

AN ORDINANCE 2008-09-18-0855

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 0.929 acres out of CB 4447, also known as NCB 15478, from "R-5" Residential Single-Family District to "HE R-5" Historic Exceptional Residential Single-Family District.

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 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: 
City Attorney



Request for
**COUNCIL
ACTION**

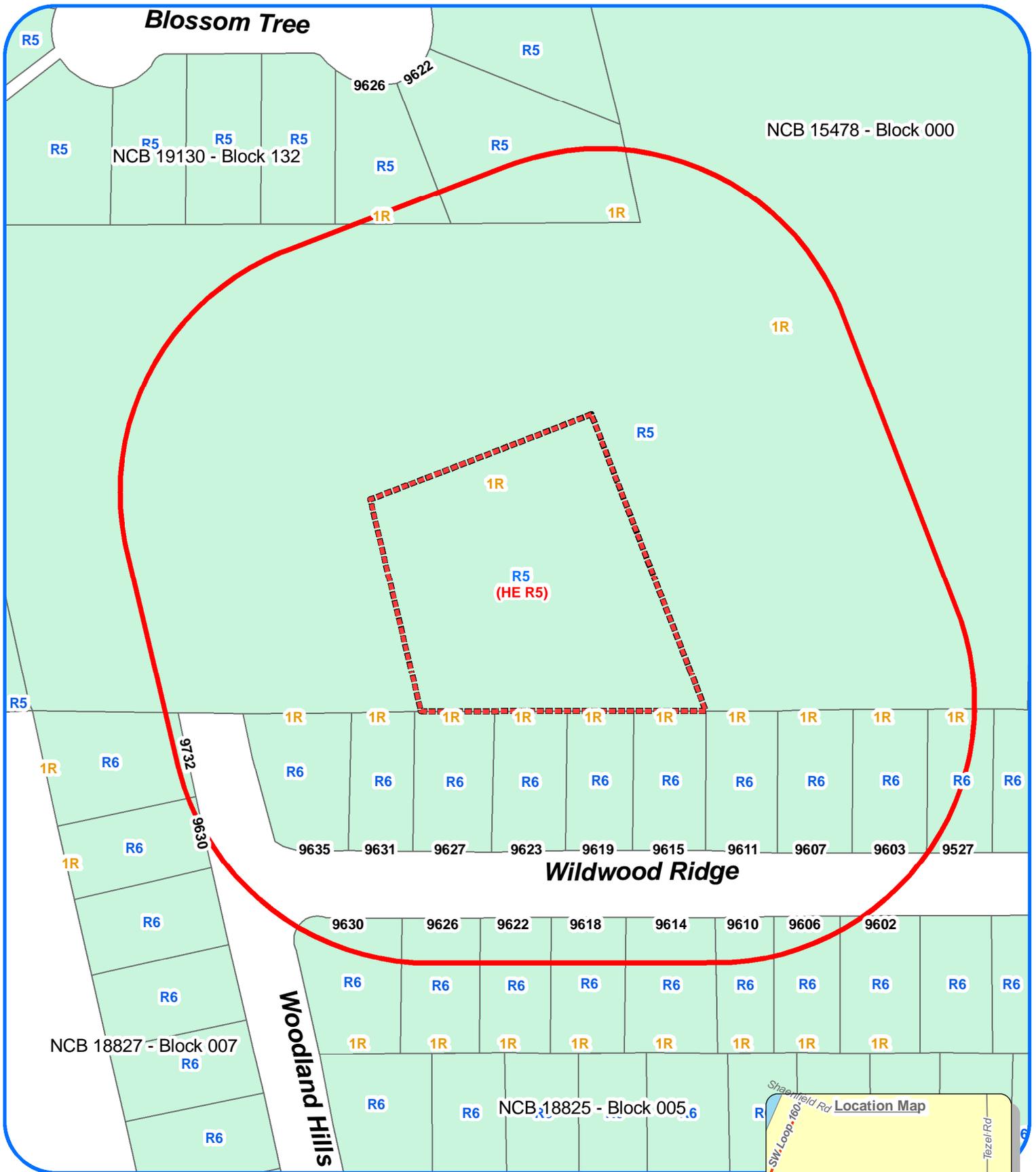
City of San Antonio



Agenda Voting Results - Z-18

Name:	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
Date:	09/18/2008
Time:	02:35:17 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008236 (District 6): An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District to "HE R-5" Historic Exceptional, Residential Single-Family District on Parcel 7, .929 acres out of CB 4447 also known as NCB 15478, located at 6709 Forest Village. Staff and Zoning Commission recommend 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				
John G. Clamp	District 10		x				x



Zoning Case Notification Plan

Case Z2008236

Council District 6

Scale: 1" approx. = 200'

Subject Property Legal Description(s): 0.92 acres out of CB 4447 (NCB 15478)

Legend

- Subject Property (0.929 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change R6
- 100-Year FEMA Floodplain



72008236

Metes and Bounds
Description

Being 0.929 acre tract out of a 6.781 acre tract situated in the Domingo Perez Survey No. 190, County Block 4447, San Antonio, Bexar County, Texas as conveyed to Paul James Tezel, Trustee of the Otto Emil Tezel Trust to deed recorded in Volume 7232, Pages 1705-1710, Official Public Records of Real Property, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found, being the northeast corner of a certain 1.714 acre drainage tract recorded in Volume 4383, Page 817 of the Real Property Records of Bexar county Texas, the southwest corner of Lot 7, Block 132, NCB 19130, Northwest Crossing Unit 40 as conveyed to Raymond and Grace Sanchez recorded in Volume 9381, Page 1134 of the Real Property Records of Bexar county Texas, and the northwest corner of the said 6.781 and the Place of Commencing hereof;

Thence: with the common line of Northwest Crossing Unit 40 and the north line of said 6.781 acre tract, S 86° 26' 22" E, a distance of 554.57 feet to a 1/2 inch iron rod found for an interior corner of said 6.781 acres;

Thence: crossing said 6.781 acres for the next Two (2) courses:

S 16° 19' 31" W, a distance of 145.43 feet to a 1/2 inch iron rod set for the north corner hereof and the PLACE OF BEGINNING;

S 17° 03' 05" E, a distance of 245.49 feet to 1/2 inch iron rod found in the north line of Block 6 NCB 18826 Northwest Village Unit 2 and the Southeast corner of the herein described tract;

Thence: with the north line of said Northwest Village 2 and the south line of the 6.781 acre tract the following Two (2) courses;

N 85° 36' 24" W, a distance of 6.71 feet to a 1/2 inch iron rod set for an angle point hereof;

N 86° 03' 33" W, a distance of 213.29 feet to a 1/2 inch iron rod found and the Southwest corner of the herein described tract;

Thence: crossing said 6.781 acre tract the following Two (2) courses;

N 09° 21' 52" W, a distance of 168.29 feet to a 1/2 inch iron rod set for the northwest corner hereof;

N 72° 59' 45" E, a distance of 182.87 feet to the PLACE OF BEGINNING and containing 0.929 acres more or less.

Note: I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All iron rods set are 1/2 inch rebar with Westar survey caps attached.
W:137971.doc

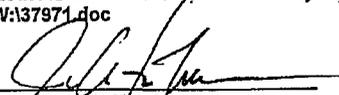
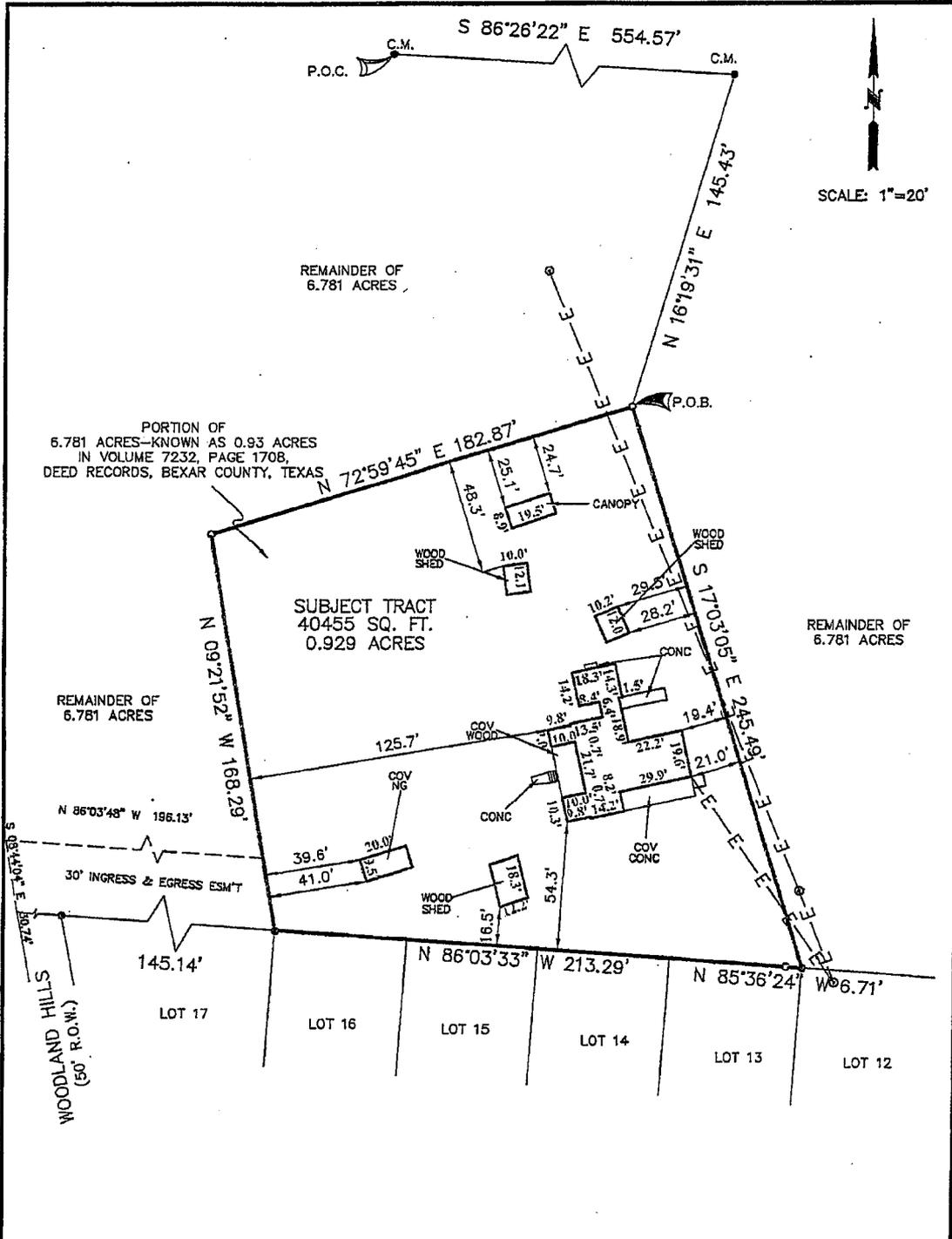

Jose Antonio Trevino
Registered Professional Land Surveyor
Texas Registration No. 5552
August 29, 2008
Rev: September 9, 2008



EXHIBIT A

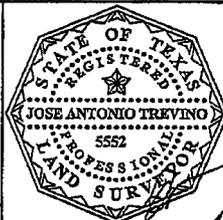


PROPERTY ADDRESS
6709 FOREST VILLAGE

BORROWER
N/A

PROPERTY DESCRIPTION
BEING A 0.93 ACRE TRACT OUT OF A 6.781 ACRES OUT OF 18.298 ACRE TRACT SITUATED IN THE DOMINGO PEREZ SURVEY No. 190, COUNTY BLOCK 4447, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS ATTACHED HERETO.

As scaled from FEMA's FLOOD INSURANCE RATE MAP, Community No. 45029C, Panel No. 0455E, Panel Dated 6/18/07, this tract is in Zone(s) X and is NOT in a special flood hazard zone, as that term defined by FEMA. This flood zone identification is this surveyor's interpretation, which may or may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. This surveyor does not certify the accuracy of this flood zone designation. It is the responsibility of any interested persons to verify the accuracy of the flood zone designation with FEMA and state and local officials. Because this is a boundary survey, the surveyor did not take any actions to determine the flood status of the surveyed property other than interpret the status of FEMA's FIRM. This surveyor is not responsible for misinterpreting the flood zone designation or any flood information printed on this survey. This surveyor is not aware of or responsible for determining the tract's flood risk, its intended function or suitability for any use whatsoever.

 <p>Westar Alamo LAND SURVEYORS, L.L.C. P.O. BOX 1038 HELOTES, TEXAS 78023-1038 PHONE (210) 372-9500 FAX (210) 372-9699</p>	<p>LEGEND</p> <ul style="list-style-type: none"> ○ = SET 1/2" IRON ROD WITH CAP STAMPED WESTAR ● = FND 1/2 IRON ROD () = RECORD INFORMATION B.S. = BUILDING SETBACK C.M. = CONTROLLING MONUMENT --- = WIRE FENCE --- = WOOD FENCE --- = CHAIN LINK FENCE ⊙ = POWER POLE 		<p>JOSE ANTONIO TREVINO, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown hereby.</p> <p>JOSE ANTONIO TREVINO Registered Professional Land Surveyor Texas Registration No. 5552</p>
	<p>DRAWN BY: V.M.R.</p> <p>G.F. NO. N/A JOB NO. 37971 TITLE COMPANY: DATE: AUGUST 28, 2008</p>		

Z2008236

ZONING CASE NUMBER Z2008236 (Council District 6) – August 19, 2008

A request for a change in zoning from “R-5” Residential Single-Family District to “HE R-5” Historic Exceptional Residential Single-Family District on Parcel 7, NCB 15478, 6709 Forest Village. Staff recommends approval.

Paul Tezel, owner, stated he is in support of this Historic Exceptional designation. He stated his only concern is that he may be responsible for surveying his property when this case was initiated by City Council and feels the City should be responsible for this expense.

Staff stated there were 81 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Northwest Crossing and Great Northwest Neighborhood Association. Staff mailed 61 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Myers to recommend denial with a comment that had the metes and bounds of the structure been noted on the property the motion would have been for approval.

Commissioner Martinez withdrew his motion and Commissioner Myers withdrew his second.

COMMISSION ACTION

The motion was made by Commissioner Martinez and was seconded by Commissioner Myers to recommend a continuance until September 2, 2008.

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

Valadez, Gray

NAY: None

THE MOTION CARRIED

ZONING CASE NUMBER Z2008236 (Council District 6) – September 2, 2008

A request for a change in zoning from “R-5” Residential Single-Family District to “HE R-5” Historic Exceptional Residential Single-Family District on Parcel 7, NCB 15478, 6709 Forest Village. Staff recommends approval.

Z2008236

Marcie Ince, representing San Antonio Conservation Society, stated they strongly support of the “HE” designation on the subject property.

Staff stated there were 81 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Northwest Crossing and Great Northwest Neighborhood Associations. Staff mailed 61 notices to the Planning Team.

COMMISSION ACTION

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

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

NAY: None

THE MOTION CARRIED

City Landmark Designation

HDRC CASE NO.

KNOWN AS: Tezel Farm and Ranch

ADDRESS: 6709 Forest Village, San Antonio, TX

LEGAL DESCRIPTION: NCB 15478 BLK

LOT P-7 REFER TO: 15478-000-0073

"GUILBEAU/FM 1604" ANNXATN

ZONING: R5

COUNCIL DISTRICT: 6

HISTORIC DISTRICT

LANDMARK: Finding of Historical Significance

APPLICANT: City of San Antonio

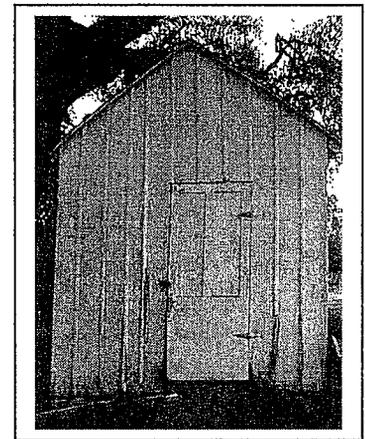
OWNER: Paul J. and Barbara Tezel, Trustee
6709 Tezel Road

San Antonio, TX 78250-4105

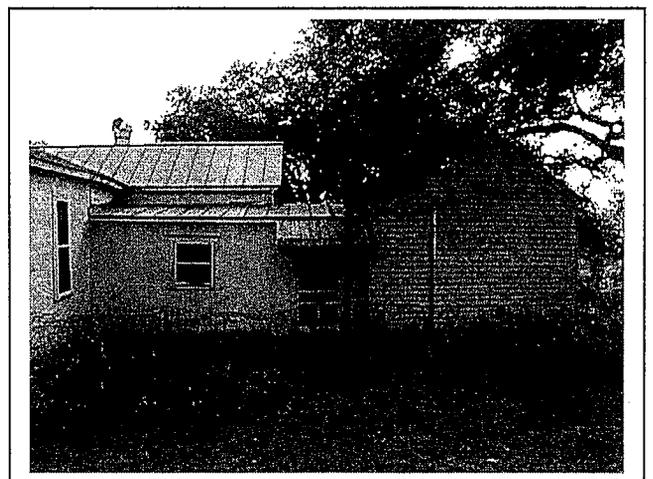


TYPE OF WORK:

HISTORY: Ernestine Tezel, widow of George Heinrich Tezel who died in Germany, arrived in the 1850s with her three sons: August, Herman and William. On Oct. 17, 1873, Ernestine Tezel purchased 300 acres of land from Mary A. Maverick out of Survey #190. Purchase price was \$1750 gold dollars. Land was part of a 1602 acre land grant given to Domingo Perez, patented by Samuel Maverick on April 24, 1872, Patent #815, Vol. 18. (BCDR V4, p.9-10). The Tezels were farmers who raised cattle, hay and corn. The son, William Tezel farmed on the land for the majority of his life until his death in 1955. During WWII, he leased land to Kelly Field for an auxiliary air strip.



Portions of the original farm and ranch have subsequently been sold for private development; however, the Tezel family has preserved a large tract with the old farm house and out buildings conserved within this ca. 20 acre tract. Tezel family members live in homes in the new development but have openings from their back lots into the original family lands. The family donated land to Bexar County for the opening of Tezel Road. In 1885, Herman Tezel donated 1/2 acre of land out of the original Survey #190 for the benefit of a public free school (BCDR Vol. 33:484).



The property contains the original stone house with later additions, a board and batten barn, and other outbuildings.

REQUEST: Finding of Historical Significance

CASE COMMENTS: : The Tezel property meets the following criteria for Landmark status (35-607) (b) (1) serves as a visible reminder of the cultural heritage of the community; (3) Its identification with a person or persons who significantly contributed to the development of the community; (5) its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; (7) its unique location or singular physical characteristics that make it an established or familiar visual feature; (8) Its historical, architectural or cultural integrity of location , design, materials, and workmanship; and, additionally, 35-607 (c) (1) E. the property is associated with family persons important to the history of San Antonio; (c) (2) A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years.



2008-170

HISTORIC AND DESIGN REVIEW COMMISSION
CERTIFICATE OF APPROPRIATENESS

June 18, 2008

CITY OF SAN ANTONIO

HDRC CASE NO: 2008-170
ADDRESS: 6709 Forest Village
LEGAL DESCRIPTION: NCB 15478 BLK LOT P-7 REFER TO: 15478-000-0073 "GUILBEAU/FM 1604" ANNATN
PUBLIC PROPERTY: No
HISTORIC DISTRICT:
LANDMARK DISTRICT:
APPLICANT: COSA, 1901 S Alamo
OWNER: Paul J. and Barbara Tezel
TYPE OF WORK: Finding of Historic Significance

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval of a finding of historic significance for the property. The accompanying exhibits provide additional information.

RECOMMENDATION:

The Tezel property meets the following criteria for Landmark status (35-607) (b) (1) serves as a visible reminder of the cultural heritage of the community; (3) Its identification with a person or persons who significantly contributed to the development of the community; (5) its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; (7) its unique location or singular physical characteristics that make it an established or familiar visual feature; (8) Its historical, architectural or cultural integrity of location, design, materials, and workmanship; and, additionally, 35-607 (c) (1) E. the property is associated with family persons important to the history of San Antonio; (c) (2) A. Buildings or places which have come to represent a part of San Antonio

COMMISSION ACTION:

Approval of a finding of Historic Significance. The Historic and Design Review Commission is also recommending approval to the Zoning Commission and to City Council for designation of Historic Landmark for 6709 Forest Village.

Kay Hinder
Interim Historic Preservation Officer



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-18
Council Meeting Date: 9/18/2008
RFCA Tracking No: R-3882

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 6

SUBJECT:
Zoning Case Z2008236

SUMMARY:
From "R-5" Residential Single-Family District to "HE R-5" Historic Exceptional, Residential Single-Family District.

BACKGROUND INFORMATION:
Zoning Commission Meeting: September 02, 2008

Applicant: City of San Antonio Historic Preservation Office
Owner: Paul and Barbara Tezel

Property Location: 6709 Forest Village

.929 acres out of CB 4447 also known as NCB 15478

At the north end of Forest Village

Proposal: To designate Historic Exceptional

Neighborhood Association: Northwest Crossing and Great Northwest Neighborhood Associations are within 200 feet.

Neighborhood Plan: Northwest Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required at this time, however a study may be required should future development occur.

ISSUE:

Between 2003 and 2007, the San Antonio Conservation Society (SACS) and the City Historic Preservation Division surveyed and researched 19th century vernacular properties that qualify as Historic Texas Farm and Ranch Complexes. Of the 86 total properties found, only seventeen 19th century (1800-1899) vernacular farm and ranch complexes have been identified within the current city limits of San Antonio. These extremely rare resources represent **the last remaining**

visual vestiges of the earliest settlement of the city and county. Each year more and more of these precious resources are lost to development, vandalism, and deterioration. Landmark designation will help to preserve and protect these resources for future generations.

A historic context for these properties was approved by the State Board of Review for the National Register of Historic Places, as well as three individual property applications. **The seventeen properties located within the city limits meet the criteria for landmark designation at the highest levels.** They are significant due to their age, their association with the founding families of the city and their architectural significance. Landmark designation to protect them is important.

ALTERNATIVES:

Should the City Council deny this request, the base zoning district would remain in place and the historic district overlay would not be applied.

FISCAL IMPACT:

The applicant is the City of San Antonio. No rezoning fees are required.

RECOMMENDATION:

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

Since the base zone is not changing, a finding of consistency is not required. The Northwest Community Plan identifies future land use for the subject property as Public Institutional.

The subject property, located at the north end of Forest Village, is approximately 6.99 acres in size and was annexed in December 1993, per ordinance 79037. There is an existing single-family home and other accessory buildings on the subject property. These structures are the main subject of the request for Historic Exceptional designation. The home is not currently lived-in, but is maintained and used by the property owners for large family gatherings. Upon adoption of the 2001 Unified Development Code, the existing "R-5" Residential Single-Family District converted from the previous "R-5" Single Family Residence District which was applied to the property after annexation. The subject property is surrounded by residential single-family uses and zoning. The western side of the property is bounded by a drainage easement and creek bed.

The Historic Preservation Office recommends a finding of Historic Significance based on the evaluation criteria in Section 35-607 for the Designation of Historic Districts and Landmarks. On June 18, 2008, the Historic and Design Review Commission agreed with Historic Division Staff and is recommending approval of a finding of Historic Significance. Acting as the applicant for the zoning case, the Historic Division requests a zoning change to "HE R-5" Historic Exceptional Residential Single-Family District. The property owner has been contacted, and has not voiced opposition to the historic designation. As there is no proposed change to the land use of the subject property, Zoning Staff recommends approval.

Pursuant to Texas Local Government Code §§ 211.001 and 211.003, historic districts and landmark designations are adopted in order to protect and preserve places and areas of historical, cultural, or architectural importance and significance. Historic districts and Landmark designation preserve and enhance the city's historic resources pursuant to Goal 2 of the Urban Design Element of the Master Plan.

ATTACHMENT(S):

File Description

[Historic Background](#)

[Zoning Commission Minutes](#)

[Location Map](#)

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

File Name

Historic Z2008236.pdf

Z2008236.pdf

Z2008236.pdf

200809180855.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager