

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
August 19, 2014**

1. The Zoning Commission of the City of San Antonio met in the 1st Floor, Tobin Room of the Cliff Morton Development and Business Services Center at 1901 S. Alamo.

1:00 PM – Public Hearing

2. Roll Call.

**PRESENT: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee,
McFarland, Heard**

ABSENT: Boyd

3. Consideration of August 5, 2014 Zoning Commission Minutes.

Minutes for August 5, 2014 will be considered on September 2, 2014 as there are corrections to be made.

COMBINED HEARING:

4. **ZONING CASE NUMBER Z2014203 (Council District 5):** A request for a change in zoning from “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District to “C-2 AHOD” Commercial Airport Hazard Overlay District on Lot 13, Block 2, NCB 11306 on a portion of the 1400 Block of Thompson Place. Staff recommends approval, pending plan amendment.

Staff mailed 26 notices to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Thompson Neighborhood Association.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

**AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee,
McFarland, Heard**

NAY: None

THE MOTION CARRIED

5. ZONING CASE NUMBER Z2014088 CD (Council District 7): A request for a change in zoning from “C-3 AHOD” General Commercial Airport Hazard Overlay District to “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for Auto Paint And Body - Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways on 0.165 of an acre out of Lot 1, NCB 13856 on a portion of 4623 Fredericksburg Road. Staff recommends approval.

Staff mailed 8 notices to the surrounding property owners, 0 returned in opposition and 2 returned in favor.

Humberto Reyes Lopez, stated his hours of operation for the proposed business would be from 9:00 am to 6:00 pm.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval with the following condition of hours of operation to be Monday thru Friday from 9:00 am till 6:00 pm.

**AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee,
McFarland, Heard**

NAY: None

THE MOTION CARRIED

6. ZONING CASE NUMBER Z2014145 (Council District 2): A request for a change in zoning from “C-2” Commercial District to “R-4” Residential Single-Family District on 6.884 acres out of NCB 35132 on portions of the 6200 Block of US Highway 87 and the 2700 - 2800 Blocks of Foster Meadows Drive. Staff recommends approval, pending plan amendment.

Staff mailed 27 notices to the surrounding property owners, 0 returned in opposition and 3 returned in favor.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

**AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee,
McFarland, Heard**

NAY: None

THE MOTION CARRIED

7. ZONING CASE NUMBER Z2014150 HL (Council District 1): A request for a change in zoning from “IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in “C-3” General Commercial District, “MF-50” Multi-Family District, “D” Downtown District, and the following additional uses: beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling; fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metal work and metal products, bread, candy and other food products, leather products, clothing, glass and tile; and the fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility located on the property to “IDZ HL RIO-2 AHOD” Historic Landmark Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in “C-3” General Commercial District, “MF-50” Multi-Family District, “D” Downtown District, and the following additional uses: beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling; fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile; and the fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility located on the property on Lot 15, Block 1, NCB 14164 on a portion of 136 East Grayson Street. Staff recommends approval.

Staff mailed 12 notices to the surrounding property owners, 0 returned in opposition and 0 returned in favor and Tobin Hill Community Association is in favor.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

8. ZONING CASE NUMBER Z2014195 S (Council District 10): A request for a change in zoning from “MF-33 AHOD” Multi-Family Airport Hazard Overlay District to “C-2 AHOD” Commercial Airport Hazard Overlay District (on 3.618 acres) and “C-2 S AHOD” Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Convenience Store (With Gasoline And Carwash) (on 1.841 acres) on 5.459 acres out of Lots 4, 5, 6, and 7, Block B, NCB 15705; 4980 Stahl Road and 14901 Durham Drive. Staff recommends approval, pending plan amendment.

Staff mailed 24 notices to the surrounding property owners, 0 returned in opposition and 0 returned in favor El Chaparral/Fertile Valley Neighborhood Association is in favor and no response received from Pepperridge Neighborhood Association.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2014210 CD (Council District 2): A request for a change in zoning from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services) on Lot 15, Block A, NCB 632 and "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Parking Lot - Noncommercial on Lot 16, Block A, NCB 632 on Lots 15 and 16, Block A, NCB 632; 217 and 223 Cactus Street. Staff recommends approval with conditions.

Staff mailed 42 notices to the surrounding property owners, 0 returned in opposition and 3 returned in favor and no response from neither Denver Heights nor Alamodome Gardens Neighborhood Associations.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval with the following conditions and the amended site plan.

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

In addition to the conditions listed above, staff recommends the follow conditions:

- 1. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses.
- 2. The noncommercial parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed;
- 3. No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

10. ZONING CASE NUMBER Z2014216 (Council District 4): A request for a change in zoning from “I-1 AHOD” General Industrial Airport Hazard Overlay District to “C-2 AHOD” Commercial Airport Hazard Overlay District on the north 443 feet of Lot 19, Block 6, NCB 8779; 3315 Southwest Military Drive. Staff recommends approval.

Staff mailed 20 notices to the surrounding property owners, 0 returned in opposition and 4 returned in favor and no responses from Quintana Community Neighborhood Association.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

11. ZONING CASE NUMBER Z2014221 (Council District 3): A request for a change in zoning from “MR AHOD” Military Reservation Airport Hazard Overlay District and “MR H AHOD” Military Reservation School of Aerospace Medicine Historic Airport Hazard Overlay District to “C-3 AHOD” General Commercial District Airport Hazard Overlay District and “C-3 H AHOD” General Commercial School of Aerospace Medicine Historic Airport Hazard Overlay District on 81.221 acres out of Parcel 111, NCB 10879 on portions of the 2400 - 2600 Blocks of Southeast Military Drive, the 2400 Block of Sidney Brooks, and the 7800-7900 Blocks of Dave Erwin Drive. Staff recommends approval.

Staff mailed 38 notices to the surrounding property owners, 0 returned in opposition and 3 returned in favor and no response from Hot Wells Neighborhood Association.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

12. ZONING CASE NUMBER Z2014222 (Council District 3): A request for a change in zoning from “MR AHOD” Military Reservation Airport Hazard Overlay District and “MR H AHOD” Military Reservation School of Aerospace Medicine Historic Airport Hazard Overlay District to “MF-33 AHOD” Multi-Family Airport Hazard Overlay District and “MF-33 H AHOD” Multi-Family School of Aerospace Medicine Historic Airport Hazard Overlay District on 16.102 acres out of Parcel 111, NCB 10879 on a portion of the 7800 Block of Dave Erwin Drive. Staff recommends approval, pending plan amendment.

Staff mailed 4 notices to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Hot Wells Neighborhood Association.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend approval.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

Continuance of District 3 Cases:

13. ZONING CASE NUMBER Z2014201 (Council District 3): A request for a change in zoning from “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District to “MHP AHOD” Manufactured Housing Park Airport Hazard Overlay District on Parcel 19, County Block 4283; 11021, 11027, and 11033 Pleasanton Road. Staff recommends approval.

Robert Shipley, owner, stated the purpose of this request is to bring subject property into compliance and is concerned the continuance would have a financial impact on their project.

ZONING CASE NUMBER Z2014219 (Council District 3): A request for a change in zoning from “R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Airport Hazard Overlay District to “C-2 MC-2 AHOD” Commercial South Presa Metropolitan Corridor Airport Hazard Overlay District on 1.875 acres out of NCB 10920 on a portion of the 9000 Block of South Presa Street. Staff recommends approval, pending plan amendment.

ZONING CASE NUMBER Z2014220 CD (Council District 3): A request for a change in zoning from “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District to “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for a Construction Trades Contractor on 2.05 acres out of Lots 2, 3, and 4, Block 6, NCB 10938; 712, 720, and 728 Hot Wells. Staff recommends approval, pending plan amendment.

ZONING CASE NUMBER Z2014223 (Council District 3): A request for a change in zoning from “O-1 RIO-4 AHOD” Office River Improvement Overlay-4 Airport Hazard Overlay District to “NC RIO-4 AHOD” Neighborhood Commercial River Improvement Overlay-4 Airport Hazard Overlay District on the north 137.5 feet of Lot 124, Block 2, NCB 2977; 815 Steves Avenue. Staff recommends approval.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

A motion was made by Commissioner Villarreal and seconded by Commissioner McFarland to recommend a continuance until September 2, 2014.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

14. **ZONING CASE NUMBER Z2014180 S ERZD (Council District 9):** A request for a change in zoning from “C-3 MSAO-1 MLOD-1 ERZD” General Commercial Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to “C-3 S MSAO-1 MLOD-1 ERZD” General Commercial Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with a Specific Use Authorization for a Construction Contractor Facility on Lots 15 and 18, Block 11, NCB 19216 on a portion of the 20900 - 21000 Blocks of Gathering Oak. Staff recommends approval, pending plan amendment.

Staff mailed 10 notices to the surrounding property owners, 0 returned in opposition and 0 returned in favor. Staff mailed 39 notices to the Planning Team.

Mike Barr, San Antonio Water Systems, presented their recommendation of approval.

Patrick Christensen, representative, stated the purpose of this rezoning is to allow for construction contractors facility. He stated he has met with SAWS representatives and are in agreement of their recommendations.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

A motion was made by Commissioner McGee and seconded by Commissioner Romero to recommend approval with staff and SAWS recommendation of 65% impervious cover.

AYES: Salazar, Villarreal, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: Ornelas

THE MOTION CARRIED

15. ZONING CASE NUMBER Z2014212 (Council District 4): A request for a change in zoning from "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Parcel 37A, NCB 15259 on a portion of the 6000 Block of Medina Base Road. Staff recommends approval, pending plan amendment.

Staff mailed 34 notices to the surrounding property owners, 0 returned in opposition and 0 returned in favor.

Trenton Robertson, Case Manager, stated due to staff notification error this case will have to be continued to September 2, 2014.

Gene Hartman, representative, stated they do not have a use established yet. He stated he is in agreement with staff's recommendation of a continuance.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

A motion was made by Commissioner Salazar and seconded by Commissioner Martinez to recommend a continuance until September 2, 2014.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

16. ZONING CASE NUMBER Z2014213 (Council District 4): A request for a change in zoning from “NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District to “C-1 AHOD” Light Commercial Airport Hazard Overlay District (on 1.956 acres) and “MF-18 AHOD” Limited Density Multi-Family Airport Hazard Overlay District (on 3.727 acres) on 5.683 acres out of Parcel 37, NCB 15261 on a portion of the 7200 Block of Five Palms Drive. Staff recommends approval, pending plan amendment.

Staff mailed 43 notices to the surrounding property owners, 2 returned in opposition and 0 returned in favor and no response from People Active in Community Effort.

Gene Hartman, representative, stated they are proposing light commercial use on the subject property. He stated he has contacted representatives from PACE and have not received a response.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

A motion was made by Commissioner Salazar and seconded by Commissioner Shaw to recommend a continuance until September 2, 2014.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

17. ZONING CASE NUMBER Z2014218 (Council District 8): A request for a change in zoning from “C-1 GC-1 MSAO-1 MLOD-1” Light Commercial Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District to “C-2 GC-1 MSAO-1 MLOD-1” Commercial Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District on 2.432 acres out of NCB 35733; 21650 Milsa Drive. Staff recommends approval.

Staff mailed 8 notices to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Friends of Friedrich Wilderness Park. Staff mailed 42 notices to the Planning Team.

Ashley Farrimond, representative, stated she would like to request a 4 week continuance to meet with Friends of Friedrich Wilderness Park representatives.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

A motion was made by Commissioner Romero and seconded by Commissioner McFarland to recommend a continuance until September 16, 2014.

AYES: Salazar, Villarreal, Ornelas, Shaw, Briones, Martinez, Romero, McGee, McFarland, Heard

NAY: None

THE MOTION CARRIED

18. **ZONING CASE NUMBER Z2014225 CD (Council District 2):** A request for a change in zoning from “R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District to “R-4 CD NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment without cover charge 3 or more days per week on Lot 21, Block 1, NCB 6227; 118 Davis Court. Staff recommends approval with conditions.

Staff mailed 23 notices to the surrounding property owners, 2 returned in opposition and 0 returned in favor and Mahncke Park Neighborhood Association is in opposition. Staff mailed 21 notices to the Planning Team.

Jorge Huerrero, business owner, stated shortly after the purchase of the property, he proceeded to apply for permits required to rehab the structure to meet code to operate a coffee shop. He stated he passed all inspections and received a Certificate of Operation. He was contacted by Catherine Hernandez, Planning Manager, and was informed that there was an error and directed him on how to correct the issue. He stated he is requesting this change in zoning to allow for a coffee shop with hours of operation to be from 7:00 am to 6:00 pm. He has been in contact with representative from Mahncke Park Neighborhood Association and feels he has addressed their main concerns. He further stated there is an existing parking issue, however, the parking concerns come from the Wash Tub business that is adjacent to the subject property.

The following citizens appeared to speak:

Joan Brooks, spoke in opposition.

Carlynn Ricks, spoke in opposition.

Gabriel Shelton, spoke in opposition.

Catherine Cuasay, spoke in opposition.

Catherine Hernandez, Planning Manager, provided a background of the permit process for the project that began in February and the discovery of the zoning error in July.

Commissioner Villarreal asked staff when the property was purchased by the current owners and the current parking issues on David Court and staff stated that the property was purchased in February 2014 and clarified the areas of “No Parking Signs” along Davis Court. Commissioner Villarreal stated that the zoning request was not for commercial zoning and that the conditional use would provide a good transition between the commercial on Broadway and the residential neighborhood. He further stated that the commercial zoning along Broadway has directly affected this property and its use as residential.

Commissioner Briones asked if the property had ever been used as commercial before and could alcohol be sold with the restaurant use and staff stated that based on available information, this was the first known instance that the property was proposed to be used as commercial and that alcohol could be sold as an accessory use to the restaurant as long as alcohol sales did not exceed 75% or more in gross receipts.

Commissioner Ornelas commented that the conditional use was still a commercial use encroaching into the neighborhood.

Commissioner Romero asked about how courts respond when zoning errors are made and the property is not rezoned. Ms. Guinn stated the Commission could convene in Executive Session to address the question.

Commission left boardroom at 2:39 pm to the Tobin Room for Executive Session.

Commission returned to the boardroom at 2:52 pm from Executive Session.

Mr. Herrero addressed the concerns brought up by the citizens speaking in opposition and agreed to all the conditions they wanted.

Commissioner McGee asked when the construction began and Mr. Herrero stated in March.

Commissioner Heard asked if Mr. Herrero would agree to the hours of operation the neighborhood wanted and he stated he would.

Commissioner Brines asked when Mr. Herrero first heard of any opposition and he stated not until July when Ms. Hernandez called him about the error.

Commissioner Shaw asked staff for clarification regarding meeting minimum parking requirements and staff explained the process of requesting an administrative variance or parking adjustment from the Board of Adjustment if the minimum parking requirements could not be met. Commissioner Shaw asked staff to read the letter from the Mahncke Park Neighborhood Association into the record as well as if staff received any other communication from them. Ms. Hernandez read the letter into the record stating that the association was in opposition but if the zoning were approved, they would ask that several conditions be included to address the conditional use applicability to the owner, hours of operation, parking, noise and lighting. Ms. Hernandez also stated that the Association President asked if a continuance could be considered as he felt more time would help to find a resolution to address the concerns and Mr. Herrero's

situation. Commissioner Shaw asked Mr. Herrero if he would agree to meet the conditions that the city could enforce related to parking, hours of operation and days per week, noise and lighting and Mr. Herrero agreed including minimizing the days per week to Monday thru Friday.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

A motion was made by Commissioner Shaw and seconded by Commissioner Martinez to recommend approval of staff's recommendations as well as the limiting the hours of operation to Monday through Friday, enforcing strict noise level requirements, strict enforcement of light pollution with signage and landscaping lights.

Commissioner Villarreal stated he would support the motion indicating that the Broadway commercial corridor affects the subject property by making it undesirable as a home and that the proposed use was a minimal use and decent fit for the neighborhood.

Commissioner Ornelas stated she was not in support of the motion citing adverse impact and further commercial encroachment into the neighborhood.

Commissioner Romero stated she would support the motion and added a friendly amendment specifying that there be no outside speakers instead of using the phrase "strict noise level requirements".

Commissioner Shaw accepted the friendly amendment.

Commissioner Briones stated he would support the motion citing the neighborhood association's letter stating they would be amenable to the use with the conditions which is a good compromise.

Commissioner Heard stated she would support the motion stating that it would be a good fit for the community and that the owner has worked hard and agreed to all the conditions the neighborhood wanted and that the city could enforce.

Chairman Salazar stated he would not support the motion citing concerns with making a bad situation with existing commercial uses worse with another commercial use that will bring in more traffic. He further stated he supports preserving neighborhoods from additional commercial encroachment.

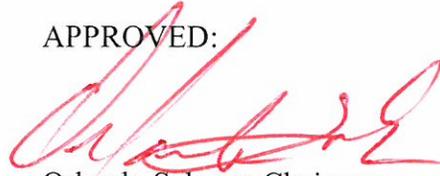
AYES: Villarreal, Shaw, Briones, Martinez, Romero, McGee, Heard

NAY: Salazar, Ornelas

THE MOTION CARRIED

19. There being no further business, the meeting was adjourned at 3:30 pm.

APPROVED:

A red ink signature, appearing to be 'Orlando Salazar', written in a cursive style.

Orlando Salazar, Chairman

ATTEST:

A blue ink signature, appearing to be 'John P. Jacks', written in a cursive style.

John P. Jacks, Executive Secretary