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

* * * * *

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

SECTION 1. Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z2002166 C

The rezoning and reclassification of property from "R-4" Residential Single-Family District to "R4-C" Residential Single-Family District with a Conditional Use for a fourplex. on the property listed as follows:

Lots 10 and 11, Block B, NCB 10110

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -491.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance is not severable.

PASSED AND APPROVED THIS 24th DAY OF October 20 02

MAYOR:

Edward D. Garza

PRO TEM

EDWARD D. GARZA

ATTEST:

Felanda L. Ledezma

ASSISTANT City Clerk

APPROVED AS TO FORM:

Phillip E. ...
CITY ATTORNEY

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT -NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

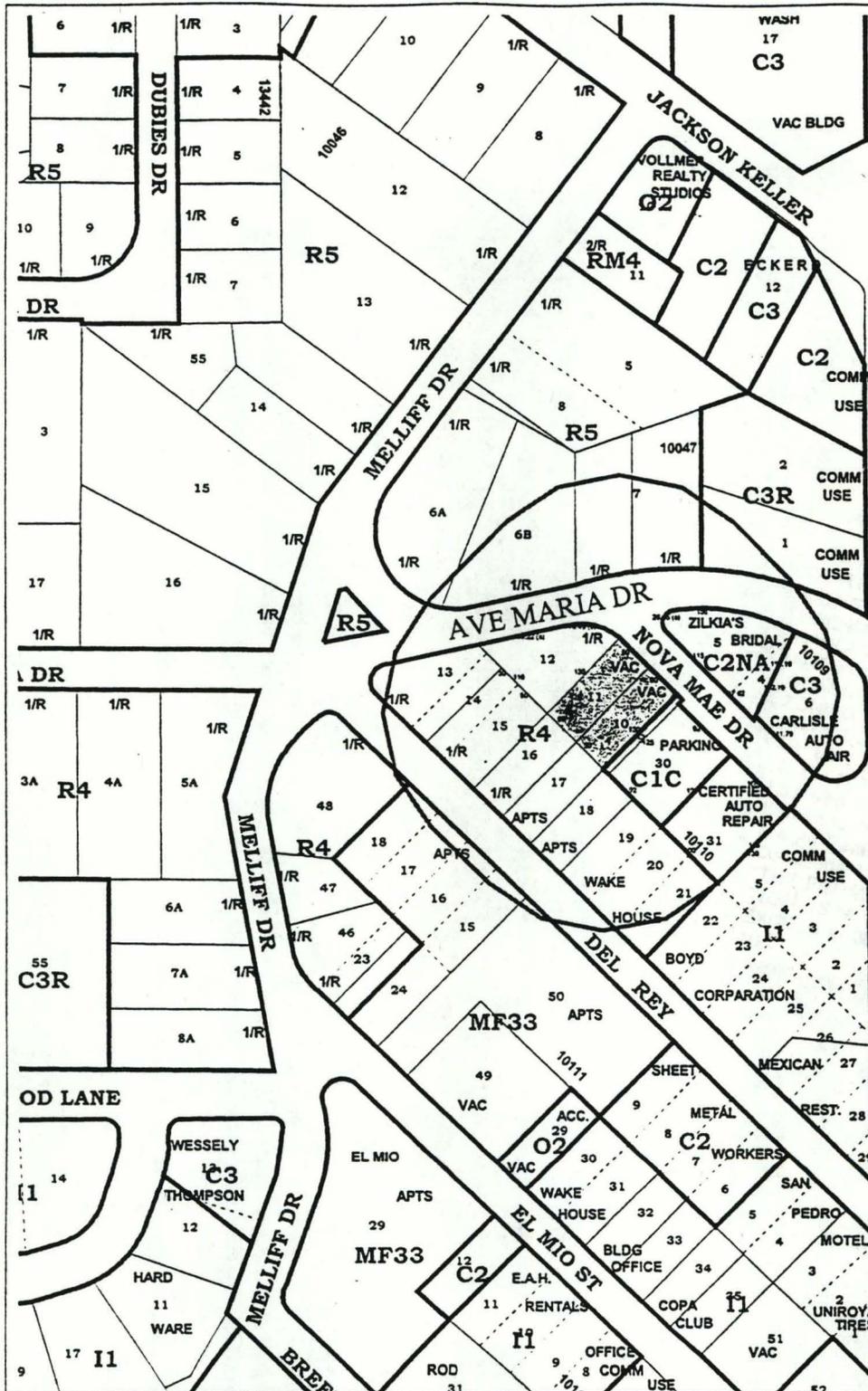
AGENDA ITEM NUMBER: 4P
 DATE: OCT 24 2002
 MOTION: Schubert Moorhouse
 ORDINANCE NUMBER: 96618
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: 2-2002-166C
 TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		<input checked="" type="checkbox"/>	
JOHN H. SANDERS District 2		<input checked="" type="checkbox"/>	
ANTONIETTE "TONY" MOORHOUSE District 3		<input checked="" type="checkbox"/>	
ENRIQUE "KIKE" MARTIN District 4		<input checked="" type="checkbox"/>	
DAVID A. GARCIA District 5		<input checked="" type="checkbox"/>	
ENRIQUE M. BARRERA District 6		<input checked="" type="checkbox"/>	
JULIAN CASTRO District 7		<input checked="" type="checkbox"/>	
BONNIE CONNER District 8		<input checked="" type="checkbox"/>	
CARROLL W. SCHUBERT District 9		<input checked="" type="checkbox"/>	
DAVID CARPENTER District 10		<input checked="" type="checkbox"/>	
EDWARD D. GARZA Mayor		<input checked="" type="checkbox"/>	

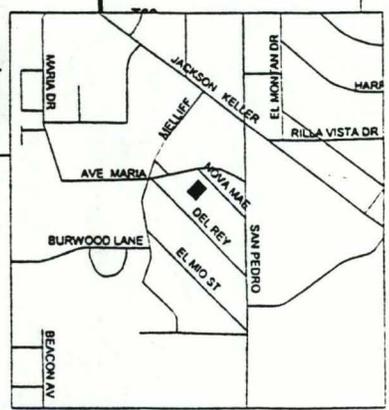
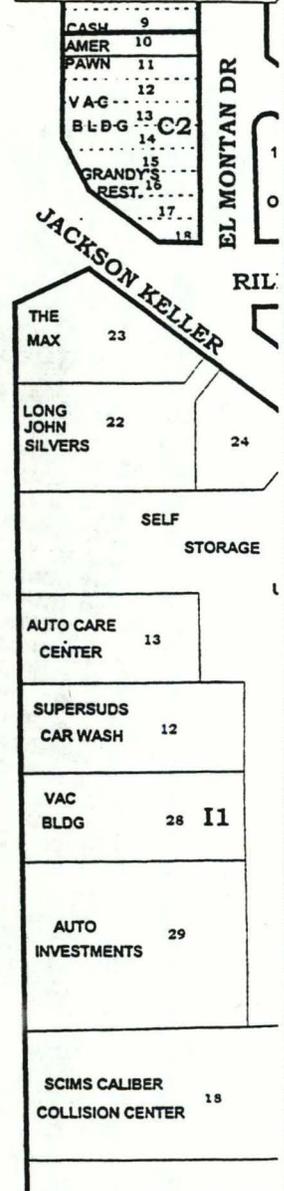
STAFF: APPROVAL

ZC: APPROVAL

02-39



_____ Notices Mailed
 _____ In Opposition
 _____ In Favor



ZONING CASE: Z2002-166

City Council District NO. 9
 Requested Zoning Change
 From: "R-4" To: "R-4 C"
 Date: OCT. 24, 2002
 Scale: 1" = 200"

T-17
 D-3
 p. 582

 Subject Property
 200' Notification



Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

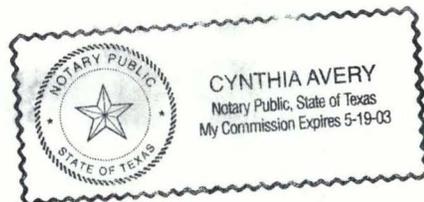
Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio-City Clerk-Ordinance 96618 hereto attached has been published in every issue of said newspaper on the following days, to-wit: October 31, 2002.

