

AN ORDINANCE 100694

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 CLASSIFICATION 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 classification of 81.26 acres out of NCB 34362, from "R-6" Residential Single Family District to "C-2 C" Commercial District with Conditional Use for Home Improvement Center on 38.344 acres and "C-2 C" Commercial District with Conditional Use for Office/Warehouse on 42.919 acres out of NCB 34362.

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 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 or the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
E. The conditional use will not adversely affect the public health, safety and welfare.

SECTION 3. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

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 Planning 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. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through four of this ordinance, then sections one through four are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

Item No. 5F.

SECTION 7. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective April 24, 2005.

PASSED AND APPROVED this 14<sup>th</sup> day of April 2005.



M A Y O R

ATTEST:

*Leticia M. Vacca*  
City Clerk

APPROVED AS TO FORM:

*Stephen J. Howard*  
City Attorney



# Agenda Voting Results

**Name:** 5F

**Date:** 04/14/05

**Time:** 06:51:42 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE NUMBER Z2004210 C: The request of John L. Santikos, Applicant, for John L. Santikos, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2" C Commercial District with conditional use for home improvement center on 38.344 acres and "C-2" C Commercial District with conditional use for office/warehouse on 42.919 acres out of NCB 34362 on 81.26 acres at the intersection of Potranco Road and Seascape Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5	Not present			
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR ED GARZA	MAYOR	Not present			

Z 2004210 C



# Bury + Partners

Consulting Engineers and Surveyors

38.344 ACRES  
1604 & POTRANCO RD.  
50228-18.98.DWG

FN NO. SA03-114RR.JWR  
AUGUST 10, 2004  
JOB NO. 50228-18.98

## FIELD NOTE DESCRIPTION

*C-2 - C Home Improvements*

FOR A 38.344 ACRES LOCATED IN THE J.V. DIGNOWITY SURVEY NO. 260, ABSTRACT 240, NCB 34362, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 86.647 ACRE TRACT OUT OF THAT CERTAIN 385.5 ACRES AS DESCRIBED IN VOLUME 4739, PAGE 89, DEED RECORDS OF BEXAR COUNTY, TEXAS; SAID 38.344 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a found  $\frac{1}{2}$  inch iron rod located in the southerly right of way line of Potranco Road and marking the northwesterly corner of that certain 5.3853 acre tract as described in Volume 5563, Page 1871, Real Property Records of Bexar County, Texas;

**THENCE**,  $S00^{\circ}03'17''E$  leaving the southerly right of way line of Potranco Road and along the common boundary between this tract and the 5.3853 acres, a distance of 1005.55 feet, to a point located in the northwesterly line of Park Place, Unit 1, according to the map or plat thereof recorded in Volume 9540, Page 60, Deed and Plat Records of Bexar County, Texas;

**THENCE**,  $S63^{\circ}56'27''W$  along the common boundary line between this tract and Park Place, Unit 1, a distance of 17.91 feet, to a point;

**THENCE**,  $N88^{\circ}55'16''W$ , crossing the said 86.647 acres, a distance of 2295.42 feet, to a point located in the easterly line of that certain 161.715 acres as described in Volume 6736, Page 1610, real property Records of Bexar County, Texas;

### EXHIBIT A

To Ordinance No. \_\_\_\_\_  
Passed and Approved on  
April 14, 2005

**THENCE**, along the common boundary line between this tract and the 161.715 acres, the following courses:

N58°42'24"E, a distance of 843.92 feet, to a point;

Northerly, along the arc of a curve to the left having a radius of 365.00 feet, a central angle of 58°48'09", an arc length of 374.60 feet and a chord bearing: N29°18'20"E, 358.37 feet, to a point;

N00°05'45"W, a distance of 114.58 feet, to a point;

N11°01'37"E, a distance of 101.98 feet, to a point located in the southerly right of way line of Potranco Road;

**THENCE**, along the southerly right of way line of Potranco Road, the following courses:

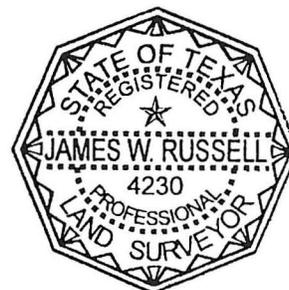
N89°43'01"E, a distance of 1264.93 feet, to a point;

Easterly, along the arc of a curve to the right having a radius of 3759.72 feet, a central angle of 01°58'17", an arc length of 129.36 feet and a chord bearing: S89°17'50"E, 129.36 feet, to the **POINT OF BEGINNING** and containing 38.344 acres of land, more or less.

This description was prepared from record information, no boundary survey was performed and is solely for the purposes of re-zoning said tract.

BURY & PARTNERS, INC.  
ENGINEERS AND SURVEYORS  
10000 SAN PEDRO, SUITE #100  
SAN ANTONIO, TEXAS 78216

 8/10/04  
\_\_\_\_\_  
JAMES W. RUSSELL      DATE  
R.P.L.S #4230  
STATE OF TEXAS





# Bury+Partners

Consulting Engineers and Surveyors

42.919 ACRES  
1604 & POTRANCO RD.  
50228-18.98.DWG

FN NO. SA03-115RR.JWR  
AUGUST 10, 2004  
JOB NO. 50228-18.98

## FIELD NOTE DESCRIPTION

C-2-C *Office/Warehouse*

FOR A 42.919 ACRES LOCATED IN THE J.V. DIGNOWITY SURVEY NO. 260, ABSTRACT 240, NCB 34362, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 86.647 ACRE TRACT OUT OF THAT CERTAIN 385.5 ACRES AS DESCRIBED IN VOLUME 4739, PAGE 89, DEED RECORDS OF BEXAR COUNTY, TEXAS; SAID 42.919 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** at a found  $\frac{1}{2}$  inch iron rod located in the southerly right of way line of Potranco Road and marking the northwesterly corner of that certain 5.3853 acre tract as described in Volume 5563, Page 1871, Real Property Records of Bexar County, Texas;

**THENCE**, S00°03'17"E leaving the southerly right of way line of Potranco Road and along the common boundary between this tract and the 5.3853 acres, a distance of 1005.55 feet, to a point located in the northwesterly line of Park Place, Unit 1, according to the map or plat thereof recorded in Volume 9540, Page 60, Deed and Plat Records of Bexar County, Texas;

**THENCE**, S63°56'27"W along the common boundary line between this tract and Park Place, Unit 1, a distance of 17.91 feet, to the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, along the common boundary line between this tract and Park Place, Unit 1, Park Place, Unit 1-a, according to the map or plat thereof recorded in Volume 9546, Page 223, Deed and Plat Records of Bexar County, Texas and the remainder of that certain 83.528 acres tract as described in Volume 8038, page 1871, Real Property Records of Bexar County, Texas, the following courses:

S38°37'12"W, a distance of 668.40 feet, to a point;

S63°47'44"W, a distance of 1078.26 feet, to a point;

S48°59'12"W, a distance of 395.41 feet, to a point;

S82°21'14"W, a distance of 496.94 feet, to a point located in the easterly line of that certain 161.715 acres as described in Volume 6736, Page 1610, Real Property Records of Bexar County, Texas;

**THENCE**, along the common boundary line between this tract and the 161.715 acres, the following courses:

N15°54'09"W, a distance of 49.00 feet, to a point;

Northerly, along the arc of a curve to the right having a radius of 400.00 feet, a central angle of 21°31'54", an arc length of 150.32 feet and a chord bearing: N05°08'12"W, 149.44 feet, to a point;

N05°37'45"E, a distance of 598.73 feet, to a point;

Northerly, along the arc of a curve to the left having a radius of 815.00 feet, a central angle of 36°55'21", an arc length of 525.20 feet and a chord bearing: N12°49'55"W, 516.16 feet, to a point;

N31°17'36"W, a distance of 74.72 feet, to a point;

Northerly, along the arc of a curve to the left having a radius of 6.00 feet, a central angle of 90°00'00", an arc length of 9.42 feet and a chord bearing: N13°42'24"E, 8.49 feet, to a point;

**THENCE**, S88°55'16"E, crossing the said 86.647 acres, a distance of 2295.42 feet to the **POINT OF BEGINNING** and containing 42.919 acres of land, more or less.

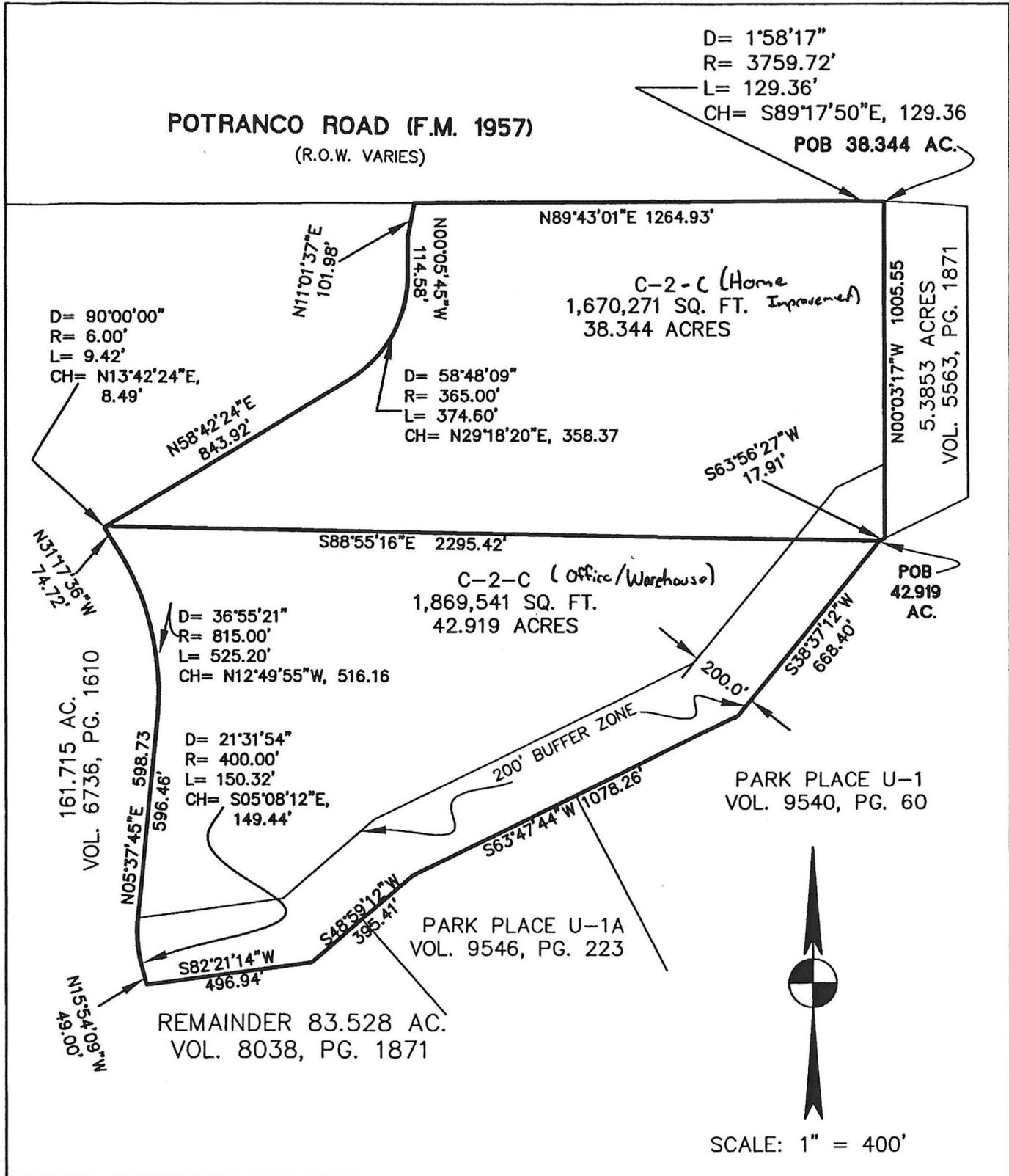
This description was prepared from record information, no boundary survey was performed and is solely for the purposes of re-zoning said tract.

BURY & PARTNERS, INC.  
ENGINEERS AND SURVEYORS  
10000 SAN PEDRO, SUITE #100  
SAN ANTONIO, TEXAS 78216

*James W. Russell* 8/10/04

JAMES W. RUSSELL      DATE  
R.P.L.S #4230  
STATE OF TEXAS





**Bury+Partners**  
 Consulting Engineers and Surveyors  
 San Antonio, Texas  
 Tel 210/525-9090 Fax 210/525-0529  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
**OF 38.344 ACRES (1,670,271 SQ. FT.)**  
**AND 42.919 ACRES (1,869,541 SQ. FT.)**  
**FOR ZONING CHANGE,**  
**BEXAR COUNTY, TEXAS**

**SANTIKOS**

# CASE NO: Z2004210 C

## Staff and Zoning Commission Recommendation - City Council

Continuance from Zoning Commission February 15, 2005

**Date:** April 14, 2005

**Zoning Commission Meeting Date:** March 15, 2005

**Council District:** 4

**Ferguson Map:** 612 C4

**Appeal:** No

**Applicant:** Owner

John L. Santikos

John L. Santikos

**Zoning Request:** From R-6 Residential Single Family District to C-2 C Commercial District with Conditional Use for Home Improvement Center on 38.344 acres and C-2 C Commercial District with Conditional Use for Office/Warehouse on 42.919 acres out of NCB 34362

81.26 acres at the intersection of Potranco Road and Seascap Drive

**Property Location:** Intersection of Potranco Road and Seascap Drive

**Proposal:** For a Home Improvement Center/Office/Warehouse

**Neighborhood Association:** None

**Neighborhood Plan:** None

**TIA Statement:** A traffic impact analysis is required and was submitted. On site improvement required.

### Staff Recommendation:

Approval. The subject property has C-2 and C-3 zoning to the west and residential zoning and uses to the north, west and east. The requested conditional zoning for an Office/Warehouse and a Home Improvement Center are C-3 uses. C-3 districts are designed to provide for more intense commercial uses. C-3 uses are typically characterized as community and regional shopping centers, which assemble similar uses into a single complex. C-3 districts should incorporate shared internal circulation and limited curb cuts to arterial streets. The TIA will encourage internal circulation at plat and review process. Loop 1604 and Potranco road are major arterials. This intersection is a large commercial node. C-3 zoning and uses are encouraged at the intersections of major arterials and should have adequate buffers and transitional zoning. The Medio Creek watershed acts as a natural buffer between the subject property and the residential property to the south.

### Zoning Commission Recommendation

Approval

**CASE MANAGER :** Richard Ramirez

### VOTE

<b>FOR</b>	10
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2004210 C**

**ZONING CASE NO. Z2004210 C** – February 15, 2005

Applicant: John L. Santikos

Zoning Request: “R-6” Residential Single Family District to “C-2” C Commercial District with a Conditional Use for Home Improvement Center on 38.344 acres and “C-2”C Commercial District with Conditional Use for Office/Warehouse on 42.919 acres out of NCB 34362.

Applicant/Representative not present.

Staff stated there were 102 notices mailed out to the surrounding property owners, 29 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner McAden to recommend a continuance until March 15, 2005.

1. Property is located on 81.26 acre at the intersection of Potranco Road and Seascape Drive.
2. There were 102 notices mailed, 29 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Kissling, Dutmer, Dixson Sherrill, McAden, Avila**

**NAYS: None**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2004210 C** – March 15, 2005

Applicant: John L. Santikos

Zoning Request: “R-6” Residential Single Family District to “C-2” C Commercial District with Conditional Use for Home Improvement Center on 38344 acres and “C-2” C Commercial District with Conditional Use for Office/Warehouse on 42.919 acres out of NCB 34362.

**Z2004210 C**

Lucy Gentry, 100 W. Houston, representing the owner, stated the purpose of this zoning change is to allow for a Home Improvement Center/Office Warehouse use. She stated this request is consistent with the surrounding uses. She stated they have met with Mrs. Buettner (Heritage Neighborhood Association) who is in support of this request. She further stated they have also drafted a set of restrictive covenants.

**FAVOR**

Mary Lee Buettner, representing Heritage Neighborhood Association, stated they have been working with the representatives Mr. Rob Killen and Mrs. Lucy Gentry regarding this zoning change for approximately two years now and are in support of this request. She further stated they have drafted a set of restrictive covenants. She stated she feels this site is suitable for commercial use.

**OPPOSE**

Jerome Scholz, 10547 Dugas Drive, President of Park Place Neighborhood Association, stated at this point they are in opposition of this request. He stated they would like more information as to the type of development that would be constructed at this site.

**REBUTTAL**

Lucy Gentry, 100 W. Houston, representing the owner, stated this case was continued for 30 days to have more time to meet with the representatives from Park Place and Heritage Neighborhood Association, which they have. She further stated they mailed out notices to the surrounding property owners regarding the proposed zoning change. They presented a copy of the draft restrictive covenants to Mr. Scholz (Park Place).

Staff stated there were 102 notices mailed out to the surrounding property owners, 29 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner Dutmer to recommend approval. Commissioner Avila stated thru Bill Kaufman's Office and Lucy Gentry presented the declaration of restrictive covenants to include no apartments to also include multi family housing.

**Z2004210 C**

1. Property is located on 81.26 acres at the intersection of Potranco Road and Seascap Drive.
2. There were 102 notices mailed, 29 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Stribling, Peel**

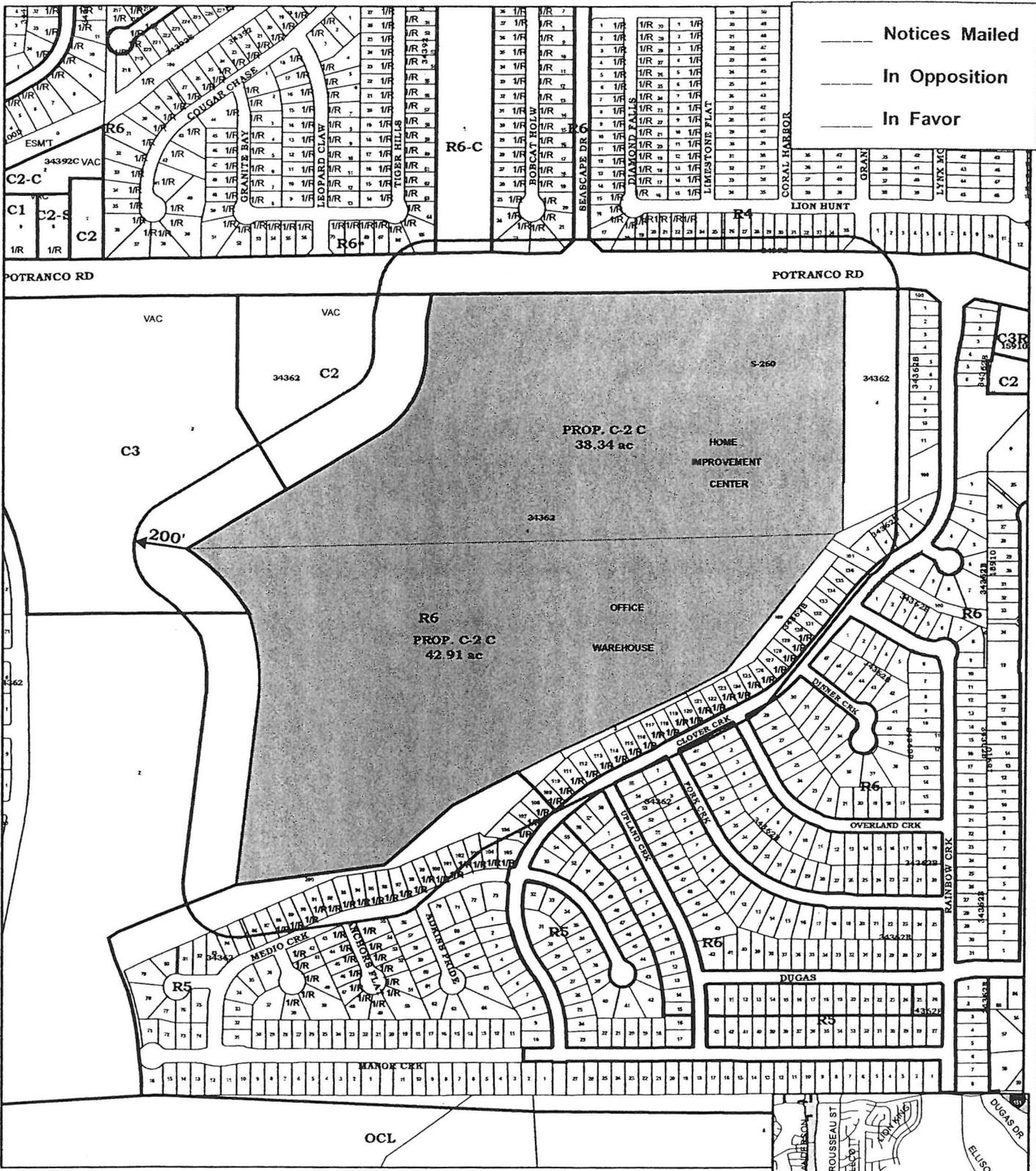
**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

--- Notices Mailed  
 --- In Opposition  
 --- In Favor



# ZONING CASE: Z2004-210 C

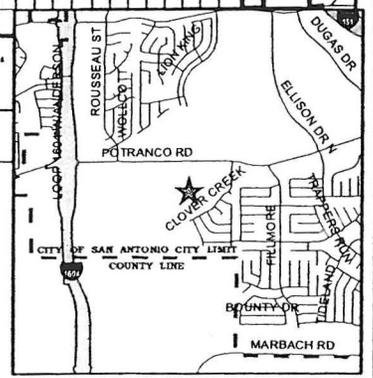
City Council District NO. 6  
 Requested Zoning Change  
 From: "R-6" To "C-2 C"  
 Date: April 14, 2005  
 Scale: 1" = 500'

- Subject Property
- 200' Notification

C-4  
p.613



C:\sept\_7\_2004  
(A.Z.)



**PUBLIC NOTICE**

**AN ORDINANCE 100694**

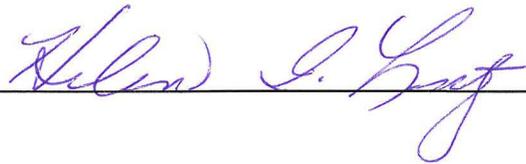
AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 81.26 acres at the intersection of Potranco Road and Seascape Drive, From R-6 Residential Single Family District to C-2 C Commercial District with Conditional Use for Home Improvement Center on 38.344 acres and C-2 C Commercial District with Conditional Use for Office/Warehouse on 42.919 acres out of NCB 34362. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

4/27

**Affidavit of Publisher**

STATE OF TEXAS,  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio-City Clerk-Ordinance 100694 hereto attached has been published in every issue of said newspaper on the following days, to-wit: April 27, 2005.



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Sworn to and subscribed before me this 27th day of April, 2005.



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Notary Public in and for Bexar County, Texas

