

AN ORDINANCE 2008 - 11 - 20 - 1063

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 0.0198 acres out of NCB 11684 from "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization for a Wireless Communication System.

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. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

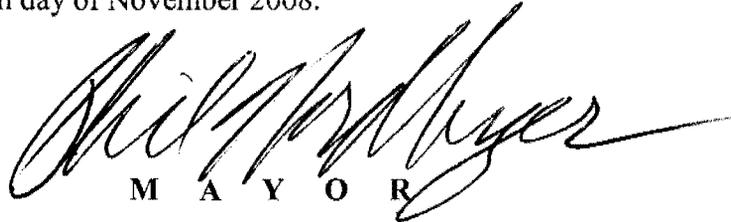
SECTION 4. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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.

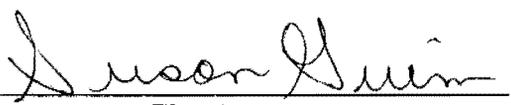
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective November 30, 2008.

PASSED AND APPROVED this 20th day of November 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney
For



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - Z-10

Name:	Z-1, Z-3, Z-4, Z-9, Z-10, P-1, Z-11
Date:	11/20/2008
Time:	05:41:43 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008266 S (District 1): An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization for a Wireless Communication System on 0.0198 acres out of NCB 11684 located at 3723 West Avenue . Staff recommends denial. Zoning Commission recommends 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				
Louis E. Rowe	District 9		x				x
John G. Clamp	District 10		x				

Z2008266 S

ZONING CASE NUMBER Z2008266 S (Council District 1) – October 21, 2008

A request for a change in zoning from “C-3” General Commercial District to “C-3 S” General Commercial District with a Specific Use Authorization for a Wireless Communication System on 0.0198 acres out of NCB 11684, 3723 West Avenue. Staff recommends denial.

Vince Huebinger, representative, stated they are proposing to wireless communication tower. He stated has been in contact with the surrounding property owners who are in support.

Staff stated there were 12 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Dellview Area Neighborhood and North Central Neighborhood Associations. Staff mailed 30 notices to the Planning Team.

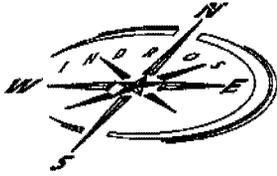
COMMISSION ACTION

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

AYES: Sherrill, McFarland, J. Valadez, Gadberry, Myers, Martinez, Gray

NAY: None

THE MOTION CARRIED



2008266

Windrose Land Services Austin Ltd
4120 Commercial Center Drive, Suite 300
Austin, Texas 78744
Phone (512) 326-2100 Fax (512) 326-2770
Professional Surveying Services

**LEGAL DESCRIPTION
LEASE SITE**

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.0198 ACRE (862 SQ. FT.) OUT OF OF LOT 25, N.C.B. 11684 OF CHRISTOPHER NO. 2 SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AS RECORDED IN VOLUME 8100, PAGE 40, B.C.D.P.R. AS CONVEYED TO FULLER'S SAFE & LOCK, INC. BY CORRECTED SHERIFFS DEED RECORDED IN VOLUME 6483, PAGE 1489, B.C.O.P.R.R.P. SAID 0.0198 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET CAPPED 1/2" I.R. LOCATED IN THE WEST LINE OF SAID LOT 25, MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, BEING LOCATED SOUTH 00°51'57" EAST, A DISTANCE OF 10.96' FROM A 1/2" IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID LOT 25;

THENCE NORTH 89°25'01" EAST, A DISTANCE OF 52.77' TO AN "X" CUT SET IN CONCRETE MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 00°51'07" EAST, A DISTANCE OF 11.00' TO AN "X" CUT SET IN CONCRETE MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89°25'01" WEST, A DISTANCE OF 21.45' TO AN "X" CUT SET IN CONCRETE MARKING AN INTERIOR ELL CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 01°51'07" EAST, A DISTANCE OF 9.00' TO AN "X" CUT SET IN CONCRETE MARKING THE MOST SOUTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89°25'01" WEST, A DISTANCE OF 31.32' TO A CAPPED 1/2" IRON ROD SET MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00°51'07" WEST, A DISTANCE OF 20.00' TO THE PLACE OF BEGINNING AND CONTAINING 0.0198 ACRE (862 SQ. FT.) OF LAND.

ACCESS, ELECTRIC AND UTILITY EASEMENT

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.0590 (2,568 SQ. FT.) OUT OF LOT 25, N.C.B. 11684 OF CHRISTOPHER NO. 2 SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AS RECORDED IN VOLUME 8100, PAGE 40, B.C.D.P.R. AS CONVEYED TO FULLER'S SAFE & LOCK, INC. BY CORRECTED SHERIFFS DEED RECORDED IN VOLUME 6483, PAGE 1489, B.C.O.P.R.R.P. SAID 0.0590 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER BEING LOCATED SOUTH 00°51'07" EAST, A DISTANCE OF 30.96' FROM A 1/2" IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID LOT 25;

THENCE NORTH 89°25'01" EAST, A DISTANCE OF 31.32' TO A POINT FOR CORNER;

THENCE NORTH 00°51'07" WEST, A DISTANCE OF 9.00' TO A POINT FOR CORNER;

THENCE NORTH 89°25'01" EAST, A DISTANCE OF 118.68' TO A POINT FOR CORNER LYING IN THE EAST LINE OF SAID LOT 25 AND BEING THE WEST RIGHT-OF-WAY LINE OF WEST AVENUE (60' R.O.W.);

THENCE ALONG THE EAST LINE OF SAID LOT 25 AND WEST RIGHT-OF-WAY LINE OF SAID WEST AVENUE, SOUTH 00°51'07" EAST, A DISTANCE OF 19.00' TO A POINT FOR CORNER;

THENCE SOUTH 89°25'01" WEST, A DISTANCE OF 150.00' TO A POINT FOR CORNER;

THENCE NORTH 00°51'07" WEST, A DISTANCE OF 10.00' TO THE PLACE OF BEGINNING AND CONTAINING 0.0590 ACRE (2,568 SQ. FT.) OF LAND.

EXHIBIT A



72000266

Windrose Land Services Austin Ltd
4120 Commercial Center Drive, Suite 300
Austin, Texas 78744
Phone (512) 326-2100 Fax (512) 326-2770
Professional Surveying Services

ELECTRIC AND UTILITY EASEMENT

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.0179 ACRE (780 SQ. FT.) OUT OF LOT 25, N.C.B. 11684 OF CHRISTOPHER NO. 2 SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AS RECORDED IN VOLUME 8100, PAGE 40, B.C.D.P.R. AS CONVEYED TO FULLER'S SAFE & LOCK, INC. BY CORRECTED SHERIFFS DEED RECORDED IN VOLUME 6483, PAGE 1489, B.C.O.P.R.P. SAID 0.0179 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID LOT 25;

THENCE NORTH 89°25'01" EAST, A DISTANCE OF 150.00' TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID LOT 25, SAME BEING THE WEST RIGHT-OF-WAY LINE OF WEST AVENUE (60' R.O.W.);

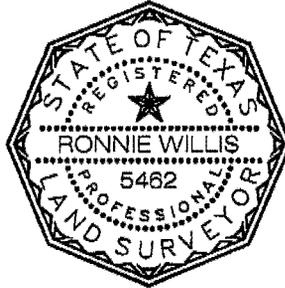
THENCE ALONG THE EAST LINE OF SAID LOT 25 AND WEST RIGHT-OF-WAY LINE OF SAID WEST AVENUE, SOUTH 00°51'07" EAST, A DISTANCE OF 5.00' TO A POINT FOR CORNER;

THENCE SOUTH 89°25'01" WEST, A DISTANCE OF 145.00' TO A POINT FOR CORNER;

THENCE SOUTH 00°51'07" EAST, A DISTANCE OF 5.96' TO A POINT FOR CORNER;

THENCE SOUTH 89°25'01" WEST, A DISTANCE OF 5.00' TO A POINT FOR CORNER;

THENCE NORTH 00°51'07" WEST, A DISTANCE OF 10.96' TO THE PLACE OF BEGINNING AND CONTAINING 0.0179 ACRE (780 SQ. FT.) OF LAND.



RONNIE WILLIS, RPLS #5462
SEPTEMBER 16, 2008
ALAMO LOCK
SA1113A
JOB # 20010



Zoning Case Notification Plan

Case Z2008-266 S

Council District 1

Scale: 1" approx. = 100'

Subject Property Legal Description(s): Lot 25 NCB 11684 Blk 00

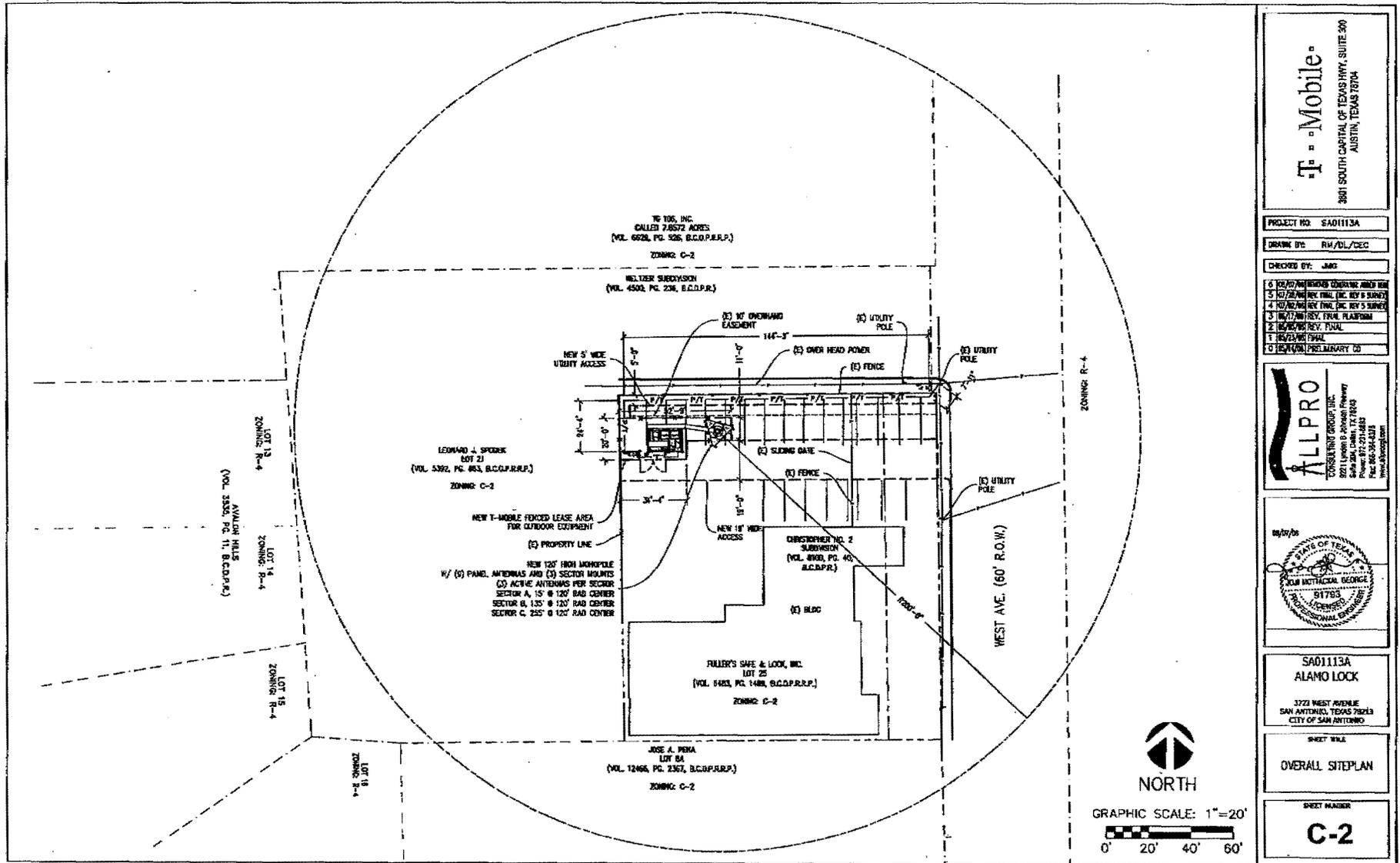
Legend

- Subject Property (0.0198 acres)
- 200' Notification Buffer
- Current Zoning C3
- Requested Zoning Change (C3 S)
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 09/22/2008
 D. E. Castillo

Z2008266



T-Mobile

3601 SOUTH CAPITAL OF TEXAS HWY., SUITE 500
AUSTIN, TEXAS 78704

PROJECT NO.	SA01113A
DRAWN BY	RH/DL/SEC
CHECKED BY	JMG
1	REVISION PRELIMINARY CD
2	REVISION REV. FINAL
3	REVISION REV. FINAL PLATFORM
4	REVISION REV. FINAL (CITY REVIEW)
5	REVISION REV. FINAL (CITY REVIEW)
6	REVISION REV. FINAL (CITY REVIEW)

ALPRO
 TECHNICAL SERVICES, INC.
 5001 N. LOOP W. SUITE 1000
 HOUSTON, TEXAS 77043
 Phone: 281-941-8888
 Fax: 281-941-8311
 www.alpro.com

04/07/06

SA01113A
ALAMO LOCK
 3721 WEST AVENUE
 SAN ANTONIO, TEXAS 78214
 CITY OF SAN ANTONIO

SHEET TITLE
OVERALL SITEPLAN

SHEET NUMBER
C-2

EXHIBIT B



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-10
Council Meeting Date: 11/20/2008
RFCA Tracking No: R-4122

DEPARTMENT: Planning & Development
Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 1

SUBJECT:
Zoning Case Z2008266 S

SUMMARY:

From "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization for a Wireless Communication System.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: October 21, 2008

Applicant: T-Mobile Wireless

Owner: Fuller's Alamo Safe & Lock

Property Location: 3723 West Avenue

0.0198 acres out of NCB 11684

On the west side of West Avenue, between Nassau to the south and South Amnon Drive to the north.

Proposal: To allow a Wireless Communication System.

Neighborhood Association: Dellview Area Neighborhood Association. North Central Neighborhood Association is within 200 feet.

Neighborhood Plan: Greater Dellview Area Community Plan

TIA Statement: A Traffic Impact Analysis is not required.

ISSUE:
None.

ALTERNATIVES:

A denial of this zoning request would result in the subject property retaining the current zoning classification of C-3 Commercial District, prohibiting the proposed wireless communication

system, which is only allowed in the C-3 district with the approval of a specific use authorization.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff recommends denial. Zoning Commission (7-0) recommends approval.

The subject property is located within a parking area for a retail safe and lock business, which has ingress/egress on West Avenue (a Secondary Arterial "Type B" street). The property is adjacent to C-2 zoning to the north, south and west and R-4 zoning to the east across West Avenue. The surrounding land uses consist of an apartment complex to the north, a post office and residential neighborhood to the west, commercial retail uses to the south and residential dwellings to the east across West Avenue.

The applicant has applied for a Specific Use Authorization in order to construct a wireless communication system with accessory support structures on approximately 0.0198 acres (862 square feet) of the commercial property. This system is proposed to consist of a 120-foot tall monopole and an equipment shelter. According to the applicant, this location is a preferred site to eliminate gaps in cellular phone service in the area. The Unified Development Code sets a standard of 200 feet for separation between wireless communication systems and residential districts and uses; there are at least five residential properties within 200 feet from the proposed wireless communication system site.

The requested specific use authorization for a wireless communication system did not require a finding of consistency with the Greater Dellview Area Community land use plan, since the base zoning was not changed. The Greater Dellview Area Community Plan identifies future land use for the subject property as Neighborhood Commercial.

Staff believes that a wireless communication tower, as proposed, at this location would not advance the goals of the Greater Dellview Area Community Plan. The Plan encourages uses that would enhance the aesthetic quality of the area, and discourages commercial encroachment into residential areas. Although wireless communication systems are not explicitly addressed in the plan, the plan goals imply that such structures are an impediment to the aesthetic of the neighborhood. This segment of West Avenue is characterized by overhead utility lines and street lamps; a factor taken into account when the Plan goals were developed.

Staff encourages the applicant to consider co-location or clustering of the proposed wireless communication system with other existing wireless systems in the vicinity, and/or to consider stealth design. Should the City Council recommend approval of the Specific Use Authorization, it is possible that concerns may be addressed by placing conditions on the height or other elements of the proposed monopole. If approved, the surrounding commercial business(es) would need to meet the parking standards of the UDC.

The purpose of the specific use authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations.

ATTACHMENT(S):

File Description

[Location Map](#)

[Site Plan](#)

[Zoning Commission Minutes](#)

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

File Name

Z2008266.pdf

Z2008266 S_Site Plan.pdf

Z2008266 S.pdf

200811201063.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

November 24, 2008.

Subscribed and sworn to before me this 24th day of November, 2008, to certify which witness my hand and seal of office.

PUBLIC NOTICE

**AN ORDINANCE
2008-11-20-1063**

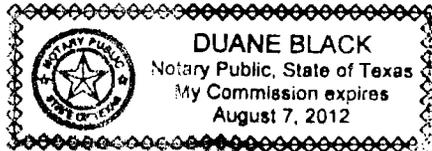
AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.0198 acres out of NCB 11684 TO WIT: From "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization for a Wireless Communication System provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
11/24



Helen I. Lutz, Publisher



Notary Public in and for the State of Texas



Duane Black
Name of Notary

My commission expires August 7, 2012