

AN ORDINANCE 2008-08-07-0672

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 and Lot 2, Block 54, NCB 8033 from "R-6" Residential Single-Family District to "R-6 CD" (CD-Professional Office) Residential Single-Family District with a Conditional Use for a Professional Office.

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. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
- C. Hours of operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

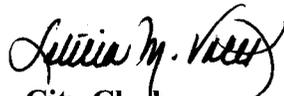
SECTION 4. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

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 August 17, 2008.

PASSED AND APPROVED this 7th day of August 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney
for

Agenda Item:	Z-4 (in consent vote: Z-1, Z-4, Z-5, Z-6, Z-8, Z-9, Z-10, P-1, Z-13, Z-14, Z-15, Z-16)						
Date:	08/07/2008						
Time:	05:21:01 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2008168 CD (District 4): An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "R-6" (CD-Professional Office) Residential Single-Family District with a Conditional Use for a Professional Office on Lot 1 and Lot 2, Block 54, NCB 8033 located at 922 Wagner Avenue. 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				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x			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-2008-168 CD

Council District 4

Scale: 1" approx. = 150'

Subject Property Legal Description(s): Lot: 1 and 2 Block: 054 NCB: 8033

Legend

- Subject Property (0.1435 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change R6
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(5/29/2008)



AFFIDAVIT OF PUBLICATION

(COUNTY OF BEXAR)
(STATE OF TEXAS)

I, Lynette Nelson do solemnly swear that the notice was published 1 time(s) in the following publication(s):

Daily Commercial Recorder

PUBLIC NOTICE

AN ORDINANCE 2008-08-07-0672

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: Lot 1 and Lot 2, Block 54, NCB 8033 TO WIT: From "R-6" Residential Single-Family District to "R-6 CD" (CD-Professional Office) Residential Single-Family District with a Conditional Use for a Professional Office provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
8/11

A free weekly newspaper of general circulation published at San Antonio, Bexar County, Texas on the following dates:

August 11, 2008

Lynette Nelson

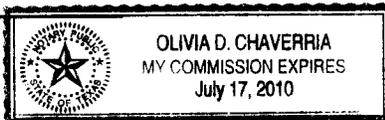
Lynette Nelson

Subscribed and sworn before me, this

8th day of December, 2008

Olivia D. Chaverria

NOTARY PUBLIC SIGNATURE



Olivia D. Chaverria

Notary Public Printed/Typed Name

My Commission Expires: 07/17/2010



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

Agenda Item # Z-4
Council Meeting Date: 8/7/2008
RFCAMemo Tracking No: R-3550

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 4

SUBJECT:
Zoning Case Z2008168 CD

SUMMARY:
From "R-6" Residential Single-Family District to "R-6 CD" (CD-Professional Office) Residential Single-Family District with a Conditional Use for a Professional Office.

BACKGROUND INFORMATION:
Zoning Commission Meeting Date: June 17, 2008

Applicant: Jerman O. Garcia
Owner: Jerman O. and Hilda M. Garcia

Property Location: 922 Wagner Avenue

Lot 1 and Lot 2, Block 54, NCB 8033

On the south side of Wagner Avenue west of South Zarzamora Street.

Proposal: To allow a Professional Office.

Neighborhood Association: None

Neighborhood Plan: Kelly/South San P.U.E.B.L.O. Community Plan.

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

ISSUE:
None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current "R-6" Residential Single Family District zoning, restricting future land use to single family detached dwellings at a maximum of 7 units per acre, prohibiting the proposed professional office use, which is only allowed in the R-6 district with the approval of a conditional use.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (9-0) recommend approval with the following conditions: 1. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure; 2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; and 3. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

Since the base zone is not changing, a finding of consistency is not required. The Kelly/South San P.U.E.B.L.O. Community Plan identifies future land use for the subject property as Medium Density Residential.

Given the subject property's location at the periphery of a residential subdivision, a small-scale professional office would not be inappropriate at this location. The Unified Development Code (UDC) authorizes professional office uses in residential districts conditionally, with automatic restrictions designed to preserve the property's residential character, and limit negative impacts to nearby properties.

The subject property was annexed into the city in September of 1944 and is located within the Columbia Heights subdivision. The lot measures just over 6,250 square feet and the existing dwelling dates to 1994 with a living area of about 922 square feet. The requested conditional use is to allow a professional office on the site. Whether this request is denied or approved and the use established, the base zoning will remain in effect and continue to allow residential occupancy as a primary use. Staff believes that the "R-6" (CD-Professional Office) would be compatible with the commercial node at the intersection of Wagner Avenue and South Zarzamora and that the subject property is likely to be better utilized for office uses.

The subject property is occupied by a single-family dwelling and is located on Wagner Avenue, a local access street. The subject property is adjacent to a Right Of Way to the west, "R-6" Residential Single-Family District to the south and "C-1" Commercial District to the east with "C-2" Commercial District across Wagner Avenue to the north. The "R-6" CD Residential Single-Family District with a Conditional Use for a Professional Office is consistent and in character with the development pattern along South Zarzamora. No change is proposed to the base zoning of "R-6" Residential Single-Family District. The subject property is adjacent to a dental clinic to the east and medical clinic to the north, and single-family dwellings to the west and south. The zoning request would act as a buffer between the clinics and the single-family residential land uses. "R-6" (CD- Professional Offices) is appropriate at this particular location because of the high amount of customer traffic along Wagner Avenue and Clinton Street from the clinics.

Should the City Council approve this requested conditional use, the following conditions are required per the Unified Development Code, unless otherwise modified or approved by City Council:

- 1.) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- 2.) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
- 3.) Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

ATTACHMENT(S):

File Description	File Name
Zoning Map	Z2008168.pdf
Zoning Commission Minutes	Z2008168 CD.pdf
Voting Results	
Ordinance/Supplemental Documents	200808070672.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager