

AN ORDINANCE 2008-09-18-0840

**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 Lot 23, Block 2, NCB 10774 from "C-2" Commercial District to "C-2 CD" (CD - Funeral Home) Commercial District with a Conditional Use for a Funeral Home.

**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. A 30 foot rear setback, a 15 foot landscape buffer and a physical barrier such as a fence shall be provided along the west property line of the subject property, where the subject property abuts existing "RM-4" residential mixed zoning.
- B. Commercial access to the subject property shall be limited to South W. W. White Road. No commercial access shall be allowed via Sinclair Road, Mary Helen Drive and Julia Helen Drive with the exception of delivery vehicles and staff on Sinclair Road and Mary Helen Drive.
- C. Hours of operation shall be limited to between 8:00 a.m. to 9:00 p.m.

**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 September 28, 2008.

**PASSED AND APPROVED** this 18th day of September 2008.



M A Y O R  
PHIL HARDBERGER

ATTEST:



City Clerk

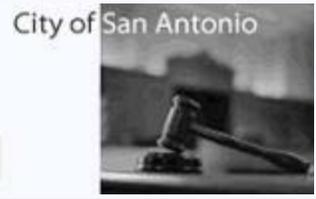
APPROVED AS TO FORM:



For City Attorney



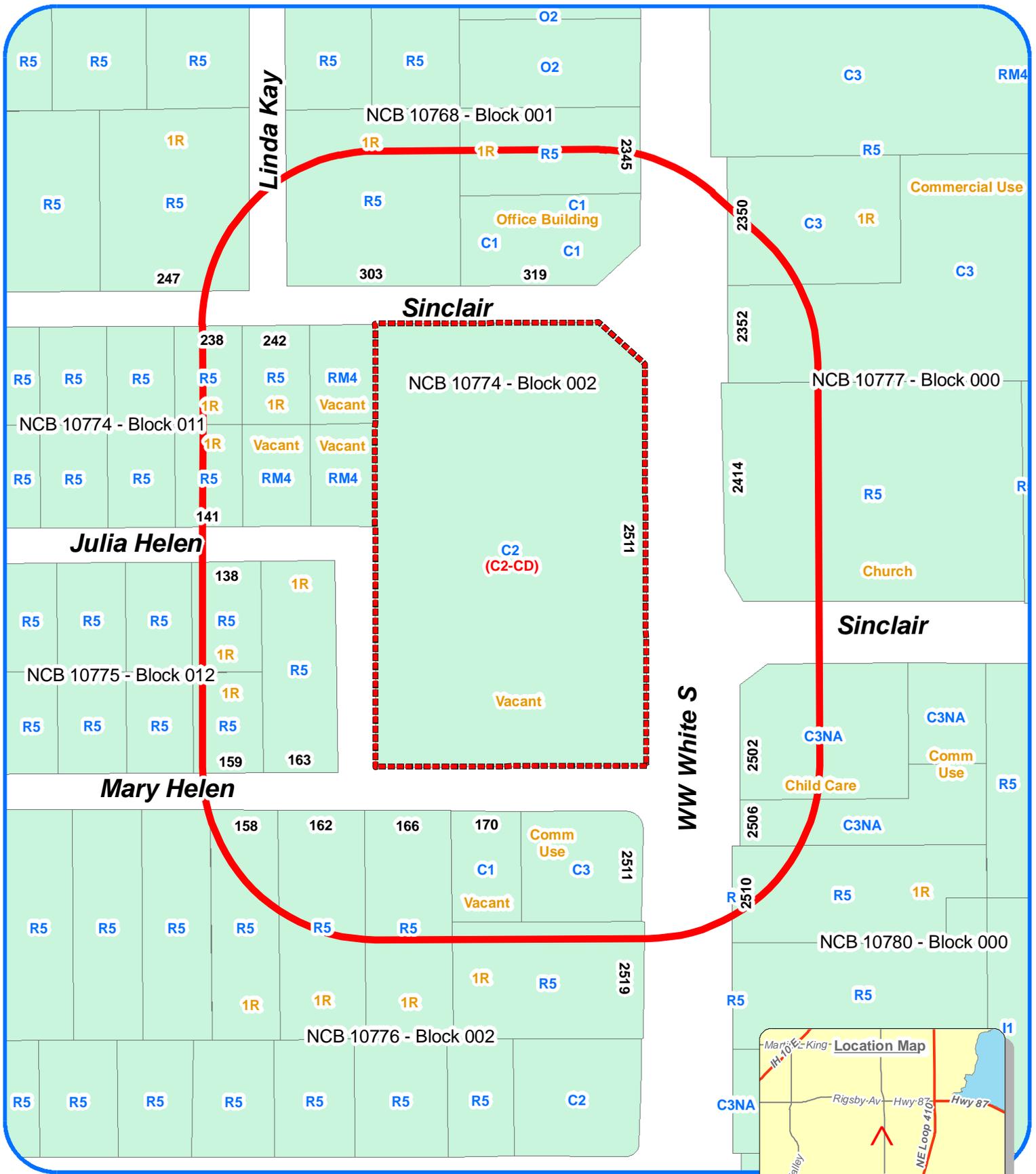
Request for  
**COUNCIL  
ACTION**



**Agenda Voting Results - Z-2**


<b>Name:</b>	Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-9, Z-10, Z-12, P-1, Z-13, Z-14, Z-15, Z-16, Z-17, Z-18, Z-19, Z-22, Z-23, Z-25, Z-29, Z-30, Z-33, Z-34
<b>Date:</b>	09/18/2008
<b>Time:</b>	02:35:17 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING CASE # Z2008220 CD (District 2): An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-2 CD" (CD - Funeral Home) Commercial District with a Conditional Use for a Funeral Home on Lot 23, Block 2, NCB 10774 located at 2415 South W. W. White Road. Staff and Zoning Commission recommend approval with conditions.
<b>Result:</b>	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				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



## Zoning Case Notification Plan

# Case Z-2008-220

Council District 2

Scale: 1" approx. = 150'

Subject Property Legal Description(s): Lot 23 - NCB 10774 - Block 002

### Legend

- Subject Property  (3.591 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept  
(07/24/2008)

## **Z2008220 CD**

### **ZONING CASE NUMBER Z2008220 CD (Council District 2) – August 5, 2008**

A request for a change in zoning from ‘C-2’ Commercial District to ‘C-2 CD’ (CD - Funeral Home) Commercial District with a Conditional Use for a Funeral Home on Lot 23, Block 2, NCB 10774, 2415 South W. W. White Road. Staff recommends approval.

This case was approved by consent.

Kim Schroeder, representative, stated the purpose of this request is to allow for a funeral home. She stated is not agreeable to staff recommendation of hours of operation being from 8:00 am to 6:00 pm. She stated services usually begin at 7:00 pm and usually last for an hour. She stated she would like to request the hours be from 8:00 am to 9:00 pm. She further stated they are planning on building a dual chapel at the facility and would like to request their be access on Mary Helen and Sinclair as well as a dual access on W. W. White Road.

Staff stated there were 28 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned in favor.

#### **COMMISSION ACTION**

**No action was taken. Chairman tabled this case until the end of the agenda.**

**ZONING CASE NUMBER Z2008220 CD (Council District 2). Chairman reopened this case for consideration.**

Kim Schroeder-Bierschwale, representative, stated the purpose of this request is to allow for a funeral home. She stated they are planning to build a dual chapel at the facility and would like to request there be access on Mary Helen and Sinclair as well as a dual access on W. W. White Road and would like to request that condition #2 be eliminated. In addition, she would like to request condition #3 be amended to 8:00 am to 9:00 pm.

#### **COMMISSION ACTION**

The motion was made by Commissioner Hawkins and seconded by Commissioner Martinez to recommend approval with the following conditions:

**Z2008220 CD**

1. A 30 foot rear setback, a 15 foot landscape buffer and a physical barrier such as a fence shall be provided along the west property line of the subject property, where the subject property abuts existing "RM-4" residential mixed zoning.
2. Commercial access to the subject property shall be limited to South W. W. White Road. There shall be no commercial access from/to Julia Helen Drive. Access to/from and have Sinclair Road and Mary Helen Drive shall be as service drives only.
3. Hours of operation shall be limited to between 8:00 a.m. to 9:00 p.m.

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

**NAY: None**

**THE MOTION CARRIED**



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

Agenda Item # Z-2  
Council Meeting Date: 9/18/2008  
RFCA Tracking No: R-3774

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 2

**SUBJECT:**  
Zoning Case Z2008220 CD

**SUMMARY:**  
From "C-2" Commercial District to "C-2 CD" (CD - Funeral Home) Commercial District with a Conditional Use for a Funeral Home.

**BACKGROUND INFORMATION:**  
**Zoning Commission Meeting Date:** August 05, 2008

**Applicant:** Don Bierschwale

**Owner:** Lujan Enterprises

**Property Location:** 2415 South W. W. White Road

Lot 23, Block 2, NCB 10774

On the southwest corner of the South W. W. White Road and Sinclair Road intersection

**Proposal:** To allow a Funeral Home

**Neighborhood Association:** Lower Southeast Side Neighborhood Association

**Neighborhood Plan:** None

**TIA Statement:** A Level 1 Traffic Impact Analysis Study will be required at permitting or platting.

**ISSUE:**  
None.

**ALTERNATIVES:**  
A denial of the request will result in the subject property retaining the current commercial zoning; prohibiting the proposed funeral home and restricting future

land uses to those permissible in a C-2 commercial zoning district.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (8-0) recommends approval with the following conditions:

1. A 30 foot rear setback, a 15 foot landscape buffer and a physical barrier such as a fence shall be provided along the west property line of the subject property, where the subject property abuts existing "RM-4" residential mixed zoning; and
2. Hours of operation shall be limited to between 8:00 a.m. to 9:00 p.m.

In addition to the conditions listed above, staff recommends the following: Commercial access to the subject property shall be limited to South W. W. White Road. No commercial access shall be allowed via Sinclair Road, Mary Helen Drive and Julia Helen Drive. However, Zoning Commission recommends the following: Customer access to the subject property shall be through South W. W. White Road. Staff and commercial delivery access shall be allowed via Sinclair Road and Mary Helen Drive.

The subject property is located on the City's east side. This approximately 3.65-acre vacant parcel is located at the southwest corner of the South W. W. White Road and Sinclair Road intersection. This property was annexed into the City on September 25, 1952. The existing "C-2" Commercial District zoning converted from "B-2" district upon adoption of the 2001 UDC. Properties to the south are zoned "C-3" and "C-1" and operate as a day care center as well as "R-5" zoning with a single-family residence. Properties to the west are zoned "RM-4" and "R-5" residential districts and are occupied by single-family structures with the exception of a vacant parcel zoned "RM-4" facing Julia Helen Drive. Properties to the north are zoned "C-1" and "R-5" and are occupied by an office and single-family structure. Properties to the east, across from South W. W. White Road (a Primary Arterial "Type A"), are zoned "C-3" and "R-5" and are currently occupied by a boat storage and a Church. The subject property is within the Lower Southeast Side Neighborhood Association.

The applicant is requesting "C-2 CD" zoning to allow a funeral home on the property. According to the applicant, there will be an embalming facility in the operation immediately and a crematorium is planned for the future. These accessory facilities will be only for this funeral home and they will not be used as a source to other funeral homes. Funeral home, typically a "C-3" use, would be appropriate for this location as a conditional use in "C-2" with the conditions.

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

1. A 30 foot rear setback, a 15 foot landscape buffer and a physical barrier such as a fence shall be provided along the west property line of the subject property, where the subject property abuts existing "RM-4" residential mixed zoning.
2. Hours of operation shall be limited to between 8:00 a.m. to 9:00 p.m.

In addition to the conditions listed above, staff recommends the following: Commercial access to the subject property shall be limited to South W. W. White Road. No commercial access shall be allowed via Sinclair Road, Mary Helen Drive and Julia Helen Drive. However, Zoning Commission recommends the following: Customer access to the subject property shall be through South W. W. White Road. Staff and commercial delivery access shall be allowed via Sinclair Road and Mary Helen Drive.

**ATTACHMENT(S):**

File Description

[Location Map](#)

[Zoning Commission Minutes](#)

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

File Name

Z2008220 CD.pdf

Z2008220 CD.pdf

200809180840.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager