

**State of Texas
County of Bexar
City of San Antonio**



**Meeting Minutes
City Council Comprehensive Plan Amendments and Zoning**

Municipal Plaza Building
114 W. Commerce Street
San Antonio, Texas 78205

2023 – 2025 Council Members

Mayor Ron Nirenberg
Dr. Sukh Kaur, Dist. 1 | Jalen McKee-Rodriguez, Dist. 2
Phyllis Viagran, Dist. 3 | Dr. Adriana Rocha Garcia, Dist. 4
Teri Castillo, Dist. 5 | Melissa Cabello Havrda, Dist. 6
Marina Alderete Gavito, Dist. 7 | Manny Pelaez, Dist. 8
John Courage, Dist. 9 | Marc Whyte, Dist. 10

Thursday, September 19, 2024	2:00 PM	City Council Chambers
-------------------------------------	----------------	------------------------------

The City Council convened a regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at 2:03 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 11 – Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

ABSENT: None

Public Hearing and Consideration of the following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases. Plan amendments and Zoning cases presented by John Peterek, Interim Assistant City Manager; Amin Tohmaz, Interim Director, Development Services unless otherwise noted.

1.

2024-09-19-0739

ZONING CASE Z-2024-10700136 CD (Council District 1): Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Computer Software Retail on Lot 17 and Lot 18, Block 91, NCB 7091, located at 1529 Lee Hall. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 17 and Lot 18, Block 91, NCB 7091 TO WIT: from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Computer Software Retail
"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte
Absent: Pelaez

2.

2024-09-19-0740

ZONING CASE Z-2024-10700144 (Council District 1): Ordinance amending the Zoning District Boundary from "C-3NA UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District, "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District, and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 900 dwelling units, and Bar and/or Tavern to "IDZ-3 UC-4 AHOD" High Intensity Infill Development Zone North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week on Lot 12, Lot 13, Lot 14, Lot 20, the south 142.5 feet of Lot 4, the north 48.3 feet of Lot 11, the north 48.33 feet of the south 96.66 feet of Lot 11, Block 2, NCB 3027 and 0.046 acres out of NCB 3027, located at 302 West Josephine Street, 312 West Josephine Street, 407 West Grayson Street, 111 Polk Street, 115 Polk Street, and 119 Polk Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 12, Lot 13, Lot 14, Lot 20, the south 142.5 feet of Lot 4, the north 48.3 feet of Lot 11, the north 48.33 feet of the south 96.66 feet of Lot 11, Block 2, NCB

3027 and 0.046 acres out of NCB 3027 TO WIT: from "C-3NA UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District, "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District, and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 900 dwelling units, and Bar and/or Tavern to "IDZ-3 UC-4 AHOD" High Intensity Infill Development Zone North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte

Absent: Pelaez

3. 2024-09-19-0741

ZONING CASE Z-2024-10700146 (Council District 1): Ordinance amending the Zoning District Boundary from "O-1 AHOD" Office Airport Hazard Overlay District to "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District on Lot 12, Block 4, NCB 2047, located at 1818 North Colorado Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 12, Block 4, NCB 2047 TO WIT: from "O-1 AHOD" Office Airport Hazard Overlay District to "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte

Absent: Pelaez

4. 2024-09-19-0742

ZONING CASE Z-2024-10700052 CD (Council District 2): Ordinance amending the Zoning District Boundary from "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-6 CD MLOD-3 MLR-2 AHOD" Single-Family Residential Martindale Army Air

Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units on Lot 1 and Lot 2, Block 2, NCB 1173, located at 1606 East Carson Street. Staff and Zoning Commission recommend Approval. (Continued from September 5, 2024)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 1 and Lot 2, Block 2, NCB 1173 TO WIT: from "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-6 CD MLOD-3 MLR-2 AHOD" Single-Family Residential Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

PUBLIC COMMENT:

Jack Finger spoke in opposition to the Item.

DISCUSSION:

Councilmember McKee-Rodriguez noted the applicant and community had come to a consensus.

Councilmember McKee-Rodriguez moved to Approve. Councilmember Rocha Garcia seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

NOTE: Local Government Code Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. States that (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In this instance, a protest was received by 60.621% of the owners.

5.

2024-09-19-0743

ZONING CASE ZONING-Z-2024-10700142 (Council District 2): Ordinance amending the Zoning District Boundary from "AE-2 EP-1 MLOD-3 MLR-2 AHOD" Arts and Entertainment Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "IDZ-1 EP-1 MLOD-3 MLR-2 AHOD" Limited Intensity Infill Development Zone Facility

Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "C-1" Light Commercial District on Lot 1, Lot 2, Lot 15, and Lot 16, Block 11, NCB 1434, located at 2603 East Commerce Street and 500 and 506 Belmont. Staff and Zoning Commission recommend Approval. (Continued from September 5, 2024)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 1, Lot 2, Lot 15, and Lot 16, Block 11, NCB 1434 TO WIT: from "AE-2 EP-1 MLOD-3 MLR-2 AHOD" Arts and Entertainment Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "IDZ-1 EP-1 MLOD-3 MLR-2 AHOD" Limited Intensity Infill Development Zone Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "C-1" Light Commercial District
"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte
Absent: Pelaez

6. 2024-09-19-0744

ZONING CASE Z-2024-10700163 CD (Council District 2): Ordinance amending the Zoning District Boundary from "C-2 MC-3 MLOD-3 MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-2 CD MC-3 MLOD-3 MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for a Tattoo Parlor on the northeast 160 feet of Lot 3, NCB 12172, located at 1950 Austin Highway. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: the northeast 160 feet of Lot 3, NCB 12172 TO WIT: from "C-2 MC-3 MLOD-3 MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-2 CD MC-3 MLOD-3

MLR-2 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for a Tattoo Parlor "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Jack Finger spoke in opposition to the Item.

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte
Absent: Pelaez

7. **2024-09-19-0745**

ZONING CASE Z-2024-10700167 (Council District 2): Ordinance amending the Zoning District Boundary from "C-1" Light Commercial District, "C-2" Commercial District, "C-2NA" Commercial Nonalcoholic Sales District, "C-3" General Commercial District, "C-3NA" General Commercial Nonalcoholic Sales District, "I-1" General Industrial District, "I-2" Heavy Industrial District, "MF-33" Multi-Family District, "O-2" High-Rise Office District, and "R-4" Residential Single-Family District, to "R-1" Single-Family Residential District, "R-2" Single-Family Residential District, "R-3" Single-Family Residential District, "R-3 CD" Single-Family Residential District with a Conditional Use for two dwelling units, "R-4" Residential Single-Family District, "R-4 CD" Residential Single-Family District with a Conditional Use for two, or four dwelling units, "R-5" Residential Single-Family District, "R-6" Residential Single-Family District, "R-6 CD" Residential Single-Family District with a Conditional Use for two dwelling units, "RM-4" Residential Mixed District, "RM-5" Residential Mixed District, "RM-6" Residential Mixed District, "MF-18" Limited Density Multi-Family District, "MF-25" Low Density Multi-Family District, "MF-33" Multi-Family District, "NC" Neighborhood Commercial District, "C-1" Light Commercial District, "C-2" Commercial District, "C-2NA" Commercial Nonalcoholic Sales District, "I-1" General Industrial District, "IDZ-1" Limited Intensity Infill Development Zone with uses permitted in C-1, and "IDZ-2" Medium Intensity Infill Development Zone with uses permitted in C-2, and with all overlay districts remaining unchanged on approximately 427 acres out of NCB 1231, 1232, 1233, 1234, 1235, 1236, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1249, 1250, 1251, 1253, 1303, 1304, 1305, 1306, 1307, 1308, 1312, 1313, 1314, 1323, 1324, 1325, 1326, 1330, 1331, 1332, 1333, 1334, 1347, 1350, 1351, 1353, 1354, 1357, 1358, 1359, 1360, 1361, 1362, 1364, 1365, 1366, 2862, 6056, 6057, 6156, 6157, 6158, 6159, 6160, 6340, 6341, 6343, 6375, 6376, 6378, 6449, 6452, 6621, 6622, 6623, 6624, 6625, 6626, 6627, 6628, 6629, 6630, 6631, 6632, 6633, 6907, 6908, 9535, 9536, 9537, 9538, 9539, 9540, 9541, 9543, 9545, and 9550 generally bounded by East Houston Street to the South, North New Braunfels Avenue to the West, and the Union Pacific Railroad Tracks to the North and East. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS: approximately 427 acres out of NCB 1231, 1232, 1233, 1234, 1235, 1236, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1249, 1250, 1251, 1253, 1303, 1304, 1305, 1306, 1307, 1308, 1312, 1313, 1314, 1323, 1324, 1325, 1326, 1330, 1331, 1332, 1333, 1334, 1347, 1350, 1351, 1353, 1354, 1357, 1358, 1359, 1360, 1361, 1362, 1364, 1365, 1366, 2862, 6056, 6057, 6156, 6157, 6158, 6159, 6160, 6340, 6341, 6343, 6375, 6376, 6378, 6449, 6452, 6621, 6622, 6623, 6624, 6625, 6626, 6627, 6628, 6629, 6630, 6631, 6632, 6633, 6907, 6908, 9535, 9536, 9537, 9538, 9539, 9540, 9541, 9543, 9545, and 9550 TO WIT: from “C-1” Light Commercial District, “C-2” Commercial District, “C-2NA” Commercial Nonalcoholic Sales District, “C-3” General Commercial District, “C-3NA” General Commercial Nonalcoholic Sales District, “I-1” General Industrial District, “I-2” Heavy Industrial District, “MF-33” Multi-Family District, “O-2” High-Rise Office District, and “R-4” Residential Single-Family District, to “R-1” Single-Family Residential District, “R-2” Single-Family Residential District, “R-3” Single-Family Residential District, “R-3 CD” Single-Family Residential District with a Conditional Use for two dwelling units, “R-4” Residential Single-Family District, “R-4 CD” Residential Single-Family District with a Conditional Use for two, or four dwelling units, “R-5” Residential Single-Family District, “R-6” Residential Single-Family District, “R-6 CD” Residential Single-Family District with a Conditional Use for two dwelling units, “RM-4” Residential Mixed District, “RM-5” Residential Mixed District, “RM-6” Residential Mixed District, “MF-18” Limited Density Multi-Family District, “MF-25” Low Density Multi-Family District, “MF-33” Multi-Family District, “NC” Neighborhood Commercial District, “C-1” Light Commercial District, “C-2” Commercial District, “C-2NA” Commercial Nonalcoholic Sales District, “I-1” General Industrial District, “IDZ-1” Limited Intensity Infill Development Zone with uses permitted in C-1, and “IDZ-2” Medium Intensity Infill Development Zone with uses permitted in C-2, and with all overlay districts remaining unchanged

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember McKee-Rodriguez moved to approve with amendments. Councilmember Kaur seconded the motion The motion prevailed by the following vote:

Aye: Kaur, McKee-Rodriguez, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte
Absent: Nirenberg, Viagran, Rocha Garcia

Mayor ProTempore Courage recognized Councilmember McKee-Rodriguez.

8. **2024-09-19-0746**
ZONING CASE Z-2024-10700110 S (Council District 3): Ordinance amending the Zoning District Boundary from "PUD MF-18 AHOD" Planned Unit Development Limited Density Multi-Family Airport Hazard Overlay District with a Reduced Perimeter Setback of 10-feet to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use for a Carwash on approximately 1.850 acres out of CB 4007 and a portion of Lot 3, Block 25, NCB 16623, generally located in the 11000 block of South US Highway 181. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 1.850 acres out of CB 4007 and a portion of Lot 3, Block 25, NCB 16623 TO WIT: from "PUD MF-18 AHOD" Planned Unit Development Limited Density Multi-Family Airport Hazard Overlay District with a Reduced Perimeter Setback of 10-feet to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use for a Carwash

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte
Absent: Pelaez

9. 2024-09-19-0747

ZONING CASE Z-2024-10700156 S (Council District 3): Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash on Lot 2, Block 2, NCB 10979, located at 2815 Southeast Military Drive. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 2, Block 2, NCB 10979 TO WIT: from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte
Absent: Pelaez

10. 2024-09-19-0748

ZONING CASE Z-2024-10700086 (Council District 5): Ordinance amending the Zoning District Boundary from "C-3NA MLOD-2 MLR-1 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "MF-18 MLOD-2 MLR-1 AHOD" Limited Density Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with an allowance of a fence height up to eight (8) feet on 1.113 acres out of Lot 6, NCB 8134 and the south 108 feet of Lot 6,

and the north 16 feet of Lot 7, NCB 8134, located at 1017 and 1019 South San Eduardo Avenue. Staff and Zoning Commission recommend Approval. (Continued from August 15, 2024)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 1.113 acres out of Lot 6, NCB 8134 and the south 108 feet of Lot 6, and the north 16 feet of Lot 7, NCB 8134 TO WIT: from "C-3NA MLOD-2 MLR-1 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "MF-18 MLOD-2 MLR-1 AHOD" Limited Density Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with an allowance of a fence height up to eight (8) feet

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte

Absent: Pelaez

11. 2024-09-19-0749

ZONING CASE Z-2024-10700104 (Council District 5): Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-2 IDZ AHOD" Commercial Infill Development Zone Overlay Airport Hazard Overlay District on the West 120.26 feet of Lot 48, and the West 119.75 feet of Lot 49, NCB 2585, located at 417 Probandt Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: the west 120.26 feet of Lot 48, and the west 119.75 feet of Lot 49, NCB 2585 TO WIT: from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-2 IDZ AHOD" Commercial Infill Development Zone Overlay Airport Hazard Overlay District

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte

Absent: Pelaez

12. 2024-09-19-0750

ZONING CASE Z-2024-10700160 S (Council District 5): Ordinance amending the Zoning District Boundary from "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-5 S MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Child Care Facility (7-12 Children) on Lot 9, Block 2, NCB 8251, located at 435 Precious Drive. Staff recommends Denial. Zoning Commission recommends Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 9, Block 2, NCB 8251 TO WIT: from "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-5 S MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Child Care Facility (7-12 Children)

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Mayor ProTem Courage recognized Jack Finger to speak. Jack Finger spoke in opposition to the Item.

Councilmember Castillo moved to Approve. Councilmember McKee-Rodriguez seconded the motion The motion prevailed by the following vote:

Aye: Kaur, McKee-Rodriguez, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

Absent: Nirenberg, Viagran, Rocha Garcia

13. POSTPONED

ZONING CASE Z-2024-10700107 (Council District 7): Ordinance amending the Zoning District Boundary from "RM-4 MLOD-2 MLR-2 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "IDZ-1 MLOD-2 MLR-2 AHOD" Limited Intensity Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "RM-4" Residential Mixed District and a Noncommercial Parking Lot on Lot 92, Block B, NCB 11513, located at 4202 Willard Drive. Staff and Zoning Commission recommend Approval.

Item was postponed and not heard today.

14. 2024-09-19-0751

ZONING CASE Z-2024-10700162 (Council District 8): Ordinance amending the Zoning District Boundary from "MPCD GC-1 UC-1 MLOD-1 MLR-1 AHOD" Master Planned Community Hill Country Gateway Corridor IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "MPCD GC-1 UC-1 MLOD-1 MLR-1 AHOD" Master Planned Community Hill Country Gateway Corridor IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1

Airport Hazard Overlay District with a Major Site Plan Amendment on approximately 11.638 acres, out of an original 89.367 acres, NCB 14858, generally located in the 15000 block of Interplace Road and in the 15000 block of Anthem Parkway. The remaining MPCD area is unchanged. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 11.638 acres, out of an original 89.367 acres, NCB 14858 TO WIT: from "MPCD GC-1 UC-1 MLOD-1 MLR-1 AHOD" Master Planned Community Hill Country Gateway Corridor IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "MPCD GC-1 UC-1 MLOD-1 MLR-1 AHOD" Master Planned Community Hill Country Gateway Corridor IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Major Site Plan Amendment "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Courage, Whyte
Absent: Pelaez

15. FAILED

PLAN AMENDMENT CASE PA-2024-11600016 (Council District 10): Ordinance amending the North Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use classification from "Suburban Tier" to "General Urban Tier" on Lot P-5, NCB 15831, generally located in 14000 block of Nacogdoches Road. Staff and Planning Commission recommend Approval. (Associated Zoning Case Z-2024-10700047) (Continued from September 5, 2024)

PUBLIC COMMENT:

Jack Finger spoke in opposition to the Item.

DISCUSSION:

San Antonio Housing Commissioner Robert Abraham, San Antonio Housing Trust (SAHT) Board Member Marinella Murillo and Executive Director Pete Alanis, Development Team member and owner of OCI Development Olivia Travieso, Essex Prep Public School representatives Akeem Brown, Dr. Jeanie Murphy, Jaelynn Moore, and residents Edward Castillo, Christian Lopez, David Conchaz, and Talia Guajardo spoke in support of the Item.

Mayor Nirenberg noted that the City Council voted on February 1, 2024 in support of the Resolution supporting the tax credit application by the developers, therefore, he asserted that the

City Council had already approved it and \$20 million had been awarded. He felt that this was a crucial part of the Strategic Housing Implementation Plan (SHIP) and having this in our community would serve many San Antonio communities. Mayor Nirenberg noted that there was a similar project near his home that had not caused any issues with the neighborhood even though it was first opposed by the community.

Councilmember Whyte stated that he had wanted to represent Council District 10 for many years, and he swore he would put his residents first. He stated that he would always support responsible affordable housing that took the neighborhood into consideration; however, he felt this location was not proper for any apartment complex noting that the neighborhood opposed more density due to increased traffic. Councilmember Whyte noted that there were many community meetings on this project and he stated that the developer did not take advantage of the two-week continuance. Councilmember Whyte asserted that he spoke to the Texas Department of Housing and Community Affairs (TDHCA) and they stated that the tax credits could go to another project in San Antonio.

Councilmember Viagran requested the emails that Councilmember Whyte spoke about regarding TDHCA as she was under the impression that the tax credits could not be transferred. She supported the Item and noted that some of the letters that came in opposition to the project were derogatory in nature toward the type of residents that might move into an affordable housing apartment complex. Councilmember Viagran commented that this was important to meet the needs of the SHIP.

Councilmember Pelaez commented that this was a fantastic project, and the location could be problematic noting that he drove past the site. Councilmember Pelaez asserted that he could disagree with the zoning commission in the best interest of the community and even though he enthusiastically voted for the SHIP, that did not mean he had pledged to support any and all projects.

Councilmember McKee-Rodriguez commented that affordable housing was a priority and was needed in every council district across the City and questioned whether the City Council would cave to the “Not In My Backyard” sentiment and not honor the goals of the SHIP. Councilmember McKee-Rodriguez commented that there was a norm that generally, Councilmembers did not oppose what a Councilmember wanted in their council district but sometimes the City Council might need to disagree and vote with their individual values rather than siding with the home Councilmember.

Councilmember McKee-Rodriguez heard that the community requested a concrete wall or barrier around the project. Staff stated that there was no ability for the City to put conditions on the zoning. Travieso stated that a concrete fence was requested in lieu of a wooden fence and their response was that a concrete fence sent the wrong message but they were considering some concrete material fences that did not look like concrete.

Councilmember Alderete Gavito respected that Councilmember Whyte did not want the project and recognized that he knew his council district better than anyone.

Councilmember Cabello Havrda stated that a similar project was implemented in her neighborhood and recommended bringing the community together and commented that this was a contentious zoning case because there was not enough communication. She recognized that the issue came down to land use and appropriateness. While she supported the goals of the project, she would not support a project so deeply opposed by the neighborhood.

Councilmember Courage noted that he lived in Council District 10 for eleven years and was familiar with the area being discussed for development. He wanted to support the requests from the Councilmember in whose council district a project resided, however, he felt that not everyone understood what went into an affordable housing apartment development. He noted that there were six apartment complexes within a quarter mile of his house in Council District 9 where he resided for 20 years and there have been no issues or problems nor had they negatively impacted his property values.

Councilmember Rocha Garcia wanted to see the emails from TDHCA as her experience was that they usually did not commit to staying within an area. She noted that five Councilmembers who were on the San Antonio Housing Trust had worked on this project for months. Councilmember Rocha Garcia noted that Vista Park was the first of its kind including child care and workforce development programs on site. She indicated that recently she moved to approve a zoning change in her council district for affordable housing on a very busy street. She asserted that a vote to deny sent a message that Pre-K and affordable housing were not important.

Councilmember Kaur commented that historical redlining in our community had occurred and suggested that this was an opportunity to provide housing for all. She recommended working with the community but also to build a legacy for the future.

Councilmember Castillo stated that one of the top Budget priorities across all ten council districts was addressing homelessness. She asked representatives from Opportunity Home about the 114,000 families on their waitlist with half being families with children and the other half were senior citizens.

Councilmember Castillo noted that there was a proposal to lower the Project from four to three stories, add a privacy fence and remove patios on the neighborhood side of the development. Travieso noted that drainage was also an issue and there was an onsite detention pond proposed. Another concern was traffic which she stated that the proposed apartment and Pre-K would produce one-third of the traffic of the current zoning and the entrances to the complex would be off Nacogdoches, not in the neighborhood. Councilmember Castillo commented that the developer had gone above and beyond what the community wanted, however, the goalposts kept moving. She asserted that denying this project would cause the community to lose \$20 million.

Councilmember McKee-Rodriguez understood and valued Councilmembers who supported what the council district Councilmember wanted but he noted that there was segregation within Council District 10 but there had been extensive communication with the community and still the neighborhood opposed.

Mayor Nirenberg called the question as he and some other members of the City Council were

leaving. Councilmember Cabello Havrda opposed calling the question and was recognized to speak.

Councilmember Cabello Havrda noted that in her council district the goalpost did keep moving and her project took two-years but everyone eventually got on the same page.

Mayor Nirenberg suggested that a housing development on this land would create less traffic than the current Commercial (C2) Zoning. He warned that if the City Council only approved affordable housing when there was no controversy, the City would not meet its SHIP goals.

Councilmember Courage moved to Approve. Councilmember Rocha Garcia seconded the motion The motion failed lacking a super majority by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Courage
No: Cabello Havrda, Alderete Gavito, Pelaez, Whyte

NOTE: Local Government Code Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. States that (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In this instance, a protest was received by 22.842% of the owners.

16. FAILED

ZONING CASE Z-2024-10700047 (Council District 10): Ordinance amending the Zoning District Boundary from "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto, Boat, and Recreational Vehicle Storage (Outdoor/Covered) to "MXD AHOD" Mixed Use Airport Hazard Overlay District with a maximum density of 25 units per acre on Lot P-5, NCB 15831, generally located in 14000 block of Nacogdoches Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment Case PA-2024-11600016) (Continued from September 5, 2024)

Councilmember Courage moved to Approve. Councilmember Rocha Garcia seconded the motion. The motion failed lacking a super majority by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Courage
No: Cabello Havrda, Alderete Gavito, Pelaez, Whyte

Comments related to Item 16 are reflected under Item 15.

NOTE: Local Government Code Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. States that (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the

proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In this instance, a protest was received by 22.842% of the owners.

Councilmember Courage moved to Fail Councilmember Rocha Garcia seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Courage
No: Cabello Havrda, Alderete Gavito, Pelaez, Whyte

Adjournment

There being no further discussion, Mayor Pro Tempore Courage adjourned the meeting at 3:39 p.m.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**