

**AN ORDINANCE 2008-10-16-0951**

**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 0.465 acres out of NCB 1758 from "C-3NA RIO-2" General Commercial, Nonalcoholic Sales, River Improvement Overlay District-2 to "IDZ RIO-2" Infill Development Zone, River Improvement Overlay District-2 with uses permitted in "C-3" General Commercial District, "D" Downtown District "MF-50" Multi-Family District and the following additional uses: 1. Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling. 2. Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile. 3. The fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility. 4. The fabrication of glass and metal products. The following uses are prohibited: auto sales, auto and light truck repair, auto muffler installation, auto upholstery, taxi services, medical wholesale, home improvement center, gasoline station with repair and car wash, lawn mower repair and tool rental.

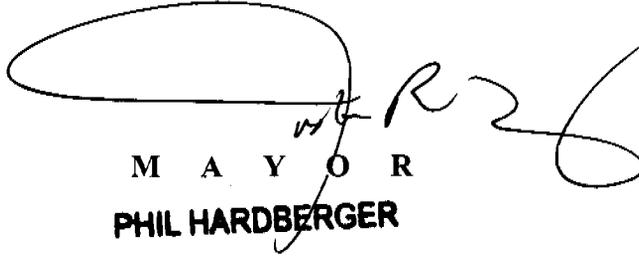
**SECTION 2.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** 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.

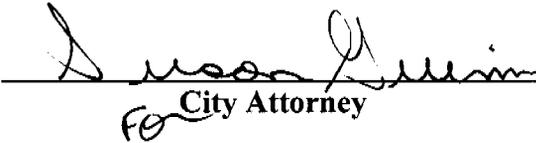
**SECTION 4.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 5.** This ordinance shall become effective October 26, 2008.

**PASSED AND APPROVED** this 16<sup>th</sup> day of October 2008.

  
M A Y O R  
PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney



Request for  
**COUNCIL  
ACTION**

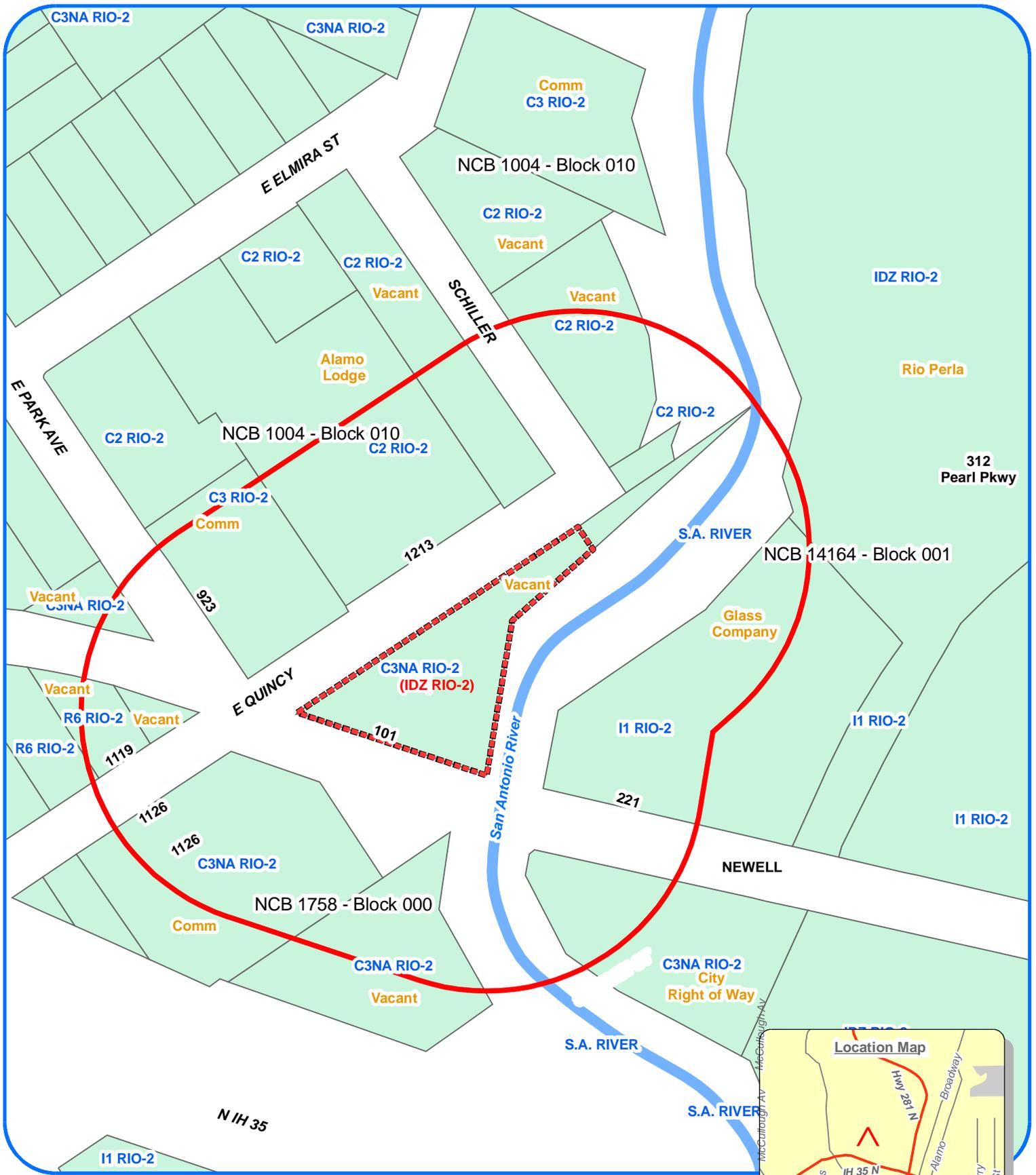


**Agenda Voting Results - Z-3**

<b>Name:</b>	Z-2, Z-3, Z-4, Z-5, Z-10, Z-11, Z-13, Z-14
<b>Date:</b>	10/16/2008
<b>Time:</b>	04:36:50 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING CASE # Z2008251 (District 1): An Ordinance amending the Zoning District Boundary from "C-3NA RIO-2" General Commercial, Nonalcoholic Sales, River Improvement Overlay District-2 to "IDZ RIO-2" Infill Development Zone, River Improvement Overlay District-2 with uses permitted in "C-3" General Commercial District, "D" Downtown District "MF-50" Multi-Family District and the following additional uses: 1. Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling. 2. Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile. 3. The fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility. 4. The fabrication of glass and metal products. The following uses shall be prohibited: auto sales, auto and light truck repair, auto muffler installation, auto upholstery, taxi services, medical wholesale, home improvement center, gasoline station with repair and car wash, lawn mower repair and tool rental, on 0.465 acres out of NCB 1758 located at 101 Newell. Staff and Zoning Commission recommend approval.
<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 Z2008251

Council District 1

Scale: 1" approx. = 120'

Subject Property Legal Description(s): 0.465 Acres out of NCB 1758

### Legend

- Subject Property  (0.465 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept  
(08/21/2008)

## **Z2008251**

### **ZONING CASE NUMBER Z2008251 (Council District 1) – September 16, 2008**

A request for a change in zoning from “C-3NA RIO-2” General Commercial, Nonalcoholic Sales, River Improvement Overlay District-2 to “IDZ RIO-2” Infill Development Zone, River Improvement Overlay District-2 with uses permitted in “C-3” General Commercial District, “D” Downtown District “MF-50” Multi-Family District and the following additional uses: 1. Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling. 2. Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile. 3. The fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility. 4. The fabrication of glass and metal products on .465 acres out of NCB 1758, 101 Newell. Staff recommends approval pending Plan Amendment.

Frank Burney, representative, stated he would like to amend his request as staff has recommended to prohibit the following uses:

- Used Auto sales
- Auto sales
- Auto and light truck repair
- Auto muffler installation
- Auto upholstery
- Taxi services
- Medical wholesales
- Home improvement center
- Gasoline station with repair and car wash
- Lawnmower repair
- Tool rental

He stated their intent is to allow for mixed commercial use development.

Staff stated there were 18 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Tobin Hill Neighborhood Association and Tobin Hill Residents Association. Staff has mailed out 26 notices to the Planning Team.

**Z2008251**

**FINDING OF CONSISTENCY OF THE MASTER PLAN**

**COMMISSION ACTION**

The motion was made by Commissioner Westheimer and seconded by Commissioner Martinez to find consistent with the neighborhood plan.

(A verbal vote was taken)

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

**NAYS: None**

**RECUSED: Gray**

**THE MOTION CARRIED**

**COMMISSION ACTION**

The motion was made by Commissioner Westheimer and seconded by Commissioner Wright to recommend approval as amended.

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

**NAY: None**

**RECUSED: Gray**

**THE MOTION CARRIED**

**METES AND BOUNDS DESCRIPTION OF A 0.465 ACRE TRACT**

Being 0.465 acres out of Lot 9A (the remainder of Lots 8 and 9 lying on the north side of Newell Ave.), N.C.B. 1758, City of San Antonio, as recorded in Volume 7064, Page 395, Real Property Records of Bexar County, Texas; and being further described as follows:

**BEGINNING** at a ½" iron rod found in the southeast line of Quincy St., being the north corner of a cutback line to the north line of Newell Ave.; (Note: There are two iron rods found 2" apart at this Point of Beginning; the northeasternmost rod is the one that best fits the original survey and is the one used for this description.)

**THENCE** with the said southeast line of Quincy St. (right-of-way width varies), North 55° 56' 52" East 298.27 feet to a 5/8" iron rod found for the north corner of the herein described tract;

**THENCE** with the northeast line of this tract, the southwest line of a 0.0691 acre (3,011 square feet) tract out of Lot 9A, N.C.B. 1758, conveyed to the San Antonio River Authority by Instrument recorded in Volume 11171, Page 1297, Deed Records of Bexar County, Texas, South 34° 03' 08" East 30.00 feet to a 5/8" iron rod found for the northeast corner of the herein described tract, in the northwest line of the San Antonio River;

**THENCE** with the northwest and west line of the San Antonio River, South 47° 26' 52" West 101.54 feet to a ½" iron rod found and South 19° 17' 04" West 143.07 feet to an "x" chiseled in concrete found in the revised north line of Newell Ave.;

**THENCE** with the south line of the herein described tract, the north line of a 0.0007 acre (28.75 square feet) tract conveyed to the State of Texas to widen Newell Ave. by instrument recorded in Volume 3530, Page 1886, Deed Records of Bexar County, Texas, North 74° 27' 36" West 27.63 feet to a found "x" cut in a concrete walk, for an angle point;

**THENCE** with the south line of this tract, the north line of Newell Ave., North 70° 17' 16" West 120.63 feet to a found "x" in concrete at the south end of a cutback line to Quincy St.;

**THENCE** with said cutback line to Quincy St., the northeast line of a 0.0021 acre (90.74 square feet) tract conveyed to the State of Texas for highway purposes by instrument recorded in Volume 3530, Page 1886, Deed Records of Bexar County, Texas, North 07° 10' 12" West, at 1.40 feet a found ½" iron rod with cap labeled Pape Dawson, and at 10.97 feet found same, a total distance of 13.56 feet to the **POINT OF BEGINNING** and containing 0.465 acres (20,276 square feet), more or less.

**Surveyor's Notes:**

1. A telecommunication easement shown on a survey drawing recorded in Vol. 3107, Pg. 792, and Vol. 13202, Pg. 333, Deed Records of Bexar County, Texas, containing 0.045 acres (1970 square feet); which shows the south line of the easement to be coterminous with the south line of the hereinabove described tract; however the ½" iron rod set for the southwest corner of the easement was found North 7° 10' 12" West 1.40 feet from the "x" found for the southwest corner of said 0.465 acre tract.
2. This tract is subject to a drainage easement extending easterly from Quincy St. as described by instrument recorded in Volume 2567, Page 133; and a telecommunications easement along Newell Ave. recorded in Volume 3107, Page 792 and Volume 13202,

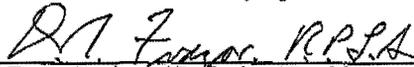
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Page 333, Real Property Records of Bexar County, Texas (District Court Cause No. 2006-CI-07412).

3. This tract is not subject to a flood control tunnel easement recorded in Volume 4298, Page 1453, Deed Records of Bexar County, Texas.
4. By map check only, an undetermined portion of this property adjacent to the San Antonio River lies within the 100 year flood zone per F.B.M.A. Map No. 48029C0455F, dated June 18, 2007.

STATE OF TEXAS        §  
   § January 31, 2008  
COUNTY OF BEXAR    §

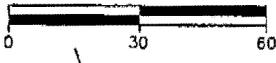
It is hereby certified that the above description was prepared from an actual survey on the ground of the described 0.465 acre tract made under my supervision.

  
\_\_\_\_\_  
D.R. Frazor, Registered Professional Land Surveyor No. 2366



*Sun Belt Engineers, Inc.*  
CIVIL ENGINEERS AND SURVEYORS  
3211 NACOGDOCHES ROAD, SUITE 101  
SAN ANTONIO, TEXAS 78217-3398  
Phone: (210) 655-6110  
Fax: (210) 655-3468

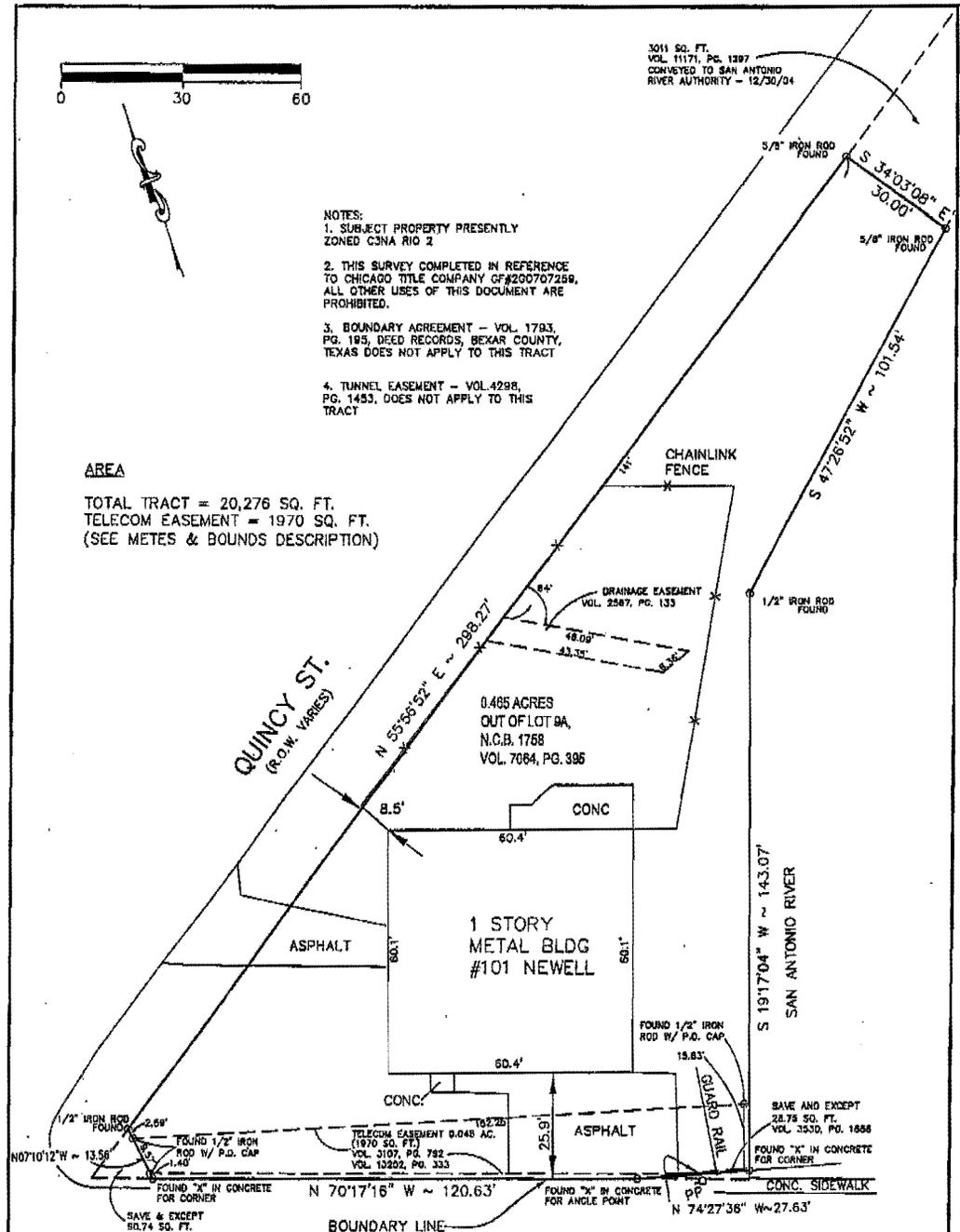
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3011 SQ. FT.  
VOL. 11171, PG. 1397  
CONVEYED TO SAN ANTONIO  
RIVER AUTHORITY - 12/30/04

- NOTES:
1. SUBJECT PROPERTY PRESENTLY ZONED CSNA R10 2
  2. THIS SURVEY COMPLETED IN REFERENCE TO CHICAGO TITLE COMPANY OF #200707259. ALL OTHER USES OF THIS DOCUMENT ARE PROHIBITED.
  3. BOUNDARY AGREEMENT - VOL. 1793, PG. 195, DEED RECORDS, BEXAR COUNTY, TEXAS DOES NOT APPLY TO THIS TRACT
  4. TUNNEL EASEMENT - VOL. 4298, PG. 1453, DOES NOT APPLY TO THIS TRACT

AREA  
TOTAL TRACT = 20,276 SQ. FT.  
TELECOM EASEMENT = 1970 SQ. FT.  
(SEE METES & BOUNDS DESCRIPTION)



**SURVEY PLAT OF:**  
0.465 ACRES (20,276 S.F.) OUT OF LOT 9A, N.C.B. 1758, CITY OF SAN ANTONIO, AS RECORDED IN VOL. 7064, PG. 395, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS.

**NOTE:**  
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

**Reference:**  
VOLUME 7064, PAGE 395,  
DEED AND PLAT RECORDS OF  
BEXAR COUNTY, TEXAS.

**BOUNDARY LINE -  
NEWELL AVE.  
(60' R.O.W.)**



PREPARED BY:  
**SUN BELT ENGINEERS, INC.**  
3211 NACODOCHES ROAD  
SAN ANTONIO, TEXAS  
(210) 855-8110

**NOTE:**  
BY MAP CHECK ONLY, AN UNDETERMINED PORTION OF THIS PROPERTY ALONG THE SAN ANTONIO RIVER LIES WITHIN THE 100-YEAR FLOOD ZONE PER FEMA MAP#48029GD459F, DATED JUNE 18, 2007

STATE OF TEXAS  
COUNTY OF BEXAR

I HEREBY STATE THAT THE ABOVE PLAT IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

This 31 day of JAN., 2008 A.D.

*D.R. Frazor*  
D.R. FRAZOR, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2368  
Job No. 07052



**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  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

October 20, 2008  
\_\_\_\_\_  
Order# 20396390  
\_\_\_\_\_  
ORDINANCE 2008-10-16-0951  
\_\_\_\_\_

Lynette Nelson  
\_\_\_\_\_  
Lynette Nelson

Subscribed and sworn before me, this  
20th day of February, 2009

Olivia D. Chaverria  
\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE

Olivia D. Chaverria  
\_\_\_\_\_  
Notary Public Printed/Typed Name

My Commission Expires: 07/17/2010

**PUBLIC NOTICE**

**AN ORDINANCE 2008-10-16-0951**

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: 0.465 acres out of NCB 1758 TO WIT: From "C-3NA RIO-2" General Commercial, Nonalcoholic Sales, River Improvement Overlay District-2 to "IDZ RIO-2" Infill Development Zone, River Improvement Overlay District-2 with uses permitted in "C-3" General Commercial District, "D" Downtown District "MF-50" Multi-Family District and the following additional uses: 1. Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling. 2. Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile. 3. The fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility. 4. The fabrication of glass and metal products. The following uses are prohibited: auto sales, auto and light truck repair, auto muffler installation, auto upholstery, taxi services, medical wholesale, home improvement center, gasoline station with repair and car wash, lawn mower repair and tool rental. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
10/20





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

Agenda Item # Z-3  
Council Meeting Date: 10/16/2008  
RFCA Tracking No: R-3960

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**DEPARTMENT:** Planning & Development  
Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 1

**SUBJECT:**  
Zoning Case Z2008251

**SUMMARY:**

From "C-3NA RIO-2" General Commercial, Nonalcoholic Sales, River Improvement Overlay District-2 to "IDZ RIO-2" Infill Development Zone, River Improvement Overlay District-2 with uses permitted in "C-3" General Commercial District, "D" Downtown District "MF-50" Multi-Family District and the following additional uses: 1. Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling. 2. Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile. 3. The fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility. 4. The fabrication of glass and metal products.

The following uses shall be prohibited: auto sales, auto and light truck repair, auto muffler installation, auto upholstery, taxi services, medical wholesale, home improvement center, gasoline station with repair and car wash, lawn mower repair and tool rental.

**BACKGROUND INFORMATION:**

**Zoning Commission Meeting Date:** September 16, 2008

**Applicant:** Broadway SA Investors GP LLP

**Owner:** Broadway SA Investors GP LLC

**Property Location:** 101 Newell

0.465 acres out of NCB 1758

The northeast corner of the Newell Street and Quincy Street Intersection.

**Proposal:** To allow for a mixed use development.

**Neighborhood Association:** Tobin Hill Neighborhood Association and Tobin Hill Residents Association

**Neighborhood Plan:** Tobin Hill Neighborhood 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 commercial zoning, allowing many commercially-oriented uses permitted by the current C-3 district and would prohibit the proposed mixed use development.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (7-0) recommend approval.

The requested Infill Development Zone is consistent with the land use designation identified in the Tobin Hill Neighborhood Plan. The Tobin Hill Neighborhood Plan designates the subject property as High Density Mixed Use.

The subject property is within the original city limits and totals approximately .465 acres. There is an existing commercial structure on the subject property that measures approximately 3600 square feet and was constructed in 1978. Upon adoption of the 2001 Unified Development Code, the existing C-3NA zoning converted from the previous B-3NA zoning classification. The River Improvement Overlay District was added by City Council on June 13, 2002 (Ordinance #95908.)

Property to the northwest across Quincy Street is zoned "C-3 RIO-2" General Commercial, River Improvement Overlay District-2 and "C-2 RIO-2" Commercial, River Improvement Overlay District-2. Property to the southwest across Newell Street is zoned "C-3NA" General Commercial Non-alcoholic Sales, River Improvement Overlay District-2. The San Antonio River is east of the subject property. Land uses immediately adjacent to the proposed development consist of various commercial uses to the northwest across Quincy Street and an auto repair facility to the southwest across Newell Street. The Pearl Brewery development and Samuels Glass Company are located to the east of the subject property across the San Antonio River.

The applicant has applied for IDZ zoning in order to allow for a mixed use development. The subject property is located within an area where an adaptive re-use of property is encouraged. The purpose for an Infill Development Zone (IDZ) is to encourage and facilitate development on vacant property or the redevelopment of underutilized buildings or structures within existing developed areas. Given the existing mixed-use development pattern in the area, and the location of the subject property, the requested zoning and proposed infill development is appropriate for and suitable to the area.

Since the subject property lies within the River Improvement Overlay District, the San Antonio River Commission is authorized to make a recommendation to the Zoning Commission if it so chooses. The River Commission met on August 26th for a briefing on the case and took no action on the item.

The purpose of the Infill Development Zone is to provide flexible standards for the development and reuse of underutilized parcels. Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. Any use may be permitted within an "IDZ" so long as it complies with the standards of this Section.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">Location Map</a>	Z2008251.pdf
<a href="#">Zoning Commission Minutes</a>	Z2008251.pdf
<a href="#">Voting Results</a>	
<a href="#">Ordinance/Supplemental Documents</a>	200810160951.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director Planning & Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager