

City of San Antonio



**Planning Commission Minutes**

Development and Business Services  
Center  
1901 South Alamo

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**January 10, 2018**

**2:00 PM**

**1901 S. Alamo**

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Planning Commission Members

A majority of appointive members, other than ex officio, shall constitute a quorum.

George W. Peck, Chair |

Marcello Martinez, Vice Chair | Christopher Garcia, Pro-Tem |

Jody R. Sherrill | Michael Garcia Jr | Casey Whittington |

June Kachtik | Kacy Cigarroa | Andrew Ozuna |

Ex-Officio Members

Francine Romero, Chair Zoning Commission | Mary Rogers, Chair Board of Adjustment |

| Rey Saldaña, Councilmember | Sheryl Sculley, City Manager |

**1:30 P.M. - Work Session, Tobin Room**

**2:00 P.M. - Call to Order, Board Room**

**- Roll Call**

**- Present: Peck, Martinez, C. Garcia, M. Garcia, Sherrill, Cigarroa, Whittington, Kachtik, Ozuna, Rogers**

**- Absent : None**

**- German Perez, World Wide Languages, translator was present.**

**- Citizens to be Heard**

**THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR PLANNING COMMISSION MEETING:**

*Public Hearing and Consideration of the following Plats, Variances, Planned Unit Development (PUD) plans, Street Rename, Appeals, Land Transactions, Adoption and Amendments of the Neighborhood, Community and Sector Plans as Components of the Master Plan, and other items as identified below.*

**Combined Items**

Martha Bernal, Planner, presented the combined hearing items to the Planning Commission.

**Plats**

- Item # 1    **140233:** Request by Jay A. Hanna, WPE Ventures, LLC., for approval of a three (3) year time extension in accordance with Section 35-430(f) (2) of the City of San Antonio's Unified Development Code (UDC), for Westcreek Oaks, Unit-7 Subdivision, generally located southeast of the intersection of Wiseman Road and Talley Road. Staff recommends Approval. (Juanita Romero, Planner, (210) 207-8264, [Juanita.romero@sanantonio.gov](mailto:Juanita.romero@sanantonio.gov), Development Services Department)
- Item # 2    **160195:** Request by Patrick Biernaki, 825 Grayson, LLC, for approval to subdivide a tract of land to establish Grayson Townhomes, IDZ Subdivision, generally located west of the intersection of East Grayson Street and North Pine Street. Staff recommends Approval. (Mercedes Rivas, Planner, (210) 207-0215, [Mercedes.Rivas2@sanantonio.gov](mailto:Mercedes.Rivas2@sanantonio.gov), Development Services Department)
- Item # 4    **160461:** Request by Cynthia L. Luna Morales and Jorge L. Morales, for approval to replat a tract of land to establish Morales Addition Subdivision, generally located east of the intersection of Menger Drive and Bulverde Road. Staff recommends Approval. (Jose Garcia, Planner, (210) 207-8268, [jose.garcia4@sanantonio.gov](mailto:jose.garcia4@sanantonio.gov), Development Services Department)
- Item # 5    **160489:** Request by Lloyd A. Denton, Jr., AGI Kinder Ranch, LTD., for approval to subdivide a tract of land to establish Kinder Ranch AGI, Unit-1A (Enclave) Subdivision, generally located northeast of the intersection of Kinder Run and Estin Height. Staff recommends Approval. (Matthew Ozuna, Planner, (210) 207-7898, [matthew.j.ozuna@sanantonio.gov](mailto:matthew.j.ozuna@sanantonio.gov), Development Services Department)
- Item # 6    **160506:** Request by Pastor Jeremy Burke, for approval to replat a tract of land to establish City South Church Subdivision, generally located along the southwest intersection of W. Malley Boulevard and Moursund Boulevard. Staff recommends Approval. (Martha Bernal, Planner, (210) 207-0210, [Martha.Bernal@sanantonio.gov](mailto:Martha.Bernal@sanantonio.gov), Development Services Department)
- Item # 7    **160586:** Request by Dennis Stein, MMM & D LLC., for approval to subdivide a tract of land to establish Lucy's Doggy Daycare – 1604 Subdivision, generally located southwest of the intersection of Lockhill Selma Drive and Loop 1604. Staff recommends Approval. (Juanita Romero, Planner, (210) 207-8264, [Juanita.romero@sanantonio.gov](mailto:Juanita.romero@sanantonio.gov), Development Services Department)
- Item # 8    **170171:** Request by Lloyd A. Denton Jr., Bitterblue - Two Creeks North, LTD., for approval to replat and subdivide a tract of land to establish Two Creeks, Unit 13B & 17 (Enclave) Subdivision, generally located southwest of the intersection of Two Creeks and Two Springs. Staff recommends Approval. (Jose Garcia, Planner, (210) 207-8268, [jose.garcia4@sanantonio.gov](mailto:jose.garcia4@sanantonio.gov), Development Services Department)

- Item # 9 **170178:** Request by John R. Scott, III, Manager, Mizpah Properties, LLC, for approval to subdivide a tract of land to establish Bandera Biering Subdivision, generally located northeast of the intersection of Biering Lane and Bandera Road. Staff recommends Approval. (Juanita Romero, Planner, (210) 207-8264, [Juanita.romero@sanantonio.gov](mailto:Juanita.romero@sanantonio.gov), Development Services Department)
- Item # 10 **170262:** Request by Blake E. Harrington, Pulte Homes of Texas, L.P., for approval to replat and subdivide a tract of land to establish Sterling Ridge Unit 2, Enclave Subdivision, generally located southeast of the intersection of W. Borgfeld Drive and Glenrose Road. Staff recommends Approval. (Martha Bernal, Planner, (210) 207-0210, [Martha.Bernal@sanantonio.gov](mailto:Martha.Bernal@sanantonio.gov), Development Services Department)
- Item # 12 **170405:** Request by Raul R. Castillo, for approval to replat and subdivide a tract of land to establish Hackelberg Place Subdivision, generally located northwest of the intersection of Hackelberg Road and Ladd Road. Staff recommends Approval. (Juanita Romero, Planner, (210) 207-8264, [Juanita.romero@sanantonio.gov](mailto:Juanita.romero@sanantonio.gov), Development Services Department)
- Item # 13 **170428:** Request by Leo Gomez, Brooks Development, for approval to replat and subdivide a tract of land to establish BCB – Aviation Lndg 3 Subdivision, generally located northwest of the intersection of Aviation Lndg and Lyster Road. Staff recommends Approval. (Matthew Ozuna, Planner, (210) 207-7898, [matthew.j.ozuna@sanantonio.gov](mailto:matthew.j.ozuna@sanantonio.gov), Development Services Department)
- Item # 14 **170430:** Request by Chad Nugent, Ladera I, LLC., for approval to subdivide a tract of land to establish Ladera Hills Subdivision, generally located northwest of the intersection of W. Grosenbacher Road and State Highway 211. Staff recommends Approval. (Juanita Romero, Planner, (210) 207-8264, [Juanita.romero@sanantonio.gov](mailto:Juanita.romero@sanantonio.gov), Development Services Department)
- Item # 15 **170451:** Request by David C. Frye, San Antonio 2016, LLC., for approval to subdivide a tract of land to establish Ackerman Gardens, Unit-2 Subdivision, generally located southwest of the intersection of Binz Engleman Road and Sunview Valley. Staff recommends Approval. (Chris McCollin, Senior Planner, (210) 207-5014, [christopher.mccollin@sanantonio.gov](mailto:christopher.mccollin@sanantonio.gov), Development Services Department)
- Item # 17 **170534:** Request by Emma Y. Bocanegra, for approval to replat a tract of land to establish Bocanegra Estates Subdivision, generally located northwest of the intersection of Loop 410 and Laurelhill Drive. Staff recommends Approval. (Chris McCollin, Senior Planner, (210) 207-5014, [christopher.mccollin@sanantonio.gov](mailto:christopher.mccollin@sanantonio.gov), Development Services Department)

### Variance

- Item # 19 **TPV 18-004:** Variance Request by Paige Anderson, for approval of a tree preservation variance request from Unified Development Code 35-523 (h), “significant trees shall be preserved at eighty (80) percent and heritage trees at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas.” Staff recommends Approval. (Herminio Griego, (210) 207-6042, [Herminio.Griego@sanantonio.gov](mailto:Herminio.Griego@sanantonio.gov), Development Services Department)

**Land Transactions**

- Item # 20 A Resolution supporting the acquisition of 3.0 acres of land located in Council District 2 on Austin Highway between Perrin Beitel Road and Harry Wurzbach for the purpose of building a replacement for Fire Station 24. Staff Recommends approval. (Adrian Ramirez, Senior Real Estate Specialist, 210-207-2099, Adrian.Ramirez@sanantonio.gov, Transportation & Capital Improvements Department)
- Item # 26 A Resolution supporting the acquisition of 3.0 acres of land located in Council District 2 on South Foster Road between Interstate 10 and East Houston Street for the purpose of building a new Fire Station. Staff Recommends approval. (Adrian Ramirez, Senior Real Estate Specialist, 210-207-2099, Adrian.Ramirez@sanantonio.gov, Transportation & Capital Improvements Department)

**Comprehensive Master Plan Amendments**

- Item # 25 **PLAN AMENDMENT CASE # 18016 (Council District 3):** A request by Mark Brown for approval of a resolution to amend the Heritage South Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Rural Estate Tier" and "Suburban Tier" to "Suburban Tier" on 100.349 acres out of CB 4167, located in the 3700 block of South Loop 1604 East. Staff recommends Approval. (Kayla Leal, Planner (210) 207-5017, kayla.leal@sanantonio.gov; Development Services Department) (Associated Zoning Case Z2018062)
- Item # 27 **PLAN AMENDMENT CASE # 18018 (Council District 2):** A request by Brown & Ortiz, PC for approval of a resolution to amend the IH-10 East Corridor Perimeter Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Neighborhood Commercial" and "Community Commercial" to "Low-Density Residential" and "Community Commercial" on 12.209 acres out of NCB 17730, generally located Southwest of the Gibbs-Sprawl Road and Walzem Road intersection. Staff recommends Approval. (Kayla Leal, Planner (210) 207-5017, kayla.leal@sanantonio.gov; Development Services Department) (Associated Zoning Case Z2018065)

**Other Items**

- Item # 28 Consideration, discussion, and possible action on proposed amendments to Sec. 35-339.04 Military Lighting Overlay Districts (MLOD) of the Unified Development Code. (Michael Dice, Policy Administrator, Development Services Department)

**Motion**

Chairman Peck asked for a motion for the items as presented.

Motion: Commissioner Martinez motioned to approve all items on the combined agenda as presented with the exception of items 3, 16, 18, 22, 23, 24, 26, and 29.

Second: Commissioner C. Garcia.

In Favor: Unanimous

Opposed: None

**Motion Passed**

**Staff stated the following cases were Pulled/Withdrawn:**

Item # 11      170393 - Pulled

**Individual Items**

Item # 29 Consideration, discussion, and possible action on proposed amendments to Chapter 35 in response to a Council Consideration Request regarding short term rentals. (Michael Dice, Policy Administrator, Development Services Department)

Michael Dice, Policy Administrator, presented item # 29 regarding Short term Rentals to the Planning Commission. He presented a power point presentation with information the types, similar uses, community meeting time line, regulations in other cities, and requested Approval from the Planning Commission.

Mr. Dice answered the Planning Commissioners questions.

Tina Murillo, CoSA Tax Assessor, answered the Planning Commissioners questions regarding taxes.

**The following citizens appeared to speak:**

Roselyn Cogburn, King William Resident, spoke in opposition.

Margaret Leeds, representing fellow King William residents, spoke in opposition.

Maggie Rios, STR owner, spoke in favor.

John Kowat, concerned with changes.

Esther Ponce, spoke in favor and stated business challenges with having a STR in a neighborhood.

Michelle Gorham, STR owner, spoke in favor and stated the STR has improved the care of her home, and brought business to the local small business owners.



Naz Fallah, spoke in opposition regarding the high budget that would be used to regulated the ordinance.

Nathan Ross, owner of multiple condos, spoke in favor.

Fidel Bem, STR owner, spoke in favor and stated the STR business shows a different view of the city.

The Planning Commission discussed and commented on the presented case.

**Motion**

Chairman Peck asked for a motion for item # 29 Short Term Rentals, as presented.

Motion: Ms. Rogers made a motion for Approval of the ordinance as written with the amendment of prohibition of type 2 in City designated Historical Districts and with the inclusion of the Board of Adjustment Recommendation.

Second: Commissioner M. Garcia.

In Favor: Rogers, M. Garcia

Opposed: Peck, Martinez, C. Garcia, Sherrill, Whittington, Cigarroa, Ozuna, Kachtik

**Motion Failed**

Chairman Peck asked for a motion for item # 29 Short Term Rentals, as presented.

Motion: Commissioner Sherrill made a motion for Approval of the Ordinance as written to include the wording from the Board of Adjustment on the finding of fact and that we recommend to City Council to further look at prohibition in Historic Districts.

Second: Commissioner Kachtik

In Favor: Unanimous

Opposed: None

**Motion Passed**

**Vice –Chair Martinez recused himself from the Planning Commission meeting at 3:40 p.m.**

**Commissioner Sherrill exited the Planning Commission meeting at 3:40 pm.**

Item # 3    **160266:** Request by Aamir Ehsan, for approval to replat a tract of land to establish Mehar Gardens PUD Subdivision, generally located south of Beckwith Boulevard and west of Vance Jackson Road. Staff recommends Approval. (Martha Bernal, Planner, (210) 207-0210 Martha.Bernal@sanantonio.gov, Development Services Department)

Martha Bernal, Planner, presented item # 3 160266 to the Planning Commission.

Applicant not present.

**No citizens appeared to speak.**

**Motion**

Chairman Peck asked for a motion for item # 3 160266, as presented.

Motion: Commissioner Whittington made a motion for Approval.

Second: Commissioner Cigarroa

In Favor: Unanimous

Opposed: None

Recused: Martinez

**Motion Passed**

**Vice –Chair Martinez reentered the Planning Commission meeting at 3:41 p.m.**

**Commissioner Sherrill reentered the Planning Commission meeting at 3:41 pm.**

**The Planning Commission recessed into a break at 3:41 pm.**

**The Planning Commission reconvened into session at 3:46 pm.**

Item #16 **170482:** Request by Jay Hanna, HM Leonard Development, Inc., for approval to replat a tract of land to establish Balcones Creek Ranch IH-10, Enclave Subdivision, generally located southwest of the intersection of IH-10 West and Balcones Creek. Staff recommends Approval. (Jose Garcia, Planner, (210) 207-8268, jose.garcia4@sanantonio.gov, Development Services Department)

Jose Garcia, Planner, presented item # 16 170482 to the Planning Commission.

Applicant passed time.

**The following citizens appeared to speak:**

Christine Galvez, stated the community was confused about the project and spoke with the engineer.

**Motion**

Chairman Peck asked for a motion for item # 16 170482 as presented.

Motion: Commissioner Sherrill made a motion for Approval.

Second: Commissioner Martinez

In Favor: Unanimous

Opposed: None

**Motion Passed**

**Chair Peck recused himself from the Planning Commission meeting at 3:49 p.m.**

**Commissioner Cigarroa recused herself from the Planning Commission meeting at 3:49 p.m.**

Item # 18 **170549:** Request by Air Measurement Technologies, LLC and EBS Properties, LLC, Herbert L. Sumberg, Jr., for approval to replat a tract of land to establish Country Hollow Subdivision, Unit 1 Subdivision, generally located west of the intersection of Countryside Drive and Country Lane. Staff recommends Approval. (Matthew Ozuna, Planner, (210) 207-7898, matthew.j.ozuna@sanantonio.gov, Development Services Department)

Martha Bernal, Planner, presented item # 18 170549 to the Planning Commission.

Applicant not present.

**No citizens appeared to speak.**

**Motion**

Vice-Chair Martinez asked for a motion for item 18 170549 as presented.

Motion: Commissioner C. Garcia made a motion for Approval.

Second: Commissioner M. Garcia

In Favor: Unanimous

Opposed: None

Recused: Peck, Cigarroa

**Motion Passed**

**Chairman Peck re-entered the Planning Commission meeting at 3:50 p.m.**

**Commissioner Cigarroa re-entered the Planning Commission meeting at 3:50 p.m.**



Item # 22 **PLAN AMENDMENT CASE # 18012 (Council District 2):** A request by Elbert Fuqua for approval of a resolution to amend the Arena District/Eastside Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Medium Density Residential" to "Mixed Use" on Lot A and Lot B, Block 10, NCB 1330, located at 1824 and 1826 Hays Street. Staff recommends Denial. (Kayla Leal, Planner (210) 207-5017, kayla.leal@sanantonio.gov; Development Services Department) (Associated Zoning Case Z2018047)

Kayla Leal, Planner, presented item # 22 PA 18012 to the Planning Commission.

Staff mailed 15 notices to the surrounding property owners, 0 returned in favor, 0 returned in opposition, and no response from the Harvard Place/Eastlawn Neighborhood Association.

Elbert Fuqua, applicant, stated the IDZ project is for a live entertainment center. He stated the surrounding community is ok with the request.

**No citizens appeared to speak.**

The Planning Commission discussed and commented on the presented case.

**Motion**

Chairman Peck asked for a motion for item 22 PA 18012, as presented.

Motion: Commissioner Whittington made a motion for Approval of the Applicant's request for "Mixed Use".

Second: Ms. Rogers

In Favor: Peck, Martinez, C. Garcia, Sherrill, M. Garcia, Cigarroa, Whittington, Ozuna, Rogers

Opposed: Kachtik

**Motion Passed**

Item # 23 **PLAN AMENDMENT CASE # 18013 (Council District 3):** A request by Michael Arch for approval of a resolution to amend the Highlands Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Medium Density Residential" to "Community Commercial" on Lot 2 and the east 55 feet of Lot 1, Block 13, NCB 10139, located at 422 Pennystone Avenue. Staff recommends Denial. (Kayla Leal, Planner (210) 207-5017, kayla.leal@sanantonio.gov; Development Services Department) (Associated Zoning Case Z2018051)

Kayla Leal, Planner, presented item # 23 PA 18013 to the Planning Commission.

Staff mailed 22 notices to the surrounding property owners, 1 returned in favor, 0 returned in opposition, and the Highland Hills Neighborhood Association is opposed.

Mike Arch, representative, requested a continuance to meet with the community.

**No citizens appeared to speak.**

The Planning Commission discussed and commented on the presented case.

**Motion**

Chairman Peck asked for a motion for item # 23 PA 18013, as presented.

Motion: Commissioner Martinez made a motion for a continuance to February 14, 2018.

Second: Commissioner M. Garcia.

In Favor: Unanimous

Opposed: None

**Motion Passed**

Item # 24 **PLAN AMENDMENT CASE # 18014 (Council District 5):** A request by Raul Salazar for approval of a resolution to amend the Kelly South/San Pueblo Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Low Density Residential" to "Regional Commercial" on Lot 38, Block 33 and Block 35, NCB 3694, located at 435 Menefee Boulevard. Staff recommends Denial. (Kayla Leal, Planner (210-207-5017, kayla.leal@sanantonio.gov; Development Services Department) (Associated Zoning Case Z2018055)

Kayla Leal, Planner, presented item # 23 PA 18014 to the Planning Commission.

Staff mailed 16 notices to the surrounding property owners, 1 returned in favor, 2 returned in opposition, and no response from the Thompson Neighborhood Association.

Raul Salazar, representative, requested a continuance to work with the community.

**The following citizens appeared to speak:**

Jesse Mata, spoke in opposition.

Bernard DeLuna, spoke in opposition with concerns for the commercial business barging on the residential area.

Jose Valdez, spoke in opposition regarding the commercial business, equipment, and vehicles in the residential neighborhood.

Sarah Cervantes, spoke in opposition and presented photos of the commercial vehicles in the neighborhood.

The Planning Commission discussed and commented on the presented case.

**Motion**

Chairman Peck asked for a motion for item 24 PA 18014 as presented.

Motion: Commissioner Ozuna made a motion for a continuance to January 24, 2018.

Second: Ms. Rogers

In Favor: C. Garcia, M. Garcia, Whittington, Ozuna, Rogers

Opposed: Peck, Martinez, Sherrill, Cigarroa, Kachtik

**Motion Failed**

**Motion**

Chairman Peck asked for a motion for item 24 PA 18014 as presented.

Motion: Commissioner Martinez made a motion for Denial.

Second: Commissioner Sherrill

In Favor: Unanimous

Opposed: None

**Motion Passed**

Item # 26 **PLAN AMENDMENT CASE # 18017 (Council District 5):** A request by Ramiro Reyes for approval of a resolution to amend the Kelly/South San PUEBLO Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from “Low Density Residential” to “Business Park” on Lots 23 and 24, Block 5, NCB 11370, located at 2634 Southwest 34th Street. Staff recommends Denial. (Daniel Hazlett, Planner (210) 207-0107, daniel.hazlett@sanantonio.gov; Development Services Department) (Associated Zoning Case Z2018064)

Daniel Hazlett, Planner, presented item # 26 PA 18017 to the Planning Commission.

Staff mailed 21 notices to the surrounding property owners, 0 returned in favor, and 0 returned in opposition, and the Thompson Neighborhood Association is in support of an amended request for “Community Commercial”.

Ramiro Reyes, applicant, amended his request to “Community Commercial”, and also worked with the community for an amended zoning request.

**The following citizens appeared to speak:**

Raul Villar, passed.

The Planning Commission discussed and commented on the presented case.

**Motion**

Chairman Peck asked for a motion for item 26 PA 18017, as presented.

Motion: Commissioner Martinez made a motion for Approval for the amended request for "Community Commercial".

Second: Commissioner Whittington

In Favor: Unanimous

Opposed: None

**Motion Passed**

**Approval of Minutes**

Item # 30      Consideration and Action on the Minutes from December 13, 2017.

Chairman Peck motioned for approval of the minutes and all the Commissioners voted in the affirmative.

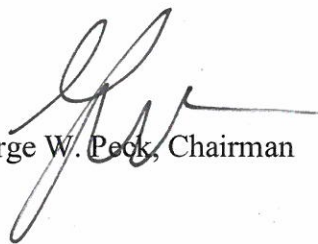
**Director's Report:**

- Election of Officers.
- Planning Commission Applications.

**Adjournment**

There being no further business, the meeting was adjourned at 4:26 p.m.

APPROVED



George W. Peck, Chairman

ATTEST:



Melissa Ramirez, Assistant Director