Helen I. Lutz

Sworn to and subscribed before me this 31st day of October, 2002.

Cynthia Avery

Notary Public in and for Bexar County, Texas



CASE NO: Z2002166 C

Continued from September 17 and October 1, 2002

Zoning Commission Meeting Date: October 15, 2002

Council District: 9

Ferguson Map: 582-D3

Appeal:

Applicant:

City of San Antonio

Owner

Anthony Ferro

Zoning Request:

From "R-4" Residential Single-Family District to "R-4 C" Residential Single Family District with a Conditional Use for a four-plex.

Lots 10 and 11, Block B, NCB 10110

Property Location:

116 Nova Mae Drive

Applicants Proposal:

To permit the construction of a four-plex

Staff Recommendation:

Approval The North Central Neighborhood Community Plan recommends this location for Low Density Residential Use. The subject property is currently vacant and has existing commercial zoning to the east and north and "R-4" zoning to the west and south. The request of "R-4 C" is compatible and will not adversely affect the surrounding area.

Zoning Commission Recommendation:

Approval

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2002166 C

ZONING CASE NO. Z2002166 C September 17, 2002

Applicant: City of San Antonio

Zoning Request: "R-4" Residential Single Family Residential District to "RM-4" Residential Mix District.

Jerry Arredondo, 9901 IH 10 W., representing the owner, stated they are proposing to construct a four-plex on the subject property.

OPPOSE

Mary Lou Mabie, 311 Ade Maria, stated she would support this development with the agreement that a 6 foot privacy fence be installed along the property lines

Mary Alice Ramsey, 125 Ave Maria, stated she strongly opposes this request. She stated Mr. Ferro has had several properties rezoned within this area with certain restrictions and Mr. Ferro has not complied with those restrictions. Mr. Ferro has not enclosed the dumpster as instructed. She stated the appearance of the property is deteriorating due to the debris and other items that are being stored on the property.

REBUTTAL

Jerry Arredondo, 9901 IH 10 W., stated there items being stored on the property but they will be remove upon the construction of the four-plex. He stated they would agree with the 6-foot privacy fence along the property lines.

Chong Chin, 150 W. Sunset, architect, stated as part of the construction of the four-plex they would erect a fence and the dumpsters would be screened off and a landscape buffer would be provided.

Staff stated there were 21 notices mailed out to the surrounding property owners, 3 returned in opposition and 3 returned in favor and North Shearer Hills Neighborhood Association is in opposition.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Grau to recommend a continuance until October 1, 2002.

Z2002166 C

1. Property is located on Lots 10 and 11, Block B, NCB 10110 at 116 Nova Mae Drive.
2. There were 21 notices mailed, 3 returned in opposition and 3 returned in favor.
3. Staff recommends denial.

**AYES: Mehringer, Grau, Cardenas-Gamez, McGowan, McAden, Avila, Morell,
Martinez**

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Z2002166 C

ZONING CASE NO. Z2002166 C October 1, 2002

Applicant: City of San Antonio

Zoning Request: "R-4" Residential Single Family District to "RM-4" Residential Mixed Family District.

Jerry Arredondo, 9901 IH 10 W., representing the owner, stated he has been working with Commissioner McAden regarding this request and have reached an agreement. He stated they are proposing to construct a four plex on the subject property.

FAVOR

Jeff Vollmer, 170 Melliff Drive, stated their neighborhood association is in favor of this request. He stated he feels this zoning change is appropriate and is compatible to the surrounding area.

Chong Chin, 150 W. Sunset Avenue, architect of the project, stated this development would enhance Mr. Ferro's property along with the neighborhood.

OPPOSE

Mary Lou Mabie, 311 Ave Maria, stated she would like the subject property to remain single family residential. She stated there are several apartment/duplexes in the neighborhood. She is concerned that this development would deteriorate the neighborhood.

Mary Alice Ramsay, 125 Ave Maria, president of the North Shearer Hills Neighborhood Association, stated she strongly opposes this request. She stated their neighborhood plan calls for low density, which does not include a four plex. She stated she is concerned that Mr. Ferro is requesting this change to expand his car repair business. She feels he would use this development to park more cars on the property.

REBUTTAL

Jerry Arredondo, 9901 IH W., stated he feels a four plex is appropriate for this property. He stated single-family residences would not be suitable for this area due to the commercial use that surrounds the property.

Staff stated there were 21 notices mailed out to the surrounding property owners, 4 returned in opposition and 3 returned in favor and North Shearer Hills Neighborhood Association is in opposition.

Z2002166 C

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Grau to recommend a continuance for October 15, 2002 for consider of approval of "R-4C" with conditional use for a four plex with the following conditions: 1. Construction of 6-foot solid fence on the south, east and west sides of the properties; 2. The trash receptacle shall be screened; the approval is contingent on City Council approval of an amendment to the proposed land use on the subject property by the North Central Neighborhood Plan.

1. Property is located on Lots 10 and 11, Block B, NCB 10110 at 116 Nova Mae Drive.
2. There were 21 notices mailed, 4 returned in opposition and 3 in favor.
3. Staff recommends denial.

AYES: Mehringer, Grau, Cardenas-Gamez, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Morell, Martinez

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Z2002166 C

ZONING CASE NO. Z2002166 C October 15, 2002

Applicant: City of San Antonio

Zoning Request: "R-4" Residential Single Family District to "R-4" C Residential Single Family District with conditional use for a four-plex.

Jerry Arredondo, 9901 IH 10, representing the applicant, stated they are proposing to develop a four-plex on the subject property.

Staff stated there were 21 notices mailed out to the surrounding property owners, 4 returned in opposition and 3 returned in favor and North Shearer Hills Neighborhood is in opposition.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Grau to recommend approval of "R-4" C.

1. Property is located on Lots 10 and 11, Block B, NCB 10110 at 116 Nova Mae Drive.
2. There were 21 notices mailed, 4 returned in opposition and 3 in favor.
3. Staff recommends approval.

AYES: Mehringer, Grau, Cardenas-Gamez, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Morell, Martinez

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

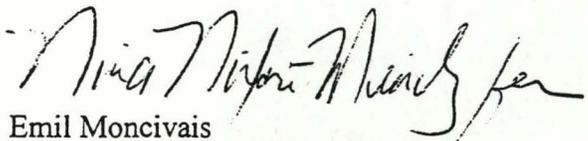
**CITY OF SAN ANTONIO
PLANNING DEPARTMENT**

Interdepartmental Correspondence

TO: Roderick Sanchez, AICP, Assistant Director of Development Services
FROM: Emil Moncivais, AICP, AIA, Director of Planning Department
COPY: Nina Nixon-Méndez, David Arciniega
SUBJECT: Zoning Case No. Z2002166, 116 Nova Mae Drive

DATE: October 1, 2002

The North Central Neighborhoods Community Plan designates this property for low density residential use. The "RM-4" zoning requested by the applicant is not consistent with the plan. For this reason staff recommended "R-4 C" zoning with a conditional use for a four-plex. At the October 1, 2002 Zoning Commission meeting, the Commission recommended "R-4 C" and continued this case for two weeks and directed the applicant to seek an amendment to the neighborhood plan. I would advise that an amendment to the neighborhood plan is not necessary because the proposed "R-4 C" zoning is consistent with the neighborhood plan as required by §35-105, 35-420 and 35-421 of the Unified Development Code. Please advise the Commission of this determination on October 15 when this case is reconsidered.


Emil Moncivais
Director of Planning Department