

AN ORDINANCE 2008-09-18-0839

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 1.904 acres out of NCB 15805 from "C-2" Commercial District and "C-1" Light Commercial District to "C-2 NA CD" (CD-Warehousing) Commercial District, Nonalcoholic Sales with a Conditional Use for Warehousing.

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. 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 4. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. All on-site lighting shall be directed onto the site and pointed away from any residential zoning or uses using 90 degree or less cut-off fixtures; and
- B. A 25 foot "Type D" landscape buffer shall be provided along the north property line.

SECTION 5. 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 6. 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 7. 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:


For City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-1

Name:	Z-1
Date:	09/18/2008
Time:	02:37:14 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2008156 CD (District 2): An Ordinance amending the Zoning District Boundary from "C-2" Commercial District and "C-1" Light Commercial District to "C-2 NA CD" (CD-Warehousing) Commercial District, Nonalcoholic Sales with a Conditional Use for Warehousing on 1.904 acres out of NCB 15805 located on the west side of Castle Cross, mid block between Castle Hunt Drive to the north and Rittiman Road to the south. Staff and Zoning Commission recommend denial.
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			x	
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		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

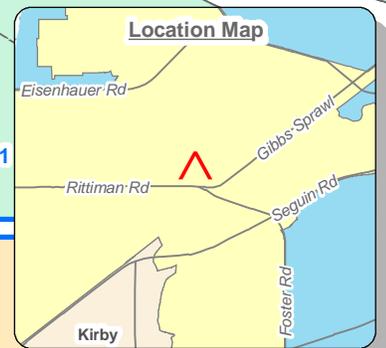
Case Z-2008-156 CD

Council District 2
 Scale: 1" approx. = 250'

Subject Property Legal Description(s): Lot N 212.84 FT OF 30
 Block 015 NCB 15805

Legend

- Subject Property (1.91 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
 (5/6/2008)

SCANNED

22008156

STNT/10701110/504/LL



WARRANTY DEED

Date: February 21, 2007

Grantor: Texas Conference Association of Seventh-Day Adventists

Grantor's Mailing Address: P.O. Box 500, Alvarado, Texas 76033

Grantee: Corina Uribe

Grantee's Mailing Address: 3603 Sage Ridge, San Antonio, TX 78247

Consideration: TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

Property (including any Improvements):
See Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:
This conveyance is given and accepted subject to any and all restrictions, reservations, covenants, conditions, rights-of-way, easements of record in said County, and municipal and other governmental zoning laws, regulations and ordinances, if any, affecting the herein described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee, as his sole and separate property, the property, together with all and singular the rights and appurtenances thereto in any wise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Taxes for the current year have been prorated and their payment is assumed by Grantee.

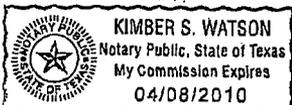
When the context requires, singular nouns and pronouns include the plural.

TEXAS CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS

By: Roger McCallum, [Signature]
Its: Assoc. Sec/Treas. [Signature]

STATE OF TEXAS §
COUNTY OF Johnson §

This instrument was acknowledged before me on the 21st day of Feb., 2007 by _____ the _____ of _____ Texas Conference Association of Seventh-Day Adventists, on its behalf



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:
Corina Uribe
3603 Sage Ridge
San Antonio, TX 78247



EXHIBIT A

220081K6

FT-(4/2002)

Field notes for a 1.904 acre tract of land out of Lot 30, Block 15, New City Block 15805, East Village Subdivision, Unit 10-A, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 8900, Page 242, Deed and Plat Records of Bexar County, Texas, and being more particularly described by notes and bounds as follows:

BEGINNING at a one half inch steel pin found at a fence corner post on the west right-of-way line of Castle Cross Drive for the northeast corner of this tract and being the northeast corner of Lot 30, Block 15, New City Block 15805, East Village Subdivision, Unit 10-A, according to plat thereof recorded in Volume 8900, Page 242, Deed and Plat Records of Bexar County, Texas and the southeast corner of Lot 1, Block 15, New City Block 15805, East Village Subdivision, Unit 10 according to plat thereof recorded in Volume 6600, Page 143 Deed and Plat Records of Bexar County, Texas.

THENCE along the west right-of-way line of Castle Cross Drive, South 00° 15' 30" West, a distance of 212.84 feet to a one half inch steel pin set for the southeast corner of this tract and being the northeast corner of a 0.430 acre tract of land as described in a deed recorded in Volume 2895, Page 2329 of the Real Property Records of Bexar County, Texas.

THENCE with the south line of this tract the following three calls; South 89° 51' 00" West, a distance of 150.00 feet to a one half inch steel pin set at a chain link fence corner post for the northwest corner of the aforesaid 0.430 acre tract; South 00° 15' 30" West, a distance of 125.00 feet to a one half inch steel pin set for the southwest corner of the aforesaid 0.430 acre tract and being on the north line of Lot 31, Block 15, New City Block 15805, East Village Unit 10-A, recorded in Volume 9511, Page 103 of the Deed and Plat Records of Bexar County, Texas, and South 89° 51' 00" West, a distance of 150.01 feet to a one half inch steel pin set on the west line of the Aforesaid Lot 30 and being on the east line of a 42.505 acre tract as described in a deed recorded in Volume 5870, Page 1833 of the Real Property Records of Bexar County, Texas.

THENCE with west line of this tract and the east line of the aforesaid 42.505 acre tract, North 00° 15' 30" East, a distance of 339.98 feet to a one half inch steel pin set for the northwest corner of this tract, the northeast corner of the aforesaid 42.505 acre tract and being on the south line of Lot 5, Block 15, New City Block 15805, East Village Subdivision Unit 10, recorded in Volume 6600, Page 143 of the Deed and Plat Records of Bexar County, Texas.

THENCE with the north line of this tract, the south line of Block 15, New City Block 15805, East Village Subdivision Unit 10, South 89° 44' 30" East, a distance of 300.00 feet to the place of the **BEGINNING**.

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY CARBON OR
PHOTO COPY, DISCOLORED PAPER ETC.

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

APR 10 2007



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20070082177 Fees: \$20.00
04/10/2007 11:15AM # Pages 2
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERRY RICKHOFF COUNTY CLERK

Z2008156 CD

ZONING CASE NUMBER Z2008156 (Council District 2) – May 20, 2008

The request of Corina Uribe, Applicant, for Corina Uribe, Owner(s), for a change in zoning from “C-2” Commercial District and “C-1” Light Commercial District to “C-3” General Commercial District on 1.904 acres out of NCB 15805, Midblock on Castle Cross, bound by Castle Hunt Drive to the north and Rittiman Road to the south. Staff recommends denial.

Corina Uribe, owner, stated she would like to request a continuance.

Staff stated there were 25 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and no response East Village Neighborhood Association.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Hawkins to recommend a continuance until June 3, 2008.

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

NAY: None

THE MOTION CARRIED

This case was moved from the June 3, 2008 agenda to July 15, 2008.

ZONING CASE NUMBER Z2008156 CD (Council District 2) – July 15, 2008

A request for a change in zoning from “C-2” Commercial District and “C-1” Light Commercial District to “C-2NA CD” (CD-Warehousing) Commercial District, Nonalcoholic Sales with a Conditional Use for Warehousing on 1.904 acres out of NCB 15805, on the west side of Castle Cross, midblock between Castle Hunt Drive to the north and Rittiman Road to the south. Staff recommends denial.

Corina Uribe, owner, stated the purpose of this zoning request is to allow for a carpet distribution warehouse facility on the subject property. She stated she has met with the neighborhood association who did support her proposal. She further stated she is in agreement of a continuance to meet with Commissioner Hawkins to address her concerns.

Z2008156 CD

Staff stated there were 25 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and East Village Neighborhood Association is in favor.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Martinez to recommend a continuance until August 5, 2008.

**AYES: Sherrill, Robbins, Westheimer, Gadberry, Hawkins, Myers, Wright,
Martinez, R. Valadez, Gray**

NAY: None

THE MOTION CARRIED

ZONING CASE NUMBER Z2008156 CD (Council District 2) – August 5, 2008

A request for a change in zoning from “C-2” Commercial District and “C-1” Light Commercial District to “C-2NA CD” (CD-Warehousing) Commercial District, Nonalcoholic Sales with a Conditional Use for Warehousing on 1.904 acres out of NCB 15805, On the west side of Castle Cross, midblock between Castle Hunt Drive to the north and Rittiman Road to the south. Staff recommends denial.

Applicant/Representative not present.

Staff stated there were 25 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and East Village Neighborhood Association is in favor.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Martinez to recommend denial.

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

NAY: None

THE MOTION CARRIED



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-1
Council Meeting Date: 9/18/2008
RFCA Tracking No: R-3839

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 2

SUBJECT:
Zoning Case Z2008156 CD

SUMMARY:

From "C-2" Commercial District and "C-1" Light Commercial District to "C-2 NA CD" (CD-Warehousing) Commercial District, Nonalcoholic Sales with a Conditional Use for Warehousing.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: August 5, 2008

Applicant: Corina Uribe

Owner: Corina Uribe

Property Location: 1.904 acres out of NCB 15805

On the west side of Castle Cross, midblock between Castle Hunt Drive to the north and Rittiman Road to the south.

Proposal: To allow warehousing

Neighborhood Association: East Village Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

ISSUE:

The East Village Neighborhood Association is in support of the rezoning request.

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-2 district, and prohibiting the proposed warehouse use.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (8-0) recommend denial.

The subject property consists of undeveloped land with the sole frontage on Castle Cross which is identified as a collector street in the City's Major Thoroughfare Plan. The property is adjacent to R-6 zoning to the north and east; C-2 zoning to the south and C-3 and I-1 zoning to the west. The surrounding land uses consist of single-family residential dwellings to the north; undeveloped land to the east and west and a restaurant, car wash and convenience store to the south. The property directly to the west, which is located on the 5600 block of Rittiman Road, was the subject of a rezoning case (Z2004204) in which the applicant was granted a zoning change from R-6 Residential Single-Family District to I-1 General Industrial District and C-3 NA General Commercial District, Nonalcoholic Sales.

The applicant is requesting a zoning change to allow the development of warehouses. The proposed use would not be compatible with the surrounding zoning districts and current uses in the vicinity. Warehousing is identified in the UDC as a use requiring a minimum zoning district of L Light Industrial to be allowed by-right. In accordance with Section 35-422, Table 422-1 of the Unified Development Code, any use allowed by right in L may be allowed as a conditional use in C-2.

A single family development exists to the north of the subject property. Industrial uses are not recommended adjacent to residential uses. The existing C-2 and C-1 Commercial Districts are an appropriate transition between the commercial uses at the corner of Castle Cross and Rittiman Road and the low-density residential uses to the north of the subject property. Given the use permitted within the requested zoning district and considering the adjacent homes, C-2 CD for warehousing would appear to be too intense at this location, and would disrupt the present transition.

Should the City Council approve this request, staff recommends the following conditions:

1. All on-site lighting shall be directed onto the site and pointed away from any residential zoning or uses using 90 degree or less cut-off fixtures; and
2. A 25 foot "Type D" landscape buffer shall be provided along the north property line.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008156.pdf
Zoning Commission Minutes	Z2008156 CD.pdf
Voting Results	
Ordinance/Supplemental Documents	200809180839.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager