area within the Downtown West Neighborhood Plan consists of 110 properties that are located west of the Central Business District, just outside of I.H. 35 North. The area is bound by Ruiz Street to the north, West Commerce Street to the south, North Comal Street to the east (inclusive of the parcel to the immediate east of the intersection of North Comal Street and West Martin Street) and North Colorado Street to the west. The area is a small neighborhood that was located within the City of San Antonio municipal boundary in 1936. Much of the existing development, particularly the single-family residential development, was erected prior to 1936, thus pre-dating the adoption of zoning as the predominate land-use management tool in the City. While the majority of parcels in the neighborhood are occupied by residential and commercial uses, there are also a small number of industrial uses for which Staff has not recommended any changes in zoning.

Staff supports the request being that the multiple zoning districts proposed are consistent with this area of the Downtown West Plan update. Additionally, this request would constitute a down-zoning for some parcels from "I-2" Heavy Industrial and "I-1" General Industrial zoning districts. Industrial uses are not appropriate within residential neighborhoods. Despite its residential character, the vast majority of the subject area is in transition or zoned "I-2" Heavy Industrial District or "I-1" General Industrial District. The neighborhood was previously zoned "L" First Manufacturing District or "J" Commercial District, under the 1938 Unified Development Code (UDC). Upon adoption of the 2001 UDC, the 1938 zoning districts were converted to the current zoning districts. The "L" First Manufacturing zoning district converted to "I-2" Heavy Industrial District, the "J" Commercial zoning district converted to "I-1" General Industrial District.

In order to provide flexibility for property owners that are directly adjacent to the county jail expansion, Staff, in accordance with the proposed neighborhood plan, is recommending the Infill Development District with Uses Permitted in "C-2" and "R-4". This recommendation will allow commercial uses across the street from the county jail complex, while still allowing those currently existing residential uses to remain. IDZ zoning would be ideal in this area given that these lots are platted facing the jail complex. Additionally, Staff is recommending IDZ zoning along the arterials such as Commerce Street and Martin Street; "C-2" Commercial District for 3 properties that are situated between the Jail Complex and the Haven for Hope Human Services Campus and Conditional Uses for properties that are currently legally non-conforming.

Staff invited all property owners to an Open House on September 25, 2009 at the Cliff Morton Development and Business Services Center. The proposed rezoning map was presented to the attendees, along with general information about the rezoning process. Additional meetings with individual property owners were held as requested.

CASE MANAGER: Rudy Nino, Jr. 207-8389

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z2008258 CD

Existing Zoning: Various

Requested Zoning: Various

Registered Neighborhood Association(s): Prospect Hill

Neighborhood/Community/Perimeter Plan: Downtown Neighborhood Plan

Future Land Use for the site: Residential

Analysis:

The Downtown West Neighborhood is a component of the overall Downtown Neighborhood Plan. This area is bounded by Ruiz and Frio to the north, Salado Street to the east, Colorado to the west, and Buena Vista to the south. The Downtown Neighborhood Plan was adopted in 1999, and consists of several distinct districts. The West Neighborhood includes the Colorado Street (Prospect Hill) District "District P". The Downtown West Neighborhood Plan Update is part of a Council initiated rezoning effort for portions of the area.

The need for a comprehensive rezoning was determined due to the identification of a large number of residential properties that are currently zoned I-1 and I-2. The intent of the Council initiated rezoning effort was to provide for appropriate zoning categories for the present use of these properties. The Land Use component corresponds with the proposed zoning for the area, and offers a more predictable and flexible transitional land use pattern within the plan area.

The zoning change request conforms to the proposed land use plan update and furthers the goals and objectives established in the Downtown West Neighborhood Plan Update. The Planning Commission voted to recommend Council approval of the Land Use component of the Plan Update at the public hearing held on November 12, 2008.

Request conforms to Land Use Plan

Request does not conform to Land Use Plan

Consistency not required because base zoning not changing.

Staff Recommendation:

Approval

Denial

Alternate Recommendation:

Reviewer: Gary Edenburn

Title: Senior Planner

Date: 11/24/08

Manager Review: Nina Nixon-Mendez

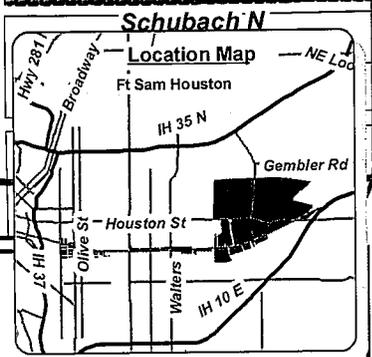
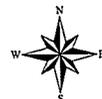
Title: Planning Manager

Date:

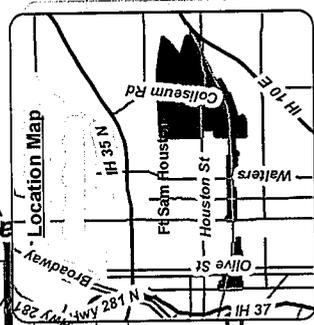
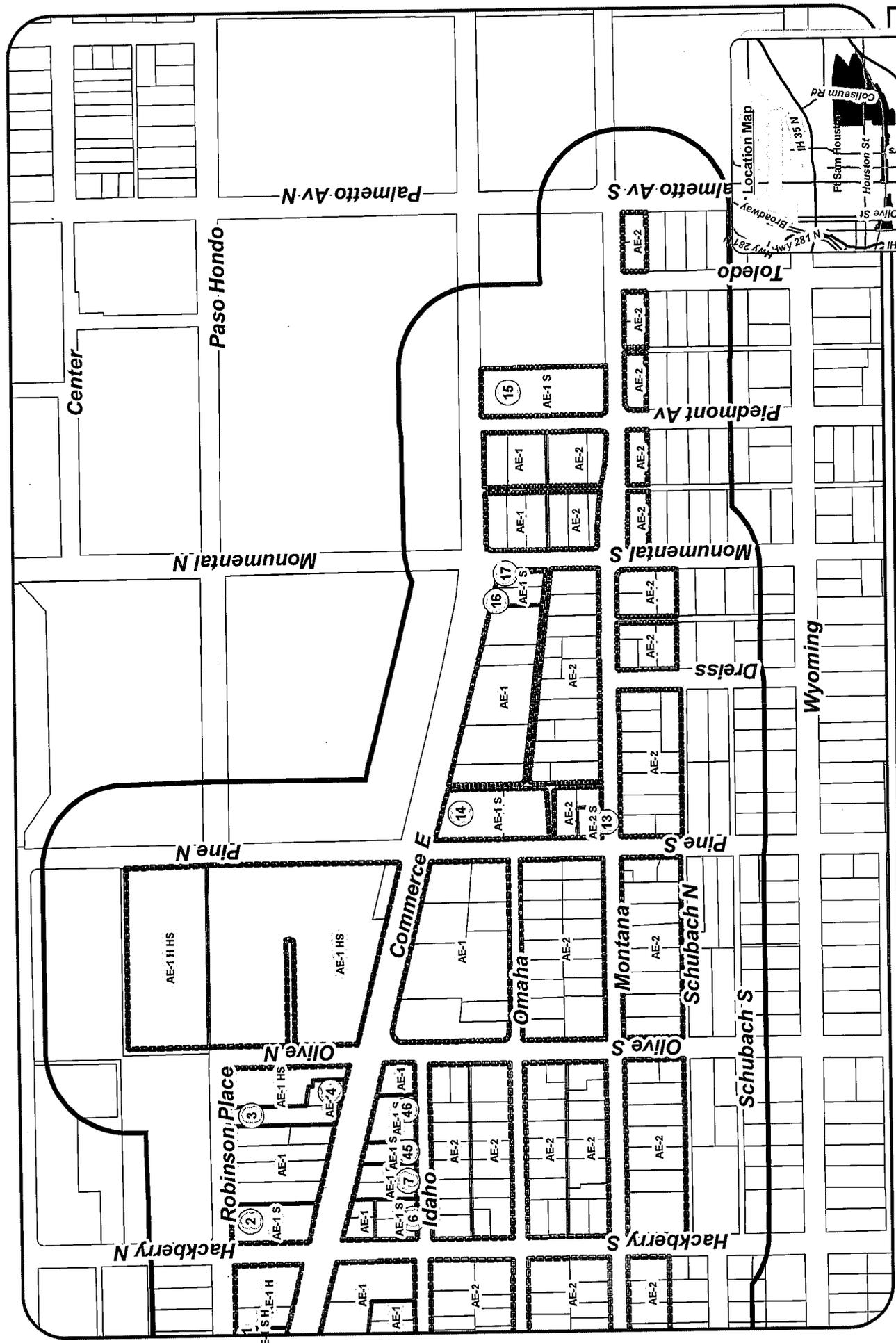


Zoning Case Notification Plan
Case Z-2009-010
 Sheet 1 of 7 Council District 2

Legend
 Subject Property [dashed line]
 200' Notification Buffer [dotted line]
 Proposed Zoning Change [thick line]
 Specific Use Authorization (See Index) [circle with number]
 Scale: 1" approx. = 200'



Planning and Development Services Dept
 City of San Antonio
 (11/04/2008)



Zoning Case Notification Plan
Case Z-2009-010
Sheet 2 of 7

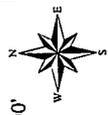
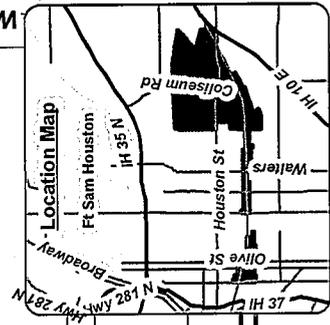
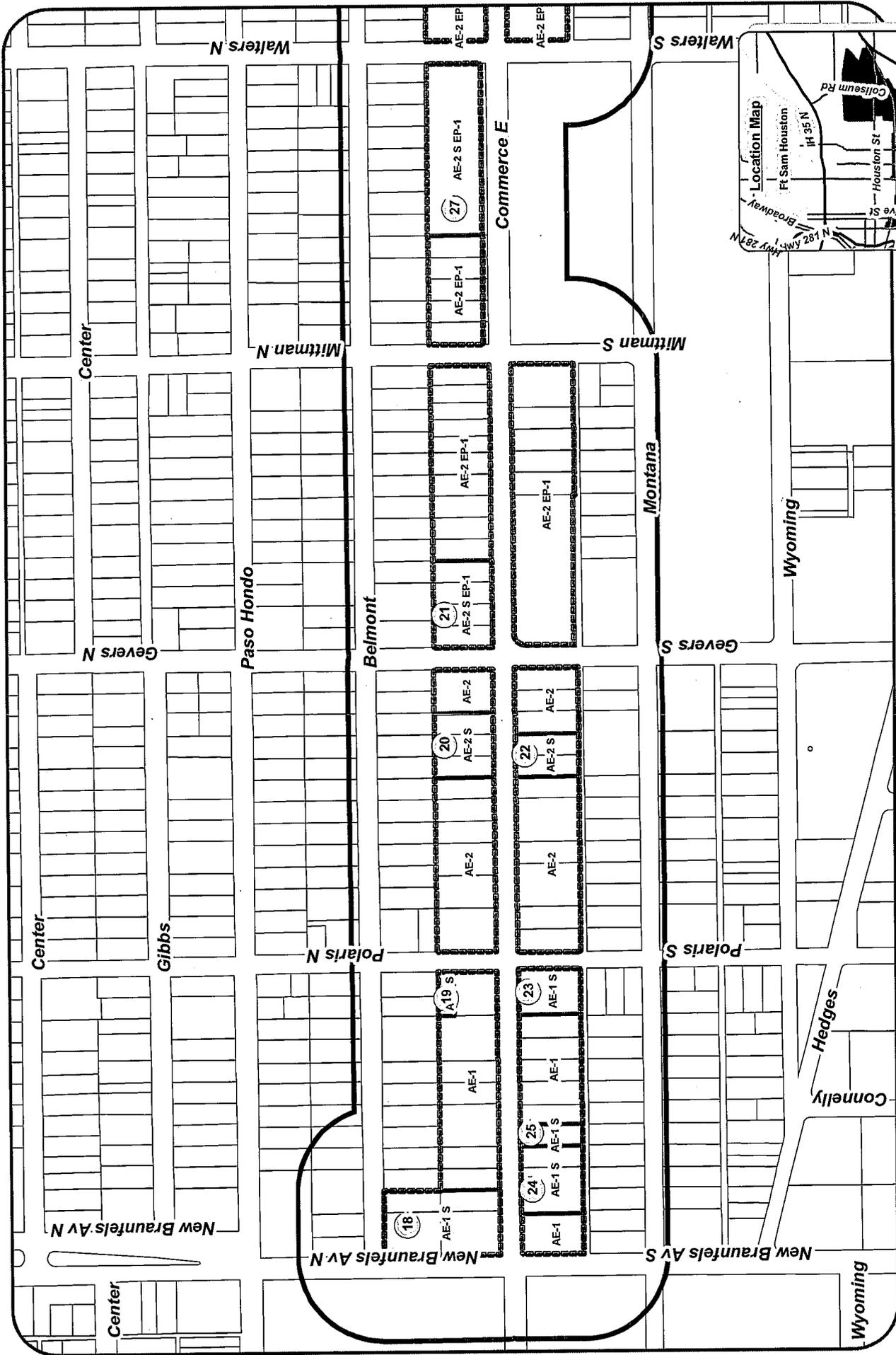
Council District 2
 Scale: 1" approx. = 300'

Planning and Development Services Dept
 City of San Antonio
 (11/04/2008)

Legend

- Subject Property
- 200' Notification Buffer
- Proposed Zoning Change R6
- Specific Use Authorization (See Index) 1

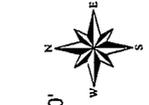
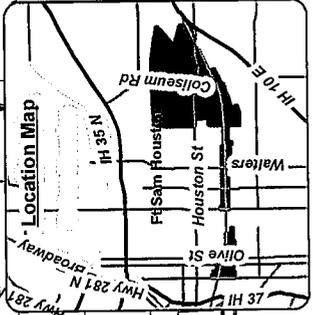
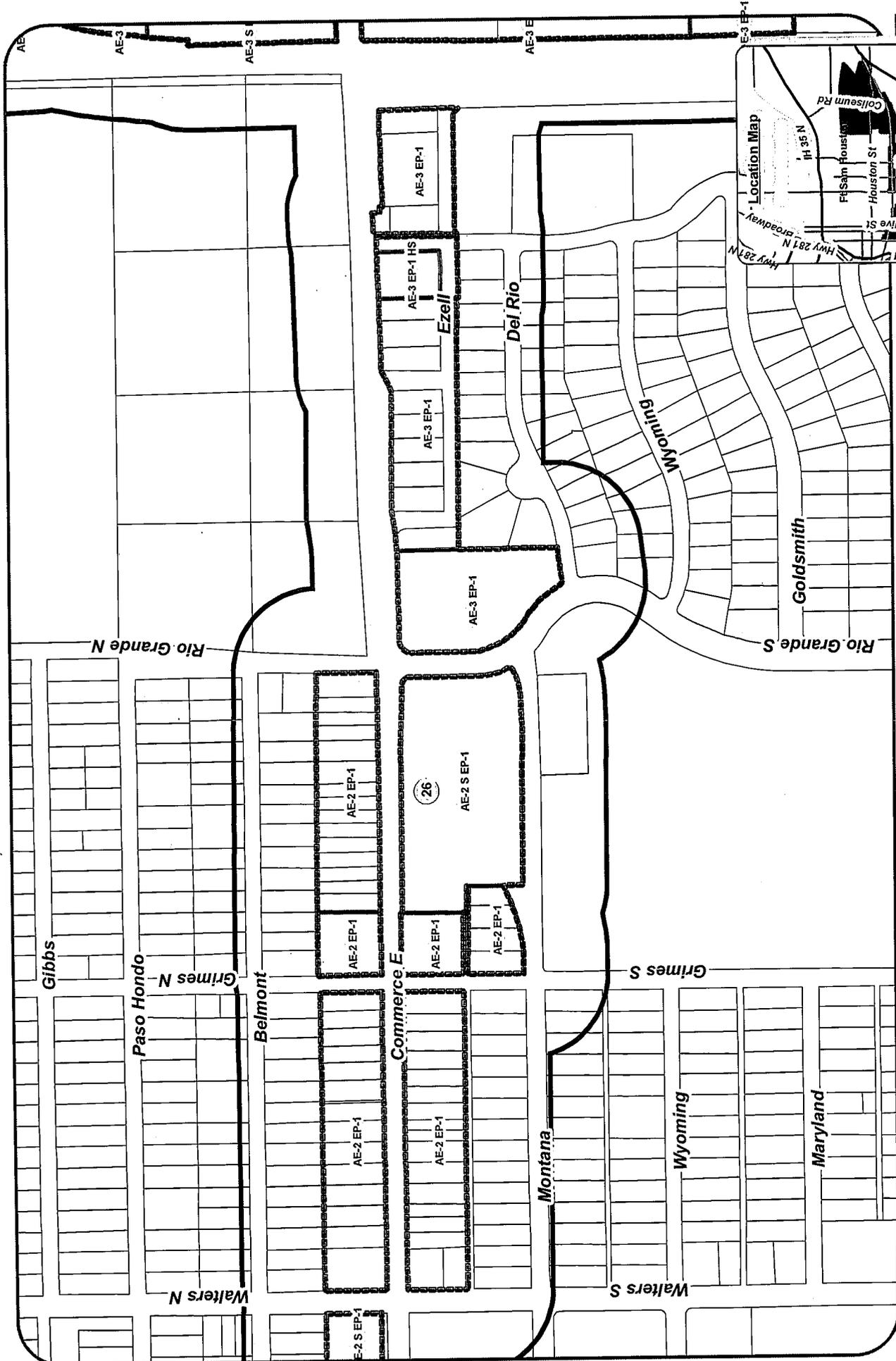
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Council District 2
 Scale: 1" approx. = 300'

- Legend**
- Subject Property
 - 200' Notification Buffer
 - Proposed Zoning Change R6
 - Specific Use Authorization (See Index) 1

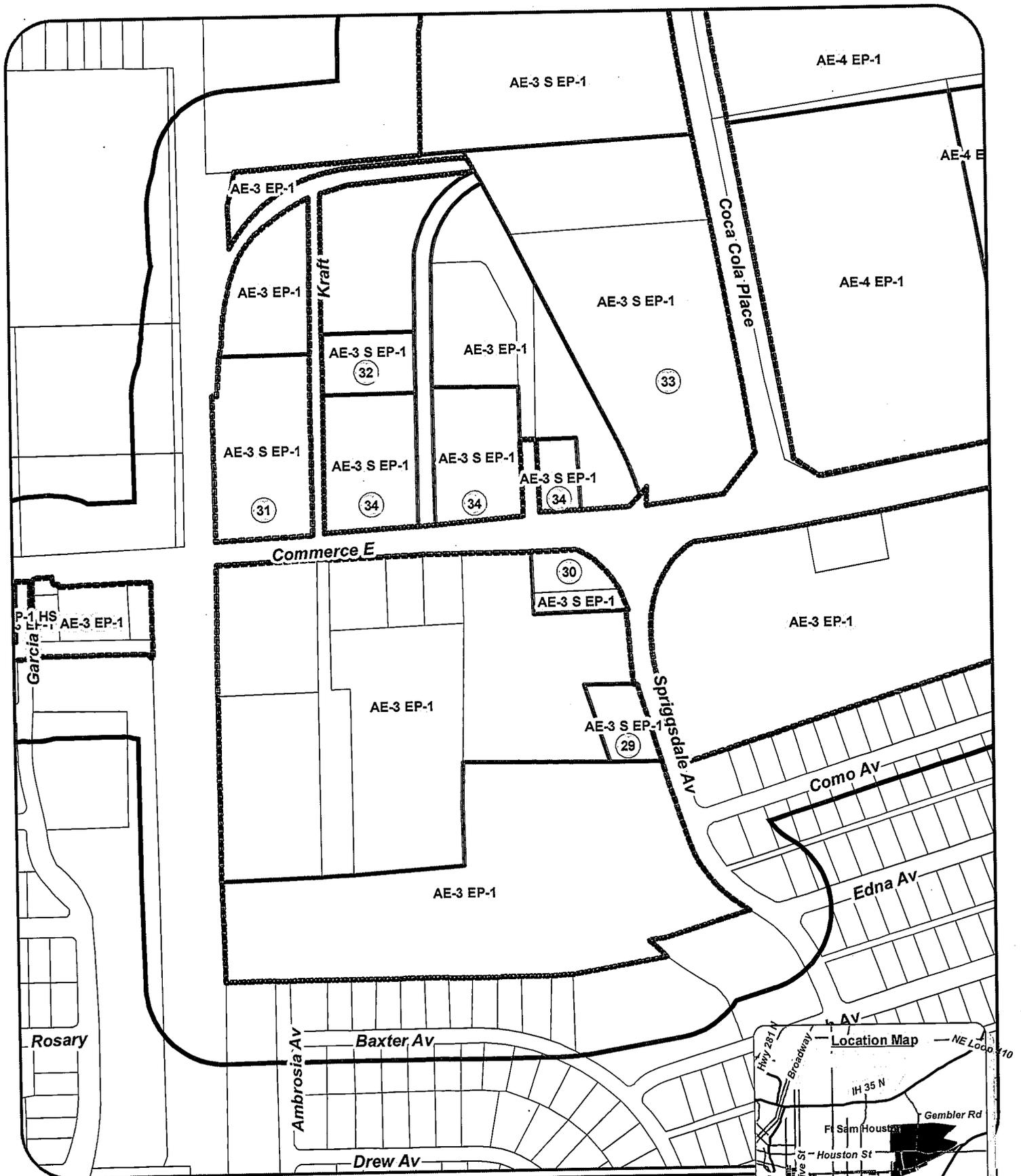
Zoning Case Notification Plan
Case Z-2009-010
Sheet 3 of 7



Council District 2
Scale: 1" approx. = 300'

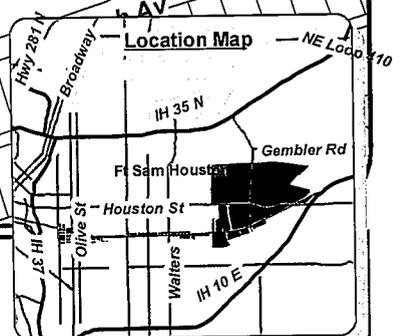
- Legend**
- Subject Property
 - 200' Notification Buffer
 - Proposed Zoning Change R6
 - Specific Use Authorization (See Index) 1

Zoning Case Notification Plan
Case Z-2009-010
Sheet 4 of 7

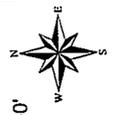
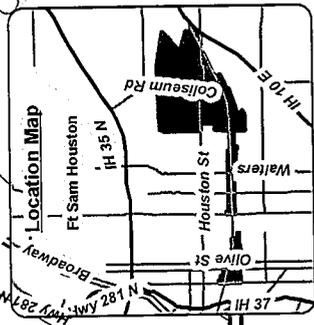
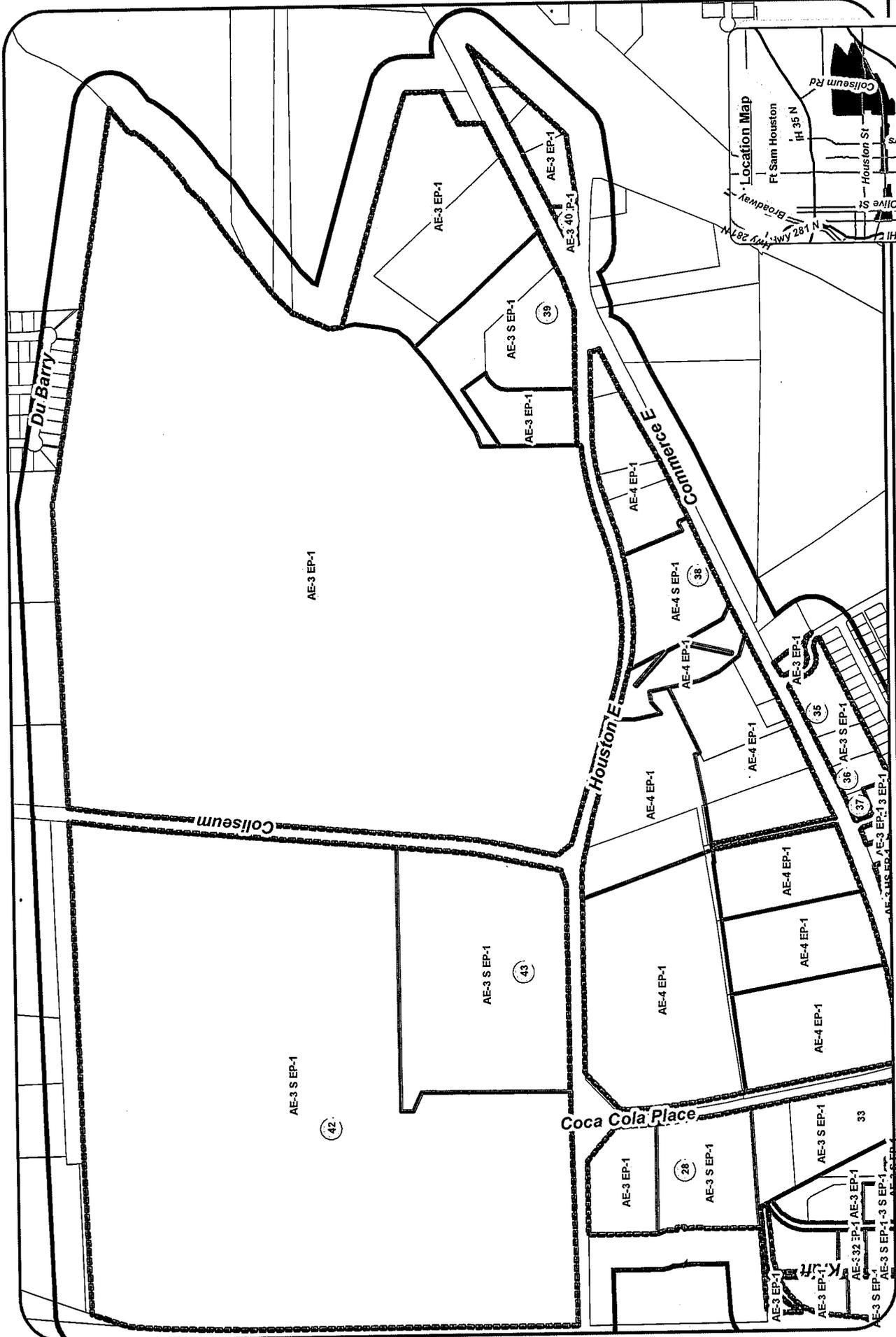


Zoning Case Notification Plan
Case Z-2009-010
 Sheet 5 of 7 Council District 2

Legend
 Subject Property [dotted line]
 200' Notification Buffer [thick solid line]
 Proposed Zoning Change **R6**
 Specific Use Authorization (See Index) **1**
 Scale: 1" approx. = 300'



Planning and Development Services Dept
 City of San Antonio
 (11/04/2008)



Council District 2
 Scale: 1" approx. = 700'

- Legend**
- Subject Property
 - 200' Notification Buffer
 - Proposed Zoning Change **R6**
 - Specific Use Authorization (See Index) **(1)**

Zoning Case Notification Plan

Case Z-2009-010

Sheet 7 of 7

CASE NO: Z2009010 S

Final Staff Recommendation - Zoning Commission

Date: December 2, 2008

Postponement from November 19, 2008

Council District: 2

Ferguson Map: 617 A5, B5, B6, C6, D6, E6, F4, F5 and 618 A4, A5, B4, B5

Applicant Name:

Owner Name:

City of San Antonio

Multiple Property Owners

Zoning Request: From "I-2 EP-1" Heavy Industrial Event Parking Overlay District, "I-1" General Industrial District, "I-1 EP-1" General Industrial Event Parking Overlay District, "IDZ CD" Infill Development Zone District with a Conditional Use for Multi Family Dwellings not to exceed 90 units per acre, "HS H IDZ" Historic Significant, Infill Development Zone Dignowity Hill Historic District, "HS IDZ" Historic Significant, Infill Development Zone District, "HS IDZ" Historic Significant, Infill Development Zone with uses permitted in "C-1" Light Commercial District and a Meeting Facility, "L EP-1" Light Industrial Event Parking Overlay District, "C-3" General Commercial District, "C-3 EP-1" General Commercial Event Parking Overlay District, "H C-3" General Commercial Dignowity Hill Historic District, "HS C-3" Historic Significant, General Commercial District, "C-3R" General Commercial Restricted Alcohol Sales District, "C-3R EP-1" General Commercial Restricted Alcohol Sales Event Parking Overlay District, "C-3 S" General Commercial District with a Specific Use Authorization for a Pet Cemetery, "C-3NA EP-1" General Commercial Nonalcoholic Sales Event Parking Overlay District, "C-2" Commercial District, "C-2 EP-1" Commercial Event Parking Overlay District, "C-2NA EP-1" Commercial Nonalcoholic Sales Event Parking Overlay District, "C-1 CD EP-1" Light Commercial Event Parking Overlay District with a Conditional Use for a Convenience Store with Gasoline and Carwash, "HS O-2 EP-1" Historic Significant, Office Event Parking Overlay District, "MF-33 EP-1" Multi Family Event Parking Overlay District, "HS MF-33 EP-1" Historic Significant, Multi Family Event Parking Overlay District, "MF-25 EP-1" Multi Family Event Parking Overlay District, "RM-4" Residential Mixed District, "RM-4 EP-1" Residential Mixed Event Parking Overlay District, "H RM-4" Residential Mixed Dignowity Hill Historic District, "R-4 EP-1" Residential Single Family Event Parking Overlay District, "HS R-4 EP-1" Historic Significant, Residential Single Family Event Parking Overlay District, and "R-5 EP-1" Residential Single Family Event Parking Overlay District to "AE-1" Arts and Entertainment District, "H AE-1" Arts and Entertainment Dignowity Hill Historic District, "HS AE-1" Historic Significant, Arts and Entertainment District, "HS H AE-1" Historic Significant, Arts and Entertainment Dignowity Hill Historic District, "AE-1 S" Arts and Entertainment District with a Specific Use Authorization, "H AE-1 S" Arts and Entertainment Dignowity Hill Historic District with a Specific Use Authorization, "AE-2" Arts and Entertainment District, "AE-2 EP-1" Arts and Entertainment Event Parking Overlay District, "AE-2 S" Arts and Entertainment with a Specific Use Authorization District, "AE-2 S EP-1" Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization, "HS AE-2 S" Historic Significant, Arts and Entertainment District with a Specific Use Authorization, "AE-3 EP-1" Arts and Entertainment Event Parking Overlay District, "HS AE-3 EP-1" Historic Significant, Arts and Entertainment Event Parking Overlay District, "AE-3 S EP-1" Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization, "AE-4 EP-1" Arts and Entertainment Event Parking Overlay District, "AE-4 S EP-1" Arts and Entertainment Event Parking Overlay District with a Specific Use Authorization. Specific Use Authorizations include: Dry Cleaning - Limited to 5 Employees, Auto Parts Retail, Wireless Communication Systems, Floor Covering - Retail, Dwelling-1 Family, Hotel, Air Conditioning/Refrigeration-Service and Repair, Electric Repair - Light Equipment, Auto Paint & Body - Repair with outside storage of vehicles and parts permitted but completely screened from view of adjacent property owners and public roadways, Auto & Light Truck Repair, Motel, Bail Bond Agency, Mini Warehouse, Antique Store, Meeting Facility, Convenience Store (with gasoline and carwash), School - Private University or College, Dwelling - Multifamily (25 units/acre maximum), Carwash, Auto Upholstery - Sales and Installation Completely Enclosed, Parking & Transient Vehicle Storage, Food & Food Products - Processing, Cabinet or Carpenter Shop, Convenience Store (with gasoline), Alcohol - Bar and/or Tavern, Warehousing, Beverage - Manufacturing or Processing, Laundry - Plant, Metal Products - Fabrication, Motor Vehicle Sales (full service), Fairground and/or Stadium, Office Warehouse (Flex Space) - Outside Storage Not Permitted, Truck Repair and Maintenance

Property Location: Multiple properties generally bound by Center Street and East Commerce Street to the north, Palmetto Street to the east, Wyoming Street to the south, and Cherry Street to the

west; Belmont Street to the north, Terrell Street to the east, Del Rio and Montana Streets to the south, and New Braunfels Avenue to the east; and Aniol Street and Gembler Road to the north, IH-10 East to the east, Baxter and Como Streets and Hub Avenue to the south, and Onslow Street and a Union Pacific railroad right-of-way to the west.

Proposal: The requested rezoning supports the creation of the East Commerce Street Arts & Entertainment District

Neighborhood

Associations: Coliseum-Willow Park, Dignowity Hill, Downtown, Historic Gardens, Jefferson Heights, and Nevada Street

Arena District, Coliseum Oaks, Harvard Place-Eastlawn, and United Homeowners within 200 feet

Neighborhood Plan: Downtown Neighborhood Plan, Arena District/Eastside Community Plan

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

Consistency with Plan:

Inconsistent.

The subject property is located within the boundaries of the Downtown Neighborhood Plan and the Arena/District Eastside Community Plan. The East Commerce Street Arts & Entertainment District was conceived as a tool for implementing many of the goals outlined in the Downtown Neighborhood Plan and the Arena District/ Eastside Community Plan. Both plans are undergoing updates that include minor adjustments to the land use elements so the rezoning proposal is consistent with the proposed Future Land Use Plans. The Planning Commission recommended approval of these plan updates on October 22, 2008.

Staff Recommendation:

Approval, pending the Downtown Neighborhood Plan Update and the Arena District/Eastside Community Plan Update

Overview

The requested rezoning would support the creation of the East Commerce Street Arts & Entertainment District. The East Commerce Street Arts & Entertainment District proposal includes an amendment to the Unified Development Code to create 4 new special zoning districts; updates to the Downtown Neighborhood Plan and the Arena District/Eastside Community Plan; and a comprehensive rezoning of the areas around the Alamodome, the AT&T Center and East Commerce Street in between. The East Commerce Street Arts & Entertainment District proposal was initiated via a Council Consideration Request signed September 18, 2007 by District 2 Councilwoman Sheila McNeil.

The Arts and Entertainment Special Zoning Districts are designed to support existing arts and entertainment venues and promote the creation of additional supporting venues and supporting uses. These Special Zoning Districts are appropriate where existing arts and entertainment venues are adjacent to areas with high building and lot vacancy rates where infill development and redevelopment is desired. By creating a distinct area for arts and entertainment venues and supporting uses, this zoning district allows a community to capitalize on nearby venues and draw visitors into the community. The Arts and Entertainment Districts facilitate infill development and redevelopment by creating a consistent pattern of zoning, creating certainty about the form and function of future development and creating an identity that may be utilized to attract investment. The Arts and Entertainment Districts include four unique districts designed to accommodate a range of existing conditions and desired outcomes. All of the Arts and Entertainment Districts require quality building design and materials and a pedestrian-oriented, mixed-use environment.

This rezoning request includes 480 parcels that encompass a total area of approximately 667 acres. Parcels range in size from 0.0018 acres to 197.4493 acres. The median parcel size is 0.1639 acres. Qualifying publicly owned arts and entertainment venues in the vicinity include the Carver Community Cultural Center, AT&T Center, Freeman Coliseum, Alamodome, historic City cemeteries, Fairchild Tennis Center, Willowsprings Golf Course, St. Philip's College Watson Fine Arts Center, and Sunset Station. 354 of the 480 parcels (74%) are located within ¼ mile of one or more of these qualifying publicly owned arts and entertainment venues. All of the 480 parcels (100%) are located within ½ mile of one or more of these qualifying publicly owned arts and entertainment venues. All 480 parcels are located within ½ mile of one or more of the major arterials in the

area. East Commerce Street is classified as a Primary Arterial Type B on the Major Thoroughfare Plan. East Houston Street is classified as a Secondary Arterial Type B.

Lot and building vacancy rates in the area are prevalent. The lot and building vacancy rate for the entire area subject to rezoning is approximately 33%. In the individual proposed arts and entertainment districts, lot and building vacancy rates are as high as 52%. The existing pattern of incompatible zoning serves as a barrier to infill development and the redevelopment of underutilized parcels. The proposed zoning will create certainty about the form and function of new development by regulating use and lot and building design standards. This certainty can encourage property owners to make both major and minor improvements.

The A&E Districts include unique use regulations designed to accommodate a range of uses from single-family residential to light industrial. All of the A&E Districts are mixed use and, at a minimum, include residential, office and commercial uses. Because these Districts are true mixed-use districts and they are designed for infill situations, the uses permitted by right are generally the lower intensity uses found in the existing conventional residential, office, commercial and light industrial zoning districts. Higher-intensity uses that may be appropriate within the Districts but which may warrant the imposition of additional requirements by City Council to ensure compatibility are permitted with a Specific Use Authorization. Specific Use Authorizations may also be granted for existing uses that are common in inner-city neighborhoods and do not fit into the overall vision for the Arts and Entertainment Districts, but provide important benefits to the community. The use regulations do not facilitate the creation of additional large arts and entertainment venues; rather they are intended to allow for the creation of a mix of uses that will support existing arts and entertainment venues. The use regulations also do not facilitate the creation of bars or night clubs. Such uses are only permitted with a Specific Use Authorization and only in the AE-3 Zoning District.

The lot and building design standards included in the Arts and Entertainment Districts will ensure that new development or substantial improvements to existing structures are sensitive to the surrounding neighborhood, complement the existing traditional neighborhood design, and support the existing publicly owned arts and entertainment venues. The focus of design is on the streetscape, with requirements for wider sidewalks; storefront glass; covered walkways; street trees; shallow front building setbacks, public/private spaces; reduced signage and the relegation of parking to the side or rear yard. These requirements will create a pedestrian-oriented environment that will serve the surrounding neighborhoods as well as draw visitors and tourists to the area. The Arts and Entertainment Districts also offer incentives to encourage a mix of uses and allows for a reduction in the minimum off-street parking space requirements, and additional building height without increasing building setbacks.

“AE-1” Arts and Entertainment District

The AE-1 district accommodates arts and entertainment venues and supporting uses in a higher density, pedestrian-oriented environment. This district supports infill development and the redevelopment of parcels along an existing arterial where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. The primary goal of this district is to create a mixed-use environment where arts and entertainment venues, commercial, residential and office uses harmoniously co-exist. The focus of design should be on the streetscape, with buildings located close to the front property line to form a street wall and street side public and private spaces adorned with pedestrian amenities.

A change to AE-1 zoning is requested along the north and south sides of E. Commerce Street between Cherry Street and the City Cemeteries and between New Braunfels Avenue and Polaris Street. There are 98 parcels within this area with a total land area of approximately 29.0613 acres. The included parcels range in size from 0.0589 acres to 3.8793 acres. The average parcel size is 0.2965 acres. The existing base zoning in this area includes primarily C-3 zoning with fewer instances of I-1, IDZ, RM-4 zoning. Existing uses in this area include hotels, motels, offices, personal services, small retail, with a limited number of light industrial and single-family residences. Approximately 52% of the lots are vacant or occupied by vacant structures.

C-3 zoning is typically appropriate for regional commercial nodes that are located at the intersection of highways and major arterials or two major arterials. Typical uses include shopping malls, large hotels, home improvement centers, automotive repair shops, automobile sales, and “big box” or “power center” retailers. The location, lot size and existing uses in the area do not match the size and intensity of uses permitted by C-3 zoning. C-3 zoning also does not include site and building design standards. The proposed AE-1 zoning is more in-line with the existing lot size and existing uses and will promote uses and design that are compatible with the surrounding neighborhoods and support the existing public arts and entertainment venues in the area. The AE-1 district is designed to accommodate infill development and the redevelopment of underutilized parcels

in an area with a traditional neighborhood design. The focus of design is on the streetscape, with requirements for wider sidewalks; storefront glass; covered walkways; street trees; shallow front building setbacks, public/private spaces; reduced signage and the relegation of parking to the side or rear yard that will create a pedestrian-oriented environment that will serve the surrounding neighborhoods as well as draw visitors and tourists attending events at the arts and entertainment venues into the area. The AE-1 district offers incentives to encourage a mix of uses, and allows for reduced minimum off-street parking requirements and additional building height without increasing setbacks. Specific Use Authorizations are included to ensure businesses that do not necessarily conform

"AE-2" Arts and Entertainment District

The AE-2 district accommodates smaller scale arts and entertainment venues and supporting uses. This district supports infill development and the redevelopment of parcels along existing arterials where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. The primary goal of this district is to create space, in many cases within existing structures, for local artists to live, work, display and sell their artwork. Artists that locate within this district will benefit from the draw of other artists and the collective energy of the area. Corner lots may be utilized for neighborhood based commercial uses including cafes, bakeries, convenience stores and barber/beauty shops. This district is designed to harmoniously co-exist with adjacent single-family residential neighborhoods.

A change to AE-2 zoning is requested along the north and south side of Montana Street between Cherry and Palmetto Streets (Montana Street Area) and along the north and south sides of E. Commerce Street between Polaris and Rio Grande Streets (E. Commerce Street Area).

Montana Street Area

The Montana Street Area includes 195 parcels with a total land area of approximately 25.2019 acres. Included parcels range in size from 0.0189 acres to 0.3319 acres. The average parcel size is 0.1292 acres. The existing base zoning in this area includes primarily RM-4 zoning with C-2 and C-3 zoning found in the blocks between E. Cherry Street and S. Mesquite Street and on a few other various parcels. Existing uses in this area include primarily 1-4 family dwellings. Approximately 24% of the lots in the Montana Street Area and the E. Commerce Street Area are vacant or occupied by vacant structures.

RM-4 zoning allows single-family residences, duplexes, triplexes and fourplexes. Certain non-residential activities such as schools, places of worship, and parks are also permitted in this zoning district. The existing RM-4, C-2 and C-3 zoning often does not reflect the existing use, historic use and/or highest and best use. Many of the single-family residences in the blocks between E. Cherry Street and S. Mesquite Street are zoned C-2. Many of the corner lots that have historically accommodated neighborhood commercial uses and which are occupied by small commercial buildings are zoned RM-4. The existing zoning, which in many instances is incompatible with the existing use, historic use, and/or highest and best use, acts as a barrier to infill development, redevelopment and even the maintenance of existing structures.

The proposed AE-2 zoning would allow RM-4 uses on interior lots plus artisan studios and professional offices. Corner lots could be utilized for neighborhood commercial and RM-4 uses, artisan studios, and professional offices. This collection and distribution of permitted uses more closely matches the historic development pattern and highest and best use of property and will allow for the reestablishment of neighborhood commercial uses. The proposed AE-2 zoning will also promote uses and designs that are compatible with the surrounding neighborhoods and support the existing public arts and entertainment venues in the area. The AE-2 district is designed to accommodate infill development and the redevelopment of underutilized parcels in an area with a traditional neighborhood design, as is found in this area.

E. Commerce Street Area

The E. Commerce Street Area includes 102 parcels with a total land area of approximately 22.4217 acres. Included parcels range in size from 0.0018 acres to 3.4771 acres. The average parcel size is 0.2198 acres. The existing base zoning in this area includes primarily C-2 zoning mixed with blocks with I-1 zoning, C-3 zoning and RM-4 zoning. MF-25 and MF-33 zoning may also be found. Existing uses in this area include 1-4 family dwellings, small retail, offices, personal services, and light industrial uses. Approximately 24% of the lots in the Montana Street Area and the E. Commerce Street Area are vacant or occupied by vacant structures.

The existing mix of incompatible zoning districts (commercial, mixed-residential, multi-family residential, industrial) creates a great deal of uncertainty about the future form of development along this section of East

Commerce Street. Additionally, the existing zoning often does not match the existing use, historic use, and/or highest and best use. The existing zoning acts as a barrier to infill development, redevelopment and even the maintenance of existing structures.

The proposed AE-2 zoning would allow RM-4 uses on interior lots plus artisan studios and professional offices. Corner lots could be utilized for neighborhood commercial and RM-4 uses, artisan studios, and professional offices. This collection and distribution of permitted uses more closely matches the historic development pattern and highest and best use of property and will allow for the reestablishment of neighborhood commercial uses. The proposed AE-2 zoning will also promote uses and designs that are compatible with the surrounding neighborhoods and support the existing public arts and entertainment venues in the area. The AE-2 district is designed to accommodate infill development and the redevelopment of underutilized parcels in an area with a traditional neighborhood design, as is found in this area.

“AE-3” Arts and Entertainment District

The AE-3 district accommodates arts and entertainment venues and supporting uses in a town center pattern. This district support infill development and the redevelopment of larger parcels with frontage along existing arterials. This district is appropriate where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. This district is designed to bring residential, commercial and office development within a town center located immediately adjacent to an existing large entertainment venue with a regional draw. The town center should offer event goers dining and shopping opportunities in a pedestrian-oriented town center accessible via a short walk or ride on a trolley or other form of public transit from the entertainment venue main parking areas. A healthy mix of residential, commercial and office space will ensure this town center continues to function even on nights when there are no events at the large entertainment venue.

A change to AE-3 zoning is requested along the south sides of E. Commerce Street between Rio Grande and Terrell Streets, the north and south sides of E. Commerce Street between Terrell Street and Coca-Cola Place, the south side of E. Commerce Street between Coca-Cola Place and Salado Creek, and the north side of E. Houston Street between Onslow Street and IH-10. There are 68 parcels within this area with a total land area of 497.7453 acres. These parcels range in size from 0.058 acres to 197.4493 acres. The average parcel size is 7.3198 acres. The existing base zoning in this area includes primarily I-2 zoning with fewer instances of I-1, C-3, C-2, O-2, MF-33, R-5, and R-4 zoning. Existing uses in this area include light and heavy industrial, multi-family housing, retail, office, and institutional. Approximately 51% of the lots are vacant or occupied by vacant structures.

I-2 zoning includes heavy manufacturing, processing and fabricating businesses. Heavy industrial uses are typically concentrated at arterials, expressways, and railroad lines. The location, lot size and existing uses in this area do not correspond with the size and intensity of uses permitted by I-2 zoning. Many of the properties zoned I-1 and I-2 abut properties with less intense zoning which limits the industrial development potential. Pedestrian and vehicular traffic associated with the existing arts and entertainment venues and residential uses in the area also limit the potential to establish heavy industrial uses. Finally, the I-1 and I-2 zoning districts do not include lot and building design standards to ensure that new buildings are designed in a manner that respects the high visibility of the area to tourists and visitors. The proposed AE-3 zoning is more in-line with the existing conditions and will promote uses and design that are compatible with the surrounding neighborhoods and support the existing public arts and entertainment venues in the area. Furthermore, the AE-3 district is designed to accommodate infill development and the redevelopment of underutilized parcels to form a symbiotic relationship with the existing arts and entertainment venues. The larger lots and high vacancy rates offer the opportunity to create new mixed-use developments that benefit from the draw of the arts and entertainment venues, but include a diverse assemblage of uses (office, commercial, residential) that function even when there are not events at the arts and entertainment venues. Finally, the AE-3 district offers incentives to encourage a mix of uses, and allows for reduced minimum off-street parking requirements and additional building height without increasing setbacks.

“AE-4” Arts and Entertainment District

The AE-4 district accommodates light industrial uses that are located near existing arts and entertainment venues. This district provides lot and building standards to ensure compatibility with adjacent uses and sensitivity to the high visibility of the area to visitors. Structures should be designed within a campus or park setting.

A change to AE-4 zoning is requested for an area bound by E. Houston Street to the north, the intersection of E.

Houston Street and E. Commerce Street to the east, E. Commerce Street to the south, and Coca-Cola Place to the west. There are 17 parcels within this area with a total land area of approximately 92.0751 acres. These parcels range in size from 0.3797 acres to 23.7763 acres. The average parcel size is 5.4162 acres. All of the parcels in this area have I-2 base zoning. Existing uses include a range of light and heavy industrial uses. Approximately 22% of the lots are vacant or occupied by vacant structures.

I-2 zoning includes heavy manufacturing, processing and fabricating businesses. Heavy industrial uses are typically concentrated at arterials, expressways, and railroad lines. I-2 zoning does not include lot and building design standards to ensure that new buildings are designed in a manner that respects the high visibility of the area to tourists and visitors. The AE-4 Zoning District was developed in recognition of the important benefits industrial uses provide to the community and City as a whole in the form of jobs, tax revenue, and a diversified economic base. The AE-4 permits a range of light to heavy industrial uses that may be compatible with adjacent arts and entertainment venues with the imposition of appropriate lot and building design regulations. The proposed AE-4 zoning is more in-line with the existing conditions and will promote uses and design that are compatible with the surrounding neighborhoods and support the existing public arts and entertainment venues in the area.

Prior Planning & Public Process

The Arts and Entertainment Districts implement the following goals and objectives of the Downtown Neighborhood Plan:

- Transform Carver Center/Friedrich Building/East Cemeteries area into an education-arts-medical mixed use district
- Develop E. Commerce St. as a mid-rise metropolitan boulevard with cultural and historical walkways, mixed uses and landscape improvements
- Create design standards and a model downtown neighborhood
- Market east neighborhoods to increase the desirability of the neighborhood
- Develop and rehabilitate housing, parks and businesses in existing neighborhoods

The Districts also implement the following goals and objectives of the Arena District/Eastside Community Plan:

- Create a mixed use town center south of the ATT Center
- Institute a comprehensive rezoning for the entire plan area
- Concentrate industrial uses
- Recommend Commerce from IH-37 to Houston for a "feature street" incorporating trees, on-street parking and wider sidewalks

Finally the Districts implement the following goals of the St. Paul Gateway District Urban Land Institute Advisory Services Panel Report (Nov. 14-19, 2004):

- Comprehensive rezoning to create two incentive zoning districts, one for commercial development and one for mixed use development
- Establishment of common design themes and elements that are consistently applied throughout the neighborhoods.
- Design elements that reflect the history and context of the neighborhood should be used
- Adopt a set of design standards for the area
- Build on the community's existing assets
- Create a new sense of place/identity within an existing community/district
- Establish a design review process to assure high-quality, contextually sensitive development

The East Commerce Street Arts & Entertainment District was developed through a community participation process that included 4 public meetings; individual meetings with property owners, business owners, and elected officials; and briefings to local boards and commissions. The process began with a Visioning Workshop in February. Community members were invited to share their vision for an Arts & Entertainment District and identify boundaries, acceptable and unacceptable uses and appropriate site and building design standards. Based on the information provided by the participants, Staff returned to the community in March with an initial proposal that included 4 distinct districts with unique boundaries, permitted uses, and site and building design standards. Based on the comments received at this meeting, the proposal was further refined and an updated proposal was presented to the community during an Open House in April. Also during this meeting, property

owners were provided information about the UDC amendment, rezoning and plan amendment processes. Over the next several months, Staff solicited additional comment on the proposal through meetings with business owners, property owners, and elected officials; presentations to boards and commissions; review by the City Attorney's Office and other City departments; and review by the Planning Commission Technical Advisory Committee. During the fourth public meeting in August 2008, property owners within the proposed boundaries of the East Commerce Street A&E Districts were invited to learn more about the UDC amendment, rezoning and plan amendment processes and discuss the potential impacts to their properties.

The proposed E. Commerce Arts and Entertainment District is in a strategic location to take advantage of several potential city incentives, including the Tax Increment Reinvestment Zone (TIRZ #11), the Federal Empowerment Zone, and the State Enterprise Zone. A portion of the district falls within the EastTown @ Commerce Neighborhood Commercial Revitalization Area. This district will ensure private development reflects the public investment in the area and that new uses are compatible with the surrounding neighborhood. The E. Commerce Street Arts and Entertainment District comprehensive rezoning is a vital component of a larger effort to spur reinvestment on the near Eastside. Staff recommends **approval** of this rezoning.

CASE MANAGER : John Osten 207-2187

Z-2009-010 Zoning Case Notification Plan

Specific Use Authorization Index

1	Auto & Light Truck Repair
2	Dry Cleaning - Limited to 5 Employees
3	Auto Parts Retail
4	Wireless Communication System
5	Antique Store
6	Dwelling - 1 Family
7	Air Conditioning/Refrigeration - Service and Repair
8	Mini Warehouse
9	Floor Covering - Retail
10	Hotel
11	Dwelling - 1 Family
12	Dwelling - 1 Family
13	Meeting Facility
14	Auto Paint and Body - Repair with outside storage of vehicles and parts permitted but completely screened from view of adjacent property owners and public roadways
15	Auto Paint and Body - Repair with outside storage of vehicles and parts permitted but completely screened from view of adjacent property owners and public roadways
16	Dwelling - 1 Family
17	Dwelling - 1 Family
18	Motel
19	Dwelling - 1 Family
20	Auto Paint and Body - Repair with outside storage of vehicles and parts permitted but completely screened from view of adjacent property owners and public roadways
21	Convenience store (with gasoline and carwash)
22	Auto & Light Truck Repair
23	Auto & Light Truck Repair
24	Motel
25	Bail Bond Agency
26	Dwelling - Multifamily (25 units/acre maximum)
27	School - Private University or College
28	Warehousing
29	Carwash
30	Convenience store (with gasoline)
31	Motor Vehicle Sales (full service)
32	Metal Products - Fabrication
33	Beverage - Manufacturing or Processing
34	Laundry Plant
35	Food and Food Products - Processing
36	Cabinet or Carpenter Shop
37	Auto Upholstery - Sales and Installation Completely Enclosed
38	Truck Repair & Maintenance
39	Parking & Transient Vehicle Storage
40	Alcohol - Bar and/or Tavern
41	Not Used
42	Fairground and/or Stadium
43	Fairground and/or Stadium
44	Hotel
45	Electric Repair - Light Equipment
46	Hotel

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z2009010 S

Address: Multiple

Existing Zoning: Multiple

Requested Zoning: AE-1, AE-2, AE-3, AE-4

Registered Neighborhood Association(s): Coliseum-Willow Park, Dignowity Hill, Downtown, Historic Gardens, Jefferson Heights, and Nevada Street

Arena District, Coliseum Oaks, Harvard Place-Eastlawn, and United Homeowners within 200 feet

Neighborhood/Community/Perimeter Plan: Downtown Neighborhood Plan, Arena District/Eastside Community Plan

Future Land Use for the site: Multiple

Analysis:

The requested rezoning would support the creation of the East Commerce Street Arts & Entertainment District. The East Commerce Street Arts & Entertainment District proposal includes an amendment to the Unified Development Code to create 4 new special zoning districts; updates to the Downtown Neighborhood Plan and the Arena District/Eastside Community Plan; and a comprehensive rezoning of the areas around the Alamodome, the AT&T Center and East Commerce Street in between. The East Commerce Street Arts & Entertainment District proposal was initiated via a Council Consideration Request signed September 18, 2008 by District 2 Councilwoman Sheila McNeil.

The East Commerce Street Arts & Entertainment District was developed through a community participation process that included 4 public meetings; individual meetings with property owners, business owners, and elected officials; and briefings to local boards and commissions.

The subject property is located within the boundaries of the Downtown Neighborhood Plan and the Arena/District Eastside Community Plan. The East Commerce Street Arts & Entertainment District was conceived as a tool for implementing many of the goals outlined in the Downtown Neighborhood Plan and the Arena District/ Eastside Community Plan. Both plans are undergoing updates that include minor adjustments to the land use elements so the rezoning proposal is consistent with the proposed Future Land Use Plans. The Planning Commission recommended approval of these plan updates on October 22, 2008.

The Arts and Entertainment Districts implement the following goals and objectives of the Downtown Neighborhood Plan:

- Transform Carver Center/Friedrich Building/East Cemeteries area into an education-arts-medical mixed use district
- Develop E. Commerce St. as a mid-rise metropolitan boulevard with cultural and historical walkways, mixed uses and landscape improvements
- Create design standards and a model downtown neighborhood
- Market east neighborhoods to increase the desirability of the neighborhood
- Develop and rehabilitate housing, parks and businesses in existing neighborhoods

The Districts also implement the following goals and objectives of the Arena District/Eastside Community Plan:

- Create a mixed use town center south of the ATT Center
- Institute a comprehensive rezoning for the entire plan area
- Concentrate industrial uses
- Recommend Commerce from IH-37 to Houston for a "feature street" incorporating trees, on-street parking and wider sidewalks

12/30/04

Neighborhood and Urban Design Division Zoning Case Review

- Request conforms to Land Use Plan Request does not conform to Land Use Plan
 Consistency not required because base zoning not changing

Staff Recommendation:

- Approval (Pending Plan Updates) Denial

Alternate Recommendation:

The proposed E. Commerce Arts and Entertainment District is in a strategic location to take advantage of several potential city incentives, including the Tax Increment Reinvestment Zone (TIRZ #11), the Federal Empowerment Zone, and the State Enterprise Zone. A portion of the district falls within the EastTown @ Commerce Neighborhood Commercial Revitalization Area. This district will ensure private development reflects the public investment in the area and that new uses are compatible with the surrounding neighborhood. The E. Commerce Street Arts and Entertainment District comprehensive rezoning is a vital component of a larger effort to spur reinvestment on the near Eastside.

Reviewer: Michael Taylor

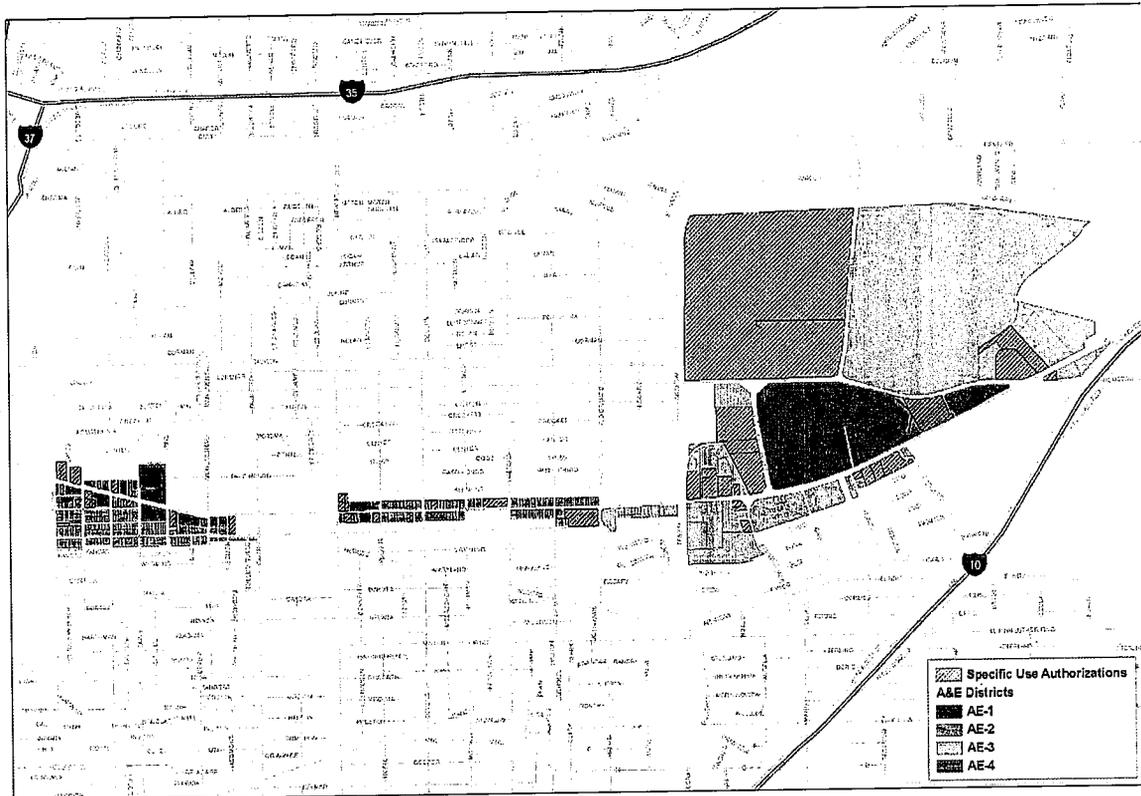
Title: Senior Planner

Date: 11/20/08

Manager Review: Nina Nixon-Mendez

Date: 11/20/08

Neighborhood and Urban Design Division Zoning Case Review



	Specific Use Authorizations
	AE-1
	AE-2
	AE-3
	AE-4



As shown on this map, the boundaries of the proposed zoning districts are subject to change. The boundaries shown on this map are for informational purposes only. The final boundaries will be determined by the City Council. The City Council may also amend the boundaries of the proposed zoning districts at any time. The City Council may also amend the boundaries of the proposed zoning districts at any time. The City Council may also amend the boundaries of the proposed zoning districts at any time.

Proposed Base Zoning *E. Commerce Street A&E Districts*

