

AN ORDINANCE 2008-06-19-0626

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 4.168 acres out of NCB 17673 from "PUD R-6" Planned Unit Development Residential Single-Family District to "C-1" Light Commercial District (1.172 acres) and "C-3" General Commercial District (2.996 acres).

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. In accordance with Section 35-514(c)(2) of the Unified Development Code, the City Council authorizes a fence to be erected or altered of up to a height of eight (8) feet along the property line that abuts existing residential zoning districts and land uses.

SECTION 4. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

SECTION 5. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 6. This ordinance shall become effective on June 29, 2008.

PASSED AND APPROVED this 19th day of June, 2008.



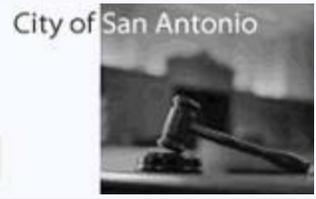
M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



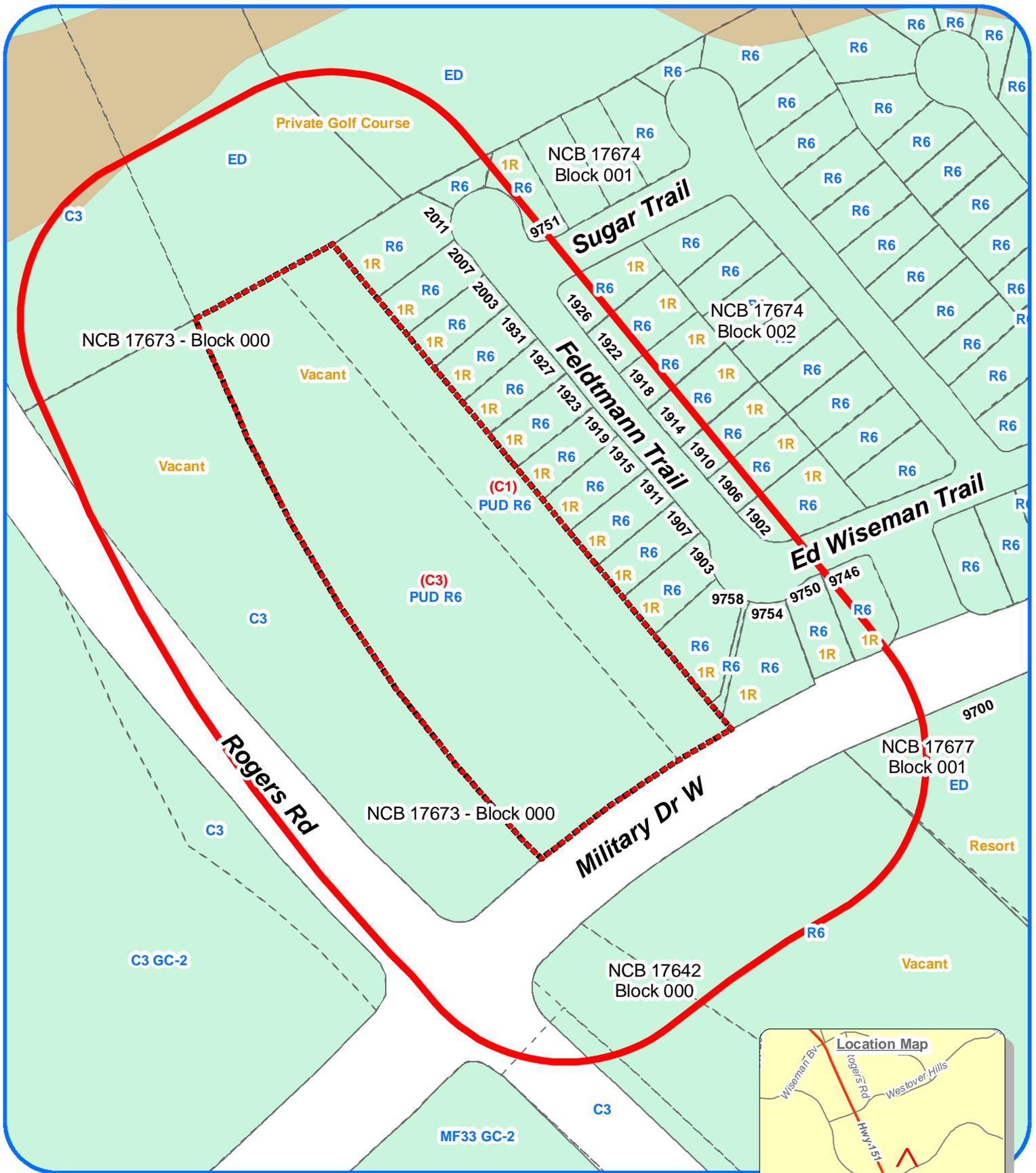
Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-9

Name:	Z-9
Date:	06/19/2008
Time:	05:31:05 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2008100 (District 6): An Ordinance changing the zoning district boundary from "PUD R-6" Planned Unit Development Residential Single-Family District to "C-1" Light Commercial District (1.172 acres) and "C-3" General Commercial District (2.996 acres) on 4.168 acres out of NCB 17673, 9800 Block of West Military Drive as requested by Brown and Ortiz P.C., Applicant for Hill Country Resort Estates Joint Venture, Owner. Staff and Zoning Commission recommend approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					



Zoning Case Notification Plan

Case Z-2008-100

Council District 6

Scale: 1" approx. = 150'

Subject Property Legal Description(s): A Portion of Parcels P-3, P-19B, and P-20C - NCB 17673 - Block 000

Legend

- Subject Property (4.168 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(05/05/2008)

Z2008100

ZONING CASE NUMBER Z2008100 (Council District 6) – June 3, 2008

The request of Brown and Ortiz P.C., Attorneys at Law, Applicant, for Hill Country Resort Estates Joint Venture, Owner(s), for a change in zoning from PUD “R-6” Planned Unit Development Residential Single-Family District to “C-1” Light Commercial District (1.172 acres) and “C-3” General Commercial District (2.996 acres) on 4.168 acres out of NCB 17673, 9800 Block of West Military Drive. Staff recommends approval.

Patrick Christensen, representative, proposing to develop a hotel. He stated in meeting with the neighborhood association they have agreed to a 70-foot wide buffer along the boundary with the residences of “C-1” and within the “C-1”, there would be deed restrictions of a 40-foot open space easement.

Staff stated there were 33 notices mailed out to the surrounding property owners, 10 returned in opposition and 4 returned in favor. Staff has received a letter of support from Legacy Trails Homeowner’s Association.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Wright to recommend approval including a recommendation of an 8-foot fence along with the deed restrictions signed by the owner and the neighborhood association.

AYES: Sherrill, Robbins, J. Valadez, Gadberry, Myers, Wright, Martinez, R. Valadez

NAY: None

RECUSED: Gray

THE MOTION CARRIED

FIELD NOTES

FOR

A 1.172 acre, or 51,035 square feet tract of land being a portion of that called 7.087 acre tract recorded in Volume 8402, Page 152-155 of the Official Public Records of Real Property of Bexar County, Texas, in New City Block (N.C.B.) 17673 of the City of San Antonio, and also being out of the B.B.B. and C.R.R. Survey No. 402, Abstract 101, County Block 4398 and the B.B.B. and C.R.R. Survey No. 256, Abstract 102, County Block 4394, in Bexar County, Texas. Said 1.172 acre tract being more fully described as follows with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone:

BEGINNING: At a found ½ inch iron rod with yellow cap marked "Pape-Dawson" on the northwest right-of-way line of West Military Drive, an 86-foot right-of-way, the south corner of Lot 3, Block 1 of the Legacy Trails Unit-1 Subdivision recorded in Volume 9530, Page 213 of the Deed and Plat Records of Bexar County, Texas, the east corner of said called 7.087 acre tract;

THENCE: Southwesterly, along and with the northwest right-of-way line of said West Military Drive, the southeast line of said called 7.087 acre tract, with a curve to the left, said curve having a radial bearing of S 29°45'09" E, a radius of 1532.18 feet, a central angle of 02°38'45", a chord bearing and distance of S 58°55'29" W, 70.75 feet, an arc length of 70.75 feet to a point;

THENCE: N 39°24'43"W, departing the northwest right-of-way line of said West Military Drive, the southeast line of said called 7.087 acre tract, 70.00 feet southwest and parallel to the east line of said called 7.087 acre tract, a distance of 730.93 feet to a point on the southeast line of a called 3.416 acre tract recorded in Volume 4903, Page 1627-1640 of the Official Public Records of Real Property of Bexar County, Texas, the northwest line of said called 7.087 acre tract;

THENCE: N 61°26'33"E, along and with the southeast line of said called 3.416 acre tract, the northwest line of said called 7.087 acre tract, at a distance of 59.95 feet passing the east corner of said called 3.416 acre tract, the south corner of a 192.053 acre tract recorded in Volume 4903, Page 1603-1612 of the Official Public Records of Real Property of Bexar County, Texas, continuing along and with the southeast line of said 192.053 acre tract, the northwest line of said called 7.087 acre tract for a total distance of 71.28 feet to a found ½ inch iron rod with yellow cap marked Pape-Dawson, the west corner of Lot 15, Block 1 of said Legacy Trails Unit-1 Subdivision, the north corner of said called 7.087 acre tract;

1.172 Acres
Job No. 9416-07
Page 2 of 2

Z2008100

THENCE: S 39°24'43"E, along and with the southwest line of said Legacy Trails Unit-1 Subdivision, the northeast line of said called 7.087 acre tract a distance of 727.77 feet to the POINT OF BEGINNING, and containing 1.172 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: PAPE DAWSON ENGINEERS INC..
DATE: March 28, 2008
REVISED: April 3, 2008
JOB No.: 9416-07
DOC. ID.: N:\Survey07\7-9500\9416-07\WORD\70FT SETBACK.doc



G.E. Buchanan
03/28/2008

FIELD NOTES

FOR

A 2.996 acre, or 130,505 square feet tract of land being a portion of that called 7.087 acre tract recorded in Volume 8402, Page 152-155 of the Official Public Records of Real Property of Bexar County, Texas, in New City Block (N.C.B.) 17673 of the City of San Antonio, and also being out of the B.B.B. and C.R.R. Survey No. 402, Abstract 101, County Block 4398 and the B.B.B. and C.R.R. Survey No. 256, Abstract 102, County Block 4394, in Bexar County, Texas. Said 2.996 acre tract being more fully described as follows with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone:

COMMENCING: At a found ½ inch iron rod with yellow cap marked 'Pape-Dawson' on the northwest right-of-way line of West Military Drive, an 86-foot right-of-way, the south corner of Lot 3, Block 1 of the Legacy Trails Unit-1 Subdivision recorded in Volume 9530, Page 213 of the Deed and Plat Records of Bexar County, Texas, the east corner of said called 7.087 acre tract;

THENCE: Southwesterly, along and with the northwest right-of-way line of said West Military Drive, the southeast line of said called 7.087 acre tract, with a curve to the left, said curve having a radial bearing of S 29°45'09" E, a radius of 1532.18 feet, a central angle of 02°38'45", a chord bearing and distance of S 58°55'29" W, 70.75 feet, an arc length of 70.75 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: Southwesterly continuing along and with the northwest right-of-way line of said West Military Drive, the southeast line of said called 7.087 acre tract, with said curve to the left, said curve having a radius of 1532.18 feet, a central angle of 07°19'01", a chord bearing and distance of S 53°56'36" W, 195.54 feet, an arc length of 195.67 feet to a point, the beginning of a non-tangent curve to the right;

THENCE: Northwesterly, departing the northwest right-of-way line of said West Military Drive, the southeast line of said called 7.087 acre tract, with said curve to the right, said curve having radial bearing of N 45°31'30" E, a radius of 1797.00 feet, a central angle of 20°10'11", a chord bearing and distance of N 34°23'24" W, 629.33 feet, an arc length of 632.59 feet to a point;

THENCE: N 24°18'20"W, crossing said called 7.087 acre tract, a distance of 117.62 feet to a point on the southeast line of a called 3.416 acre tract recorded in Volume 4903, Page 1627-1640 of the Official Public Records of Real Property of Bexar County, Texas, the northwest line of said called 7.087 acre tract;

Z2008100

THENCE: N 61°26'33"E, along and with the southeast line of said called 3.416 acre tract, the northwest line of said called 7.087 acre tract, a distance of 111.45 feet to a point;

THENCE: S 39°24'43"E, departing the southeast line of said called 3.416 acre tract, the northwest line of said called 7.087 acre tract, 70.00 feet southwest and parallel to the east line of said called 7.087 acre tract, a distance of 730.93 feet to the POINT OF BEGINNING, and containing 2.996 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: PAPE DAWSON ENGINEERS INC..

DATE: March 28, 2008

REVISED: April 3, 2008, April 8, 2008

JOB No.: 9416-07

DOC. ID.: N:\Survey07\7-9500\9416-07\WORD\70FT REMAINDER.doc



G.E. Buchanan
03/28/2008



**CITY OF SAN ANTONIO
Request for Council Action**

Agenda Item # Z-9
Council Meeting Date: 6/19/2008
RFCAs Tracking No: R-3493

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 6

SUBJECT:
Zoning Case Z2008100

SUMMARY:
From "PUD R-6" Planned Unit Development Residential Single-Family District to "C-1" Light Commercial District (1.172 acres) and "C-3" General Commercial District (2.996 acres).

BACKGROUND INFORMATION:
Zoning Commission Meeting Date: June 03, 2008

Applicant: Brown and Ortiz P.C., Attorneys at Law
Owner: Hill Country Resort Estates Joint Venture

Property Location: 9800 Block of West Military Drive

4.168 acres out of NCB 17673

North side of West Military Drive, east of the intersection of Rogers Road

Proposal: To allow a hotel development

Neighborhood Association: None

Neighborhood Plan: None

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

ISSUE:
None.

ALTERNATIVES:
A denial of the request will result in the subject property retaining its "R-6" base zone, prohibiting

the proposed commercial project.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (8-0) recommends approval. Zoning Commission recommends approval of an 8-foot fence along the property line abutting residential zoning and uses.

The subject property was annexed in 1994, is currently undeveloped and totals approximately 4.168 acres. In 2002 following the adoption of the Unified Development Code, the existing PUD R-6 zoning converted from the previous PUD R-1 zoning. "C-3" General Commercial District and "ED" Entertainment District zoning currently exists to the north of the subject property. Property to the west is zoned "C-3" General Commercial District and property to the east is zoned "PUD R-6" Planned Unit Development Residential Single-Family District. Property to the south across West Military Drive is zoned "C-3" General Commercial District and "R-6" Residential Single-Family District. Land uses immediately adjacent to the proposed development consist of a private golf course north of the subject property and undeveloped land to the west. There are single-family homes to the east of the subject property and undeveloped land to the south across West Military Drive.

The applicant has applied for C-3 and C-1 zoning in order to allow for a hotel development. The proposed use of the subject property is consistent with the hotel development trends along Hwy 151 and its contributing arterials, which began as a result of the theme park and destination resort development in the area. The requested C-3 zoning district is a regional commercial district most appropriate at the intersections of arterials and along the frontages of super arterials and freeways. The subject property is located on West Military Drive near Rodgers Road, both identified as Secondary Arterial Type A roads in the city's Major Thoroughfare Plan, and C-3 zoning currently exists at the intersection of Rogers Road. Seeing that the proposed C-3 zoning would not be compatible with the adjacent residential uses, the applicant is requesting a 70-foot buffer of C-1 zoning for the portion of the parcel that directly abuts residential uses. The C-1 zoning district does not allow hotel development and included in this buffer is a recorded 20-foot sewer and drainage easement. Staff believes a portion of the subject property should be restricted to a less intense commercial zoning district given its location near the existing residential uses and supports the request to split zone the subject property in order to restrict the proposed hotel development to the portion of the property zoned C-3.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008100.pdf
Zoning Commission Minutes	Z2008100.pdf
Voting Results	
Ordinance/Supplemental Documents	200806190626.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager