

AN ORDINANCE 2008-06-19-0623

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 7.5 acres out of NCB 8410 from "C-1" Light Commercial District to "C-2" Commercial District.

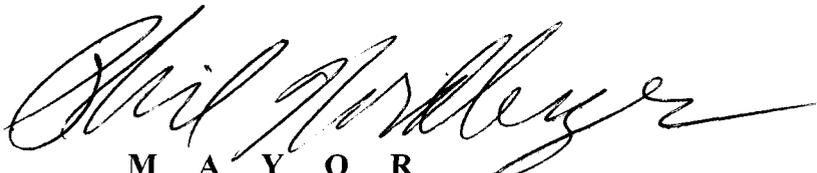
SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. 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 4. 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 5. 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**

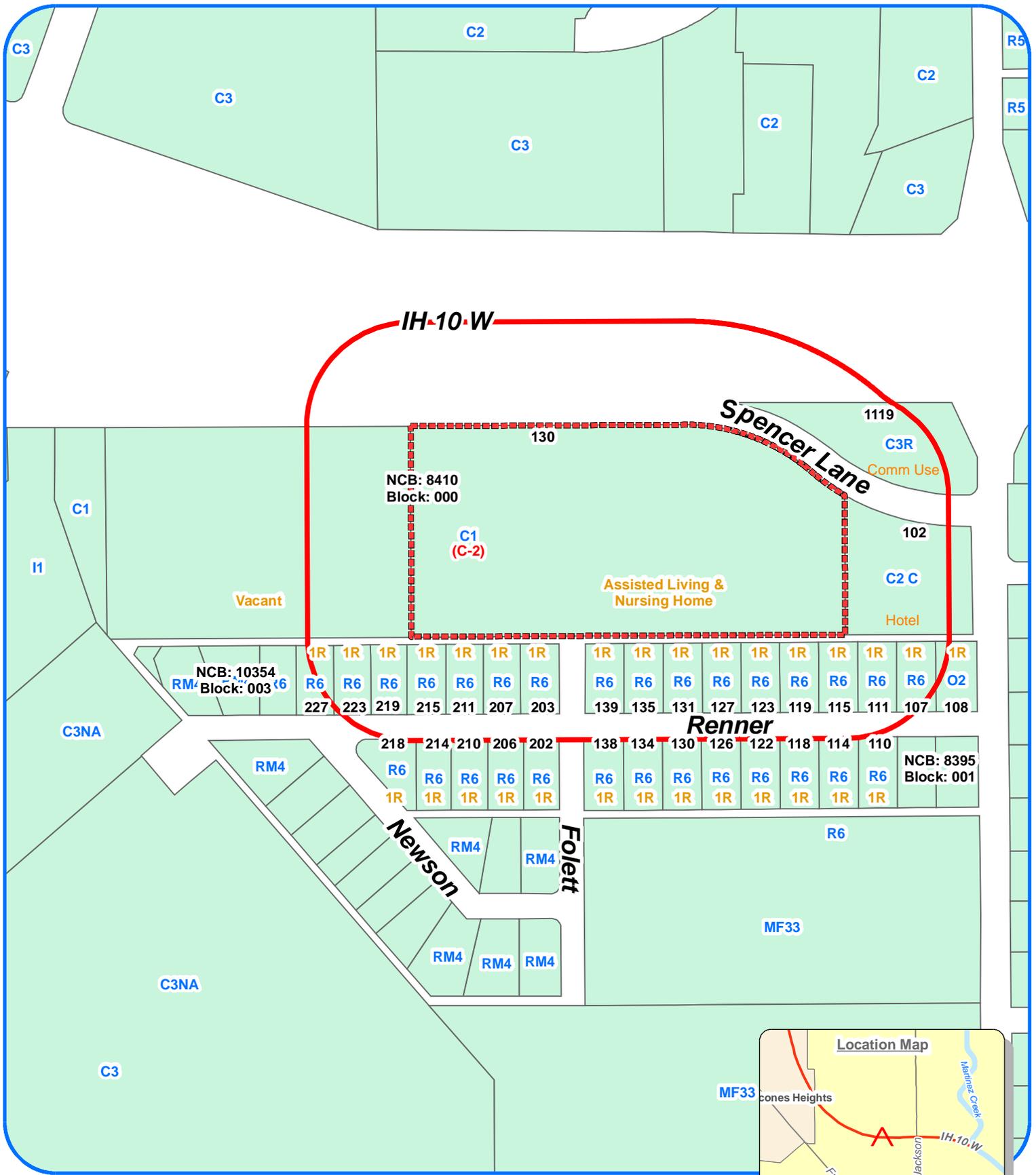
City of San Antonio



Agenda Voting Results - Z-5

Name:	Z-3, Z-4, P-1, Z-5, Z-6, Z-7, Z-10, Z-11, Z-13, Z-18
Date:	06/19/2008
Time:	05:29:34 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008163 (District 1): An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-2" Commercial District on 7.5 acres out of NCB 8410, 130 Spencer Lane as requested by JCS Properties, Applicant for JCS Properties, Owner. Staff and Zoning Commission recommend approval pending plan amendment.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				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				
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-2008-163

Council District 1
 Scale: 1" approx. = 250'
 Subject Property Legal Description(s): 7.5 Acres out of Lot 13 NCB: 8410

- Legend**
- Subject Property (7.5 Acres)
 - 200' Notification Buffer
 - Current Zoning **R6**
 - Requested Zoning Change **(R6)**
 - 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
 (5/13/2008)

Z2008163

ZONING CASE NUMBER Z2008163 (Council District 1) – June 3, 2008

The request of JCS Properties, Applicant, for JCS Properties, Owner(s), for a change in zoning from “C-1” Light Commercial District to “C-2” Commercial District on 7.5 acres out of NCB 8410, 130 Spencer Lane. Staff recommends approval pending Plan Amendment.

Kenneth Gindy, representative, stated the purpose of this zoning request is to make consistent with the exiting use of a nursing home.

The following citizen(s) appeared to speak:

W. C. Kennon, spoke in opposition.

Robert Guarjardo, spoke in opposition.

Staff stated there were 33 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor. Staff mailed 33 notices to the Planning Team.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner Martinez to find inconsistent with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

Z2008163

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner Martinez to recommend approval.

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

NAY: None

THE MOTION CARRIED

FIELD NOTES

FOR

A 7.500 acre, or 326,688 square feet more or less, tract of land being the remainder of that 16.158 acre tract conveyed to J.C.S. Properties in deed recorded in Volume 10481, Pages 2317-2320 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 13, New City Block 8410, out of Old City Lot No. 4, Range 6, District 3 of the City of San Antonio, Bexar County Texas recorded in Volume 4181, Page 85 of the Deed and Plat Records of Bexar County, Texas. Said 7.500 acre tract being more fully described as follows with bearings derived from the Texas Coordinate System for the South Central Zone:

BEGINNING At a set ½" iron rod with yellow cap marked "Pape-Dawson" on the south line of Spencer Lane, a 60-foot public right-of-way of the City of San Antonio, the north line of said Lot 13; at the northeast corner of that called 5.509 acre tract out of said Lot 13 conveyed to the City of San Antonio in deed recorded in Volume 12363, Pages 836-839 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 89°42'59" E, along and with the south right-of-way line of Spencer Lane, the north line of said Lot 13, a distance of 529.73 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of curvature, the west corner of that dedication to right-of-way recorded in the M-J subdivision recorded in Volume 5140, Page 95 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Along the south right-of-way line of Spencer Lane and the arc of a curve to the right, said curve having a radius of 370.00 feet, a central angle of 41°14'49", a chord bearing and distance of S 69°39'37" E, 260.65 feet, for an arc distance of 266.36 feet to a set 'x' in concrete at a point of reverse curvature;

THENCE: Along the south right-of-way line of Spencer Lane and the arc of a curve to the left, said curve having a radius of 430.00 feet, a central angle of 10°30'53", a chord bearing and distance of S 54°17'39" E, 78.80 feet, for an arc distance of 78.91 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point on curve;

Golden Manor
Job 9122-08
7.500 Acres

72008163

- THENCE: S 00°22'46" E, departing the south line of said Spencer Lane, continuing over and across said Lot 13, at 2.0 feet passing a found iron rod with cap marked "MDS-Survey" and continuing for a total distance of 269.16 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" on the north line of that 15-foot alley dedicated in the Dausin Subdivision recorded in Volume 3025, Page 112 of the Deed and Plat Records of Bexar County, Texas, the south line of said Lot 13, from which a found iron rod with cap marked "SGCE-5233" bears S00°22'46"E, 1.4 feet, said found monumentation, by appearance and temporary fencing of the adjacent tract under construction, taken for the west boundary of the 1.397 acre tract recorded in Volume 12158, Page 518 of the Official Public Records of Real Property of Bexar County, Texas, said description not prepared by the surveyors above quoted;
- THENCE: S 89°42'59" W, along and with the north line of said 15-foot alley, the south line of said Lot 13, a distance of 838.09 feet to a found ½" iron rod for the southeast corner of the aforementioned 5.509 acre tract;
- THENCE: N 00°15'15" W, departing the south line of said Lot 13, and along and with the east line of said 5.509 acre tract, a distance of 407.27 feet to the POINT OF BEGINNING and containing 7.500 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..

PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: April 14, 2008
JOB No.: 9122-08
FILE: N:\Survey08\8-9200\9122-08\Word\FN-9122-08.doc





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

Agenda Item # Z-5
Council Meeting Date: 6/19/2008
RFCAs Tracking No: R-3472

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 1

SUBJECT:
Zoning Case Z2008163

SUMMARY:

From "C-1" Light Commercial District to "C-2" Commercial District.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: June 3, 2008

Applicant: JCS Properties

Owner: JCS Properties

Property Location: 130 Spencer Lane

7.5 acres out of NCB 8410

On the south side of Spencer Lane and IH 10 West, between Fredericksburg Road and Vance Jackson

Proposal: To make the zoning consistent with the existing use

Neighborhood Association: None

Neighborhood Plan: Near Northwest Community Plan

TIA Statement: A Traffic Impact Analysis is not required.

ISSUE:
None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current commercial zoning, allowing many commercially-oriented uses permitted by the current C-1 district and the continuation of a non-conforming use for the existing nursing home and assisted living facility.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (10-0) recommend approval pending plan amendment.

The requested commercial district is inconsistent with the land use designation identified in the Near Northwest Community Plan. The Near Northwest Community Plan identifies future land uses as High Density Residential and an amendment to Community Commercial land use is required. On May 28, 2008, the Planning Commission recommended approval of an amendment to Community Commercial.

The subject property contains an existing nursing home and assisted living facility, with ingress/egress on Spencer Lane. The property is adjacent to C-2 and C-3 zoning to the east; R-6 and RM-4 zoning to the south and C-1 and I-1 zoning to the west. The surrounding land uses consist of the IH 10 expressway to the north; residential dwellings to the south; a hotel and convenience store to the east and vacant land to the west. The property directly to the east, which is located at 102 Spencer Lane, was the subject of a rezoning case in 2006 (Z2006041 CD) in which the applicant was granted a zoning change from C-1 Light Commercial District to C-2 (CD-Hotel) Commercial District with a Conditional Use for a Hotel.

The applicant's request is to allow future expansions on the property and to accommodate an adult day care facility. According to the Bexar County Appraisal District data, the existing nursing home facility which is approximately 49,000 square feet was constructed in 1992. However, the B-1 District was converted to C-1 upon adoption of the 2001 Unified Development Code. A facility of this size is no longer allowed in the C-1 District, deeming this use as non-conforming. The non-conforming status also does not allow the proposed expansion, as one may not expand a non-conforming use as per Article VII of the UDC.

Therefore, the applicant has indicated to staff that the purpose of the C-2 zoning request is to alleviate the C-1 development constraints which requires a maximum building size of 5,000 square feet for individual buildings and an aggregate of 15,000 square feet as well as parking in the rear of the principal use or building. Staff finds the request to be appropriate given the subject property's location near a major thoroughfare and the prevalence of commercial zoning and uses to the east.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008163.pdf
Zoning Commission Minutes	Z2008163.pdf
Voting Results	
Ordinance/Supplemental Documents	200806190623.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager