

AN ORDINANCE 2008-08-21-0740

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.

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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 Lot 1, Block 9, NCB 1509 from "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for Auto Repair to "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for a Welding Facility.

SECTION 2. The City Council finds as follows:

- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.

SECTION 3. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. Welding shall be incidental to the existing tire repair shop.
- B. A 6-foot tall solid screen fence shall be constructed on the western property line.
- C. All welding shall be performed within an enclosed structure.
- D. Operation shall be limited to normal business hours from 8 am to 7 pm.

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.

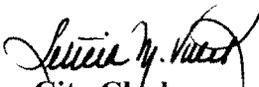
SECTION 5. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 6. This ordinance shall become effective August 31, 2008.

PASSED AND APPROVED this 21st day of August, 2008.



M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Item:	Z-13 (in consent vote: Z-2, Z-5, Z-8, Z-10, Z-11, Z-12, Z-13, Z-14)						
Date:	08/21/2008						
Time:	04:29:10 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE #Z2008201 CD (District 2): An Ordinance amending the Zoning District Boundary from "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for Auto Repair to "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for a Welding Facility on Lot 1, Block 9, NCB 1509 located at 402 South New Braunfels. Staff and Zoning Commission recommend approval with conditions.						
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			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				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

Z2008201 CD

ZONING CASE NUMBER Z2008201 CD (Council District 2) – July 17, 2008

A request for a change in zoning from “C-2NA CD” Commercial Nonalcoholic Sales District with a Conditional Use for Auto Repair to “C-2NA CD” Commercial Nonalcoholic Sales District with a Conditional Use for a Welding Facility on Lot 1, Block 9, NCB 1509, 402 South New Braunfels. Staff recommends approval with conditions.

This case was approved by consent.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Arena District Neighborhood Association. Staff mailed 26 notices to the Planning Team.

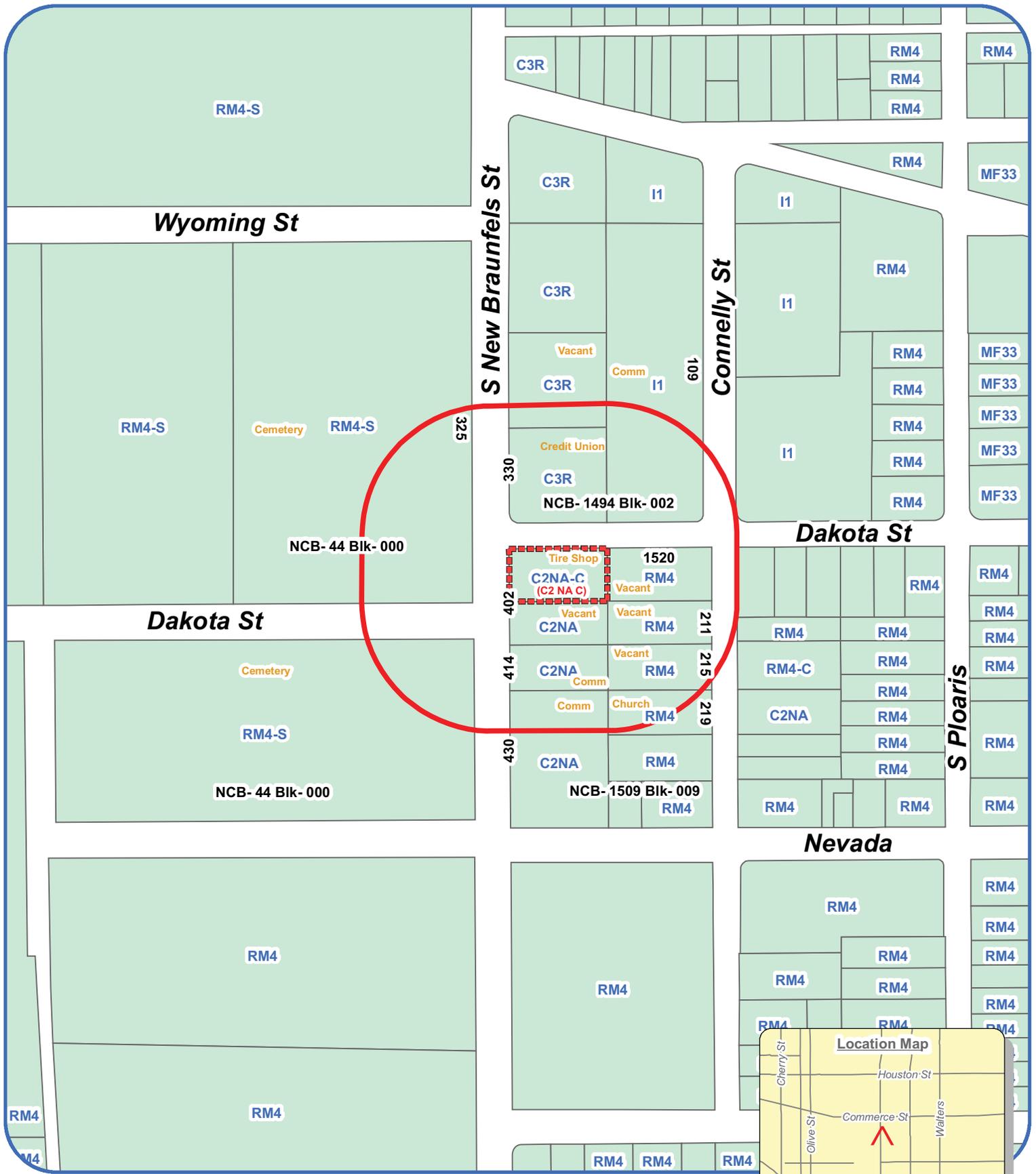
COMMISSION ACTION

The motion was made by Commissioner Gadberry and seconded by Commissioner Hawkins to recommend approval.

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

NAY: None

THE MOTION CARRIED



Zoning Case Notification Plan

Case Z-2008-201 CD

Council District 2

Scale: 1" approx. = 200'

Subject Property Legal Description(s): Lot: 1 Blk: 009 NCB: 1509

Legend

- Subject Property (0.2466 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(6/24/2008)



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

Agenda Item # Z-13
Council Meeting Date: 8/21/2008
RFCAs Tracking No: R-3685

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 2

SUBJECT:
Zoning Case Z2008201 CD

SUMMARY:

From "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for Auto Repair to "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for a Welding Facility.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: July 15, 2008

Applicant: Francisco Serrato

Owner: Francisco Serrato

Property Location: 402 South New Braunfels

Lot 1, Block 9, NCB 1509

On South New Braunfels Avenue, between Dakota Street to the north and Nevada Street to the south

Proposal: To allow a Welding Facility

Neighborhood Association: Arena District Neighborhood Association

Neighborhood Plan: Arena District/Eastside 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-2 district, prohibiting the proposed welding facility which is only allowed in the C-2 district with the approval of a conditional use.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (11-0) recommends approval with the following conditions: 1. Welding shall be incidental to the existing tire repair shop; 2. A 6-foot tall solid screen fence shall be constructed on the western property line; 3. All welding shall be performed within an enclosed structure; and 4. Operation shall be limited to normal business hours from 8 am to 7 pm.

Since the base zone is not changing, a finding of consistency is not required. The Arena District/Eastside Community Plan identifies future land use for the subject property as Medium Density Residential.

The subject property was annexed as part of the 1936 city limits and is currently being utilized as a tire repair facility. The current C-2 NA zoning designation converted from the previous B-2 NA zoning district with the adoption of the Unified Development Code in 2001. In 2003, a zoning change created the current C-2 NA CD zoning district (Ordinance # 97871). The property to the south of the subject property is zoned C-2 NA, and is currently being utilized as a payday loan facility. The property to the north, across Dakota Street, is zoned C-3 R and is being utilized as a credit union. A cemetery lies to the west of the subject property and is zoned RM-4 S. The property to the east is a vacant parcel zoned RM-4.

The applicant has applied for a C-2 NA CD with a conditional use for a welding facility. Staff believes that this is an appropriate request, as the base zoning is not changing, and the encroachment of commercial zoning into a residential neighborhood is therefore mitigated. Furthermore, the requested use for a welding facility does not appear to differ markedly in intensity from the current use on the subject property, and staff believes that the potential impact to the immediate area will be minimal. A change in the conditional use on the subject property will not interfere with the existing neighborhood to the west, as the property directly behind the subject property is vacant, thus creating a buffer between the subject property and the neighborhood beyond it.

Should the City Council approve this request, staff and Zoning Commission recommends, the following conditions:

1. Welding shall be incidental to the existing tire repair shop.
2. A 6-foot tall solid screen fence shall be constructed on the western property line.
3. All welding shall be performed within an enclosed structure.
4. Operation shall be limited to normal business hours from 8am to 7pm.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008201.pdf
Zoning Commission Minutes	Z2008201 CD.pdf
Voting Results	
Ordinance/Supplemental Documents	2008-08-21-0740.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager