

AN ORDINANCE 2007-01-04-0035

**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 Lot 16, Lot 17, and Lot 18, Block 1, NCB 8593 from "C-3 R" General Commercial Restrictive Alcohol Sales District "RM-4" Residential Mixed District.

Portions of this property are located within the Gateway Corridor Overlay District-2 (GC-2) but this ordinance shall not alter or remove the overlay boundaries.

**SECTION 2.** 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 3.** 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 4.** This Ordinance shall become effective on January 14, 2007.

**PASSED AND APPROVED** this 4th day of January, 2007.

ATTEST:

*Letecia M. Vacek*  
City Clerk

*Phil Hardberger*  
M A Y O R  
PHIL HARDBERGER

APPROVED AS TO FORM:

*Deborah Stein*  
City Attorney

# Agenda Voting Results

**Name:** Z-20

**Date:** 01/04/07

**Time:** 03:06:46 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2006290 (District 6): An Ordinance changing the zoning district boundary from "C-3 R" Commercial Restrictive Alcoholic Sales District to "RM-4" Residential Mixed District on Lot 16, Lot 17, and Lot 18, Block 1, NCB 8593, 122 Garner, as requested by Jerry Arredondo, Applicant, for Richard M. Polendo, Owner. Portions of the subject property are located within the Gateway Corridor Overlay District-2 (GC-2); however, the applicant is not proposing to alter or remove the overlay boundary. Staff recommends Denial. Zoning Commission recommends Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR	Not present			

**Affidavit of Publisher**

STATE OF TEXAS  
COUNTY OF BEXAR  
S.A. - CITY CLERK

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: Lots 16, 17 and 18, Block 1, NCB 8593, TO WIT: From "C-3 R" Commercial Restrictive Alcoholic Sales District and "C-3 R" GC-2 Commercial Restrictive Alcoholic Sales Gateway Corridor Overlay District-2 to "RM-4" Residential Mixed District and "RM-4" GC-2 Residential Mixed Gateway Corridor Overlay District-2. THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00.  
1/10

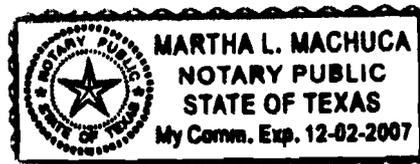
Before me, the undersigned authority, on this day personally appeared Helen I. L... by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a general circulation in the City of San Antonio, in the State and County aforesaid, and Ordinance 2007-01-04-0035 here to attached has been published in every issue of newspaper on the following days, to wit:

01/10/2007.

*Helen I. Lutz*

Sworn to and subscribed before me this 10th day of of January, 2007.

*Martha L. Machuca*



**Z2006290**

**ZONING CASE NUMBER Z2006290 (Council District 6)** – November 21, 2006

The request of Jerry Arredondo, Applicant, for Richard M. Polendo, Owner(s), for a change in zoning from “C-3R” Commercial Restrictive Alcoholic Sales District and “C-3R” “GC-2” Commercial Restrictive Alcoholic Sales Gateway Corridor Overlay District-2 to “RM-4” Residential Mixed District and “RM-4” “GC-2” Residential Mixed Gateway Corridor Overlay District-2 on Lots 16, 17 and 18, Block 1, NCB 8593, 122 Garner. Staff recommended denial.

Jerry Arredondo, representative, proposing to develop two family dwellings.

**COMMISSION ACTION**

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

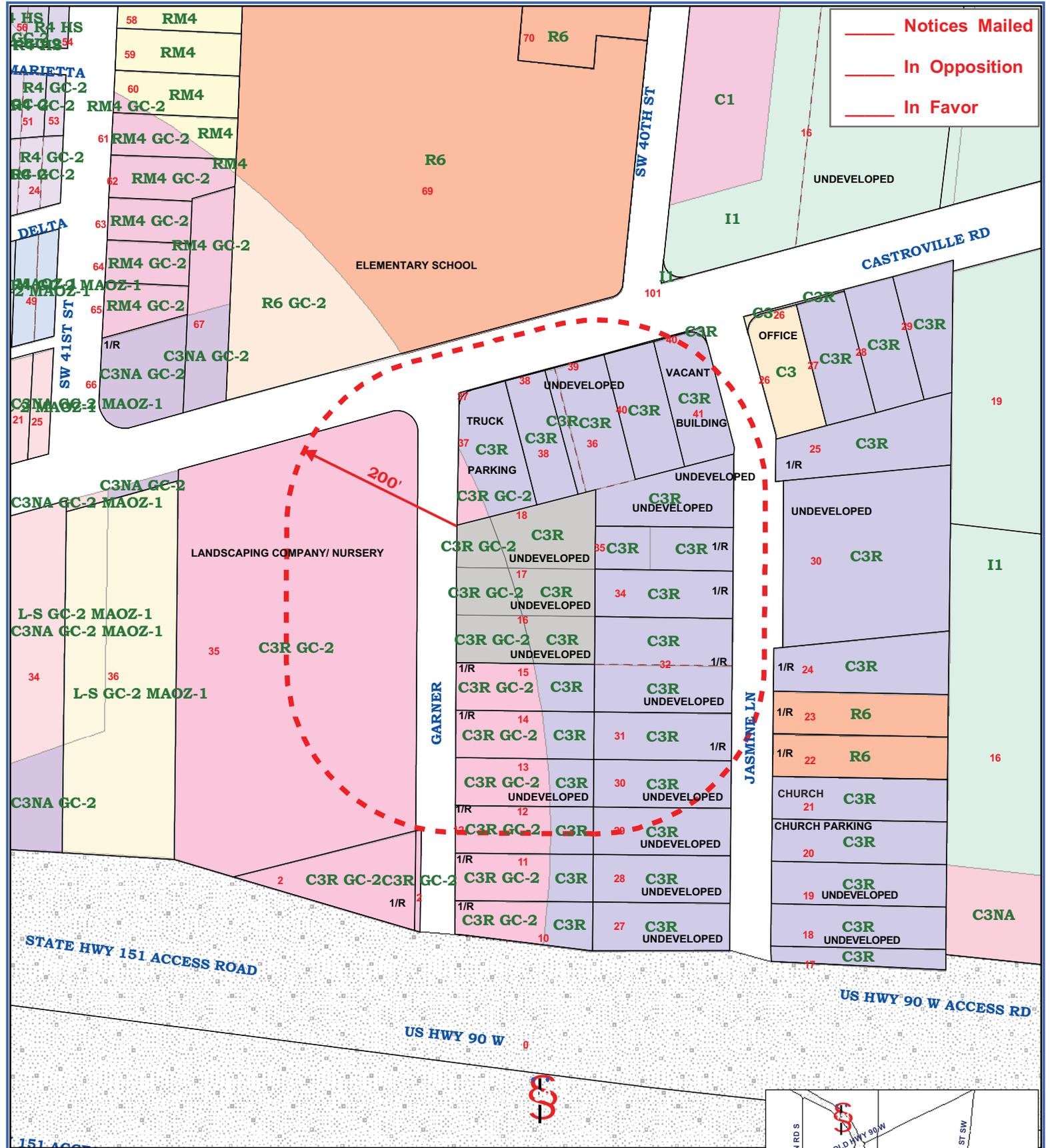
**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,  
Martinez, Briones**

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.



# ZONING CASE: Z2006-290

**City Council District No. 6**  
**Requested Zoning Change**  
**From: "C-3 R" GC-2 and "C-3 R"**  
**To: "RM-4" GC-2 and "RM-4"**  
**Date: January 4, 2007**  
**Scale: 1" = 150'**

■ Subject Property  
 ○ 200' Notification



C:\Nov\_7\_2006





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

Agenda Item # Z-20  
Council Meeting Date: 1/4/2007  
RFCA Tracking No: R-791

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 6

**SUBJECT:**  
Zoning Case Z2006290

**SUMMARY:**

From "C-3 R" Commercial Restrictive Alcoholic Sales District to "RM-4" Residential Mixed District.

Portions of the subject property are located within the Gateway Corridor Overlay District-2 (GC-2); however, the applicant is not proposing to alter or remove the overlay boundary.

**BACKGROUND INFORMATION:**

**Zoning Commission Meeting Date:** November 7, 2006, and November 21, 2006

**Applicant:** Jerry Arredondo  
**Owner:** Richard M. Polendo

**Property Location:** 122 Garner

Lots 16, 17 and 18, Block 1, NCB 8593

Garner, Between Castroville Road and US Highway 90

**Proposal:** To Allow Two-Family Dwellings

**Neighborhood Association:** Greater Gardendale NA / Los Jardines NA and Community Workers Council are within 200 feet

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required.

**ISSUE:**

Staff recommends denial because of the prominence of the existing commercial zoning in the area and the commercial use immediately to the west. The property is located within the 75 noise contour identified in the Kelly Field Annex Air Installation Compatible Use Zone Study (AICUZ). The Zoning Commission recommends approval.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the existing restrictive alcoholic sales commercial district and prohibit the proposed development of multi-family dwellings.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff recommends Denial. Zoning Commission (9-0) recommends Approval.

The subject property is surrounded by commercial zoning with a mix of commercial and nonconforming residential uses. Although staff generally supports down zonings of property and encourages residential infill projects, a rezone to a residential district at this location would not be appropriate and effectively amount to spot-zoning. Additionally, the property is located within the 75 decibel noise contour per the Kelly Field Annex Air Installation Compatible Use Zone Study (AICUZ) and residential land uses are not recommended within this contour without the use of sound attenuation materials. The subject property is located less than 500 feet from the boundary of the Military Airport Overlay Zone-1 (MAOZ-1) and the Accident Potential Zone-1 (APZ-1) per the Study.

The subject property, a combination of three separate lots, is currently undeveloped and totals about two-thirds of an acre. The property was annexed in September of 1952 and originally zoned "B," a residential district. Most of the lots in this vicinity were collectively rezoned from B to B-3, a commercial district, in August of 1973. The restrictive alcohol sales designation was added in June of 1987. These zone changes affected all properties fronting on both Garner and Jasmine and portions of all properties with frontage onto Garner are located within the Gateway Corridor Overlay District-2. This overlay was applied by ordinance as adopted by the City Council in April of 2005, extending to properties within 1,000 feet of State Highway 151 right-of-way from Loop 1604 to Highway 90.

Less than half the lots in the immediate vicinity are developed. Of the lots on Garner and Jasmine having residential development, the earliest dwellings date to 1940 with most constructed between 1955 and 1960. There are just two conforming lots with residential zoning and uses, and these are located at 130 and 134 Jasmine Lane. The R-6 zoning on these lots was approved in 1995 and dwellings were constructed on these lots in 1995 and 1998. There is a church to the south of these lots with a construction date of 1988. To the west, across Garner, is a landscaping company on a large parcel with like C-3 R zoning. To the north is an undeveloped lot currently used for semi-truck and trailer parking. There are dwellings to the immediate east fronting on Jasmine on parcels with C-3 R zoning, all pre-dating the current commercial zoning.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">Location Map</a>	Z2006-290.pdf
<a href="#">Zoning Commission Minutes</a>	Z2006290.pdf
<a href="#">Ordinance/Supplemental Documents</a>	200701040035.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director (Interim) Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

Jelynn Burley Deputy City Manager

