ZONING CASE: Z2004-148
City Council District No. 3 & 4
Requested Zoning Change
From: "DR" To "FR," "RP," and "MI-I"
Date: September 23, 2004
Scale: 1" = 3000'
CASE NO: Z2004148
Staff and Zoning Commission Recommendation - City Council

Postponement from Zoning Commission August 3, 2004 and continuance from August 17, 2004

Date: September 23, 2004
Zoning Commission Meeting Date: September 21, 2004
Council District: 3
Ferguson Map: 715 and 716
Appeal: No
Applicant: City of San Antonio
Owner: Multiple Property Owners

Zoning Request: From DR Development Reserve District to FR Farm and Ranch District, RP Resource Protection District, and MI-1 Mixed Light Industry District as per exhibit

Property Location: Property generally located south of the Medina River; east of State Hwy 16; west of Pleasanton Road; and north of South Loop 1604

Proposal: To remove temporary DR Development Reserve Zoning and apply an appropriate zoning classification to property recently placed in limited purpose annexation by the City of San Antonio.

Neighborhood Association: None
Neighborhood Plan: Southside Initiative Community Plan
TIA Statement: A traffic impact analysis is not required

Staff Recommendation: Approval.

The proposed zoning for the area is consistent with the land use categories of Agriculture, Resource Protection and Open Space, and Agriculture and Light Industry approved by City Council on July 22, 2004 for the Southside Initiative Community Plan.

Existing Uses:
The zoning districts proposed are intended to reduce the incompatibility of uses as development occurs in the area. The proposed zoning corresponds with the existing land uses in the area. Currently 2,734 acres are used for agricultural and 204 acres are used for residences. These numbers roughly correspond to the 2,916 acres proposed for FR Farm and Ranch District zoning. Approximately 41 acres have an existing commercial use and approximately 78 acres are proposed for MI-1 Mixed Light Industry District which allows light industrial and limited commercial uses. The 903 acres proposed for RP Resource Protection are publicly owned. The remaining land is used for rights-of-way.

Summary of Proposed Zoning Districts:
Although the proposed zoning districts are compatible with current uses, development may still occur. The Farm and Ranch District allows very low density residential development and agricultural related commercial uses by-right. The Flex Development Plan option allows more intense residential and commercial development. However, the type of commercial and residential uses are not equivalent to C-3 General...
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Commercial District and R-6 Residential Single Family District development.

The MI-1 Mixed Light Industry District allows industrial uses as indicated by the use matrix (Table 311-2a). Commercial uses are also allowed if developed as a Commercial Village Center. In addition, commercial uses less than 3,000 square feet, which could include gas stations, convenience stores, and restaurants, are allowed by-right at intersections.

Current Zoning:
One of the evaluation criteria for a zoning amendment listed in the Unified Development Code (Sec. 35-421) is to evaluate suitability as presently zoned. Zoning did not exist on the subject property prior to limited purpose annexation. The DR Development Reserve District is not appropriate because it is temporary zoning applied to recently annexed property and allows residential development at a density that is too intense for the current infrastructure capacity and may conflict with current uses in the area. Therefore, the proposed zoning and subsequent land use regulation is new to the area but is necessary to allow growth at a pace that respects both the current uses and the changes that may come over time (please see note below).

Future Zoning:
The area south of the Medina River is proposed for very low intensity zoning. One purpose of this is to encourage high intensity development near Loop 410 where infrastructure capacity is greatest. As development occurs southward, property owners may request a land use plan change to allow more intense development as deemed appropriate for individuals and the community over time.

Note: Although Texas Counties have not historically regulated land use, one study suggests that Texas counties that are rapidly urbanizing are beginning to re-evaluate their regulatory powers to prevent public outcry from the presence of incompatible or undesirable uses. While counties may consider regulating more urban uses, cities are looking to regulate rural lands within their purview. This is evident by the fact that the City of San Antonio has recently adopted a Farm and Ranch District. Both entities are trying to strike a balance where cities and counties meet.

(* Tom Nuckols, 8th Annual Conference on [Texas] Land Use Planning Law).

Zoning Commission Recommendation:

To be Heard September 21, 2004

CASE MANAGER: Trish Wallace 207-0215
On August 3, 2004 Zoning Case Z2004148 was postponed.

**ZONING CASE NO. Z2004148** – August 17, 2004

Applicant: City of San Antonio


Emil Moncivais, Planning Director, stated this Master Plan Amendment is associated with the Limited Purpose Annexation that will expand the extent of the Southside Initiative south of the Medina River to: Protect the City’s Public and Private investments made in the area; Ensure compatible land uses as economic development occurs; Protect historical, archaeological, and environmental sensitive areas. He stated the Planning Department sponsored a public meeting on May 4, 2004 at Southside High School. Planning Commission held a Public hearing on May 12, 2004 and staff was instructed to: Meet with the property owners of the area and research and revisit issues of land use compatibility, particularly as it relates to the placement of Agriculture and Light Industry. A meeting was held with the area property owners on May 21, 2004. Staff revisited and altered the original amendment: Agriculture and Light Industry was reduced to strategic intersections and additional Resource Protection and Open Space was added on City and SAWS properties abutting floodplains. Planning Commission considered the amendment on May 26, 2004 and recommended denial. The revised amendment was evaluated utilizing the following criteria: Land Use; Transportation and Community Facilities. The amendment is consistent with the goals Community Plan: Preserve as much as 25% of the developable land to maintain the area’s rural character and retain agricultural practices; Protect flood plains and preserve natural river and creek banks; Limit industrial uses and concentrate them with access to major arterials; Ensure buffer zones and transitional areas between industrial and other uses and Preserve rural communities. Staff recommends approval of this amendment.

**OPPOSE**

Marty Hunter, 17934 S. Highway 16, stated he is in opposition of his property being rezoned to industrial. He stated he does not operate any type of industrial use on his property. He has owned his property for 10 years and has been selling salvage. He stated he is zoned commercial and would like to remain commercial.

Norman Roof, 19633 Applewhite, stated as of August 3rd his property, 25 acres, appears on staff’s map as industrial and now it appears to be split into two different zoning districts, which is Mixed Light Industry and Agriculture. He is requesting his 25 acres read as August 3rd’s map to read Industrial use.
Florinda Lambara, 3955 S. Loop 1604, stated she has been in contact with Zenon Solis, Planning Department and Patricia Wallace, Case Manager to get some clarification on this case. She stated when she first reviewed the map that staff had provided they were under the understanding that their entire property would be zoned light industrial. She stated they own 53 acres, which appears to be zoned for Farm and Ranch. She further stated they would like to request the property be considered for commercial use.

Ken Brown, 112 E. Pecan, representing Bill Miller Family, stated when the Southside Initiative was presented it was a Master Plan effort to provide zoning designations that were compatible with the proposed Toyota site. He stated the Miller Family has met with City staff to reach a compromise. He further stated the Miller Family still had 400 acres that remained outside Southside Initiative area and planned for development. Unfortunately they were unable to start the process due to the Southside Initiative area extending covering their remaining 400 acres. He stated plans were submitted 90 days prior to the second part of the Southside Initiative being annexed. He stated he would request the property retain its current zoning to allow for residential development.

Ernest Chacon, 2600 W. Jet-t Road, stated his property is being considered for Farm and Ranch district and he does not support this request. He stated he has owned his property since 1962 and would like to keep its current zoning.

Michael Hubert, stated he owns property in this area and would like to express his opposition of this zoning change. He stated that was not notified of the previous meeting that staff has held. He feels this change has not been thought out thoroughly. He stated this Farm and Ranch designation would negatively affect their property values.

Doug Schulz, 310 Neal Road, stated he express his opposition. He stated he has own property in this area since 1970 and feels they have the right to use their property as best see fit.

REBUTTAL

Emil Moncivais, Planning Director, stated the have held a series of public meeting to present this request and address any concern the citizens may have. He further stated the residents could continue the current land use that they have today and expand on the land use. The purpose of this change is to protect the City's public and private investments made in the area and to ensure compatible land uses.

Norman Roof, 19633 Applewhite, stated his property has been split into two different zoning districts. His owns 25 acres and it appeared on staff's map as industrial on August 3rd meeting and now it appears to be split into two different zoning districts, which is Mixed Light Industry and Agriculture.
Staff stated there were 248 notices mailed out to the surrounding property owners, 21 returned in opposition and 4 returned in favor.

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**

The motion was made by Commissioner Dutmer and seconded by Commissioner Grau to recommend a continuance until September 21, 2004.

1. Property is generally located south of the Medina River; east of State Highway 16; west of Pleasanton Road and north of South Loop 1604.
2. There were 248 notices mailed, 21 returned in opposition and 4 in favor.
3. Staff recommends approval.

**AYES:** Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixson, Avila, Stribling, Peel  
**NAYS:** None  
**RECUSED:** McAden

**THE MOTION CARRIED**

Zoning Commission will consider this case on September 23, 2004 for consideration. Therefore there are no minutes available.

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.