

**AN ORDINANCE 2008-10-16-0950**

**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 1.602 acres out of NCB 6791 and NCB 7008 from "I-1 RIO-2" General Industrial 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 with these 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.

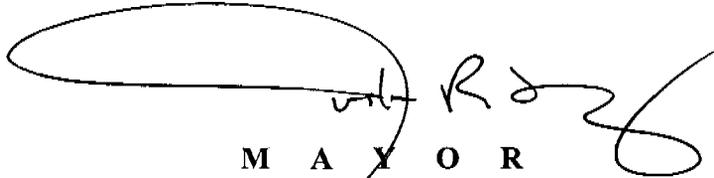
**SECTION 2.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**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.

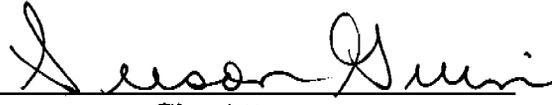
**SECTION 5.** This ordinance shall become effective October 26, 2008.

**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  
for



Request for  
**COUNCIL  
ACTION**



**Agenda Voting Results - Z-2**

<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 # Z2008250 (District 1): An Ordinance changing the Zoning District Boundary from "I-1 RIO-2" General Industrial 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 with these 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 1.602 acres out of NCB 6791 and 7008 located at 102 E. Grayson Street and 1366 E. Elmira Street. 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				

## Z2008250

### **ZONING CASE NUMBER Z2008250 (Council District 1) – September 16, 2008**

A request for a change in zoning from “I-1 RIO-2” General Industrial River Improvement Overlay District-2 to “IDZ RIO-2” Infill Development, 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 1.602 acres out of NCB 6791, 102 E. Grayson Street and 1366 E. Elmira Street. 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. He further stated he has been in contact with the Neighborhood Association who are also in support.

Staff stated there were 23 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 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.

**Z2008250**

**FINDING OF CONSISTENCY OF THE MASTER PLAN**

**COMMISSION ACTION**

The motion was made by Commissioner Westheimer and seconded by Commissioner Wright 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.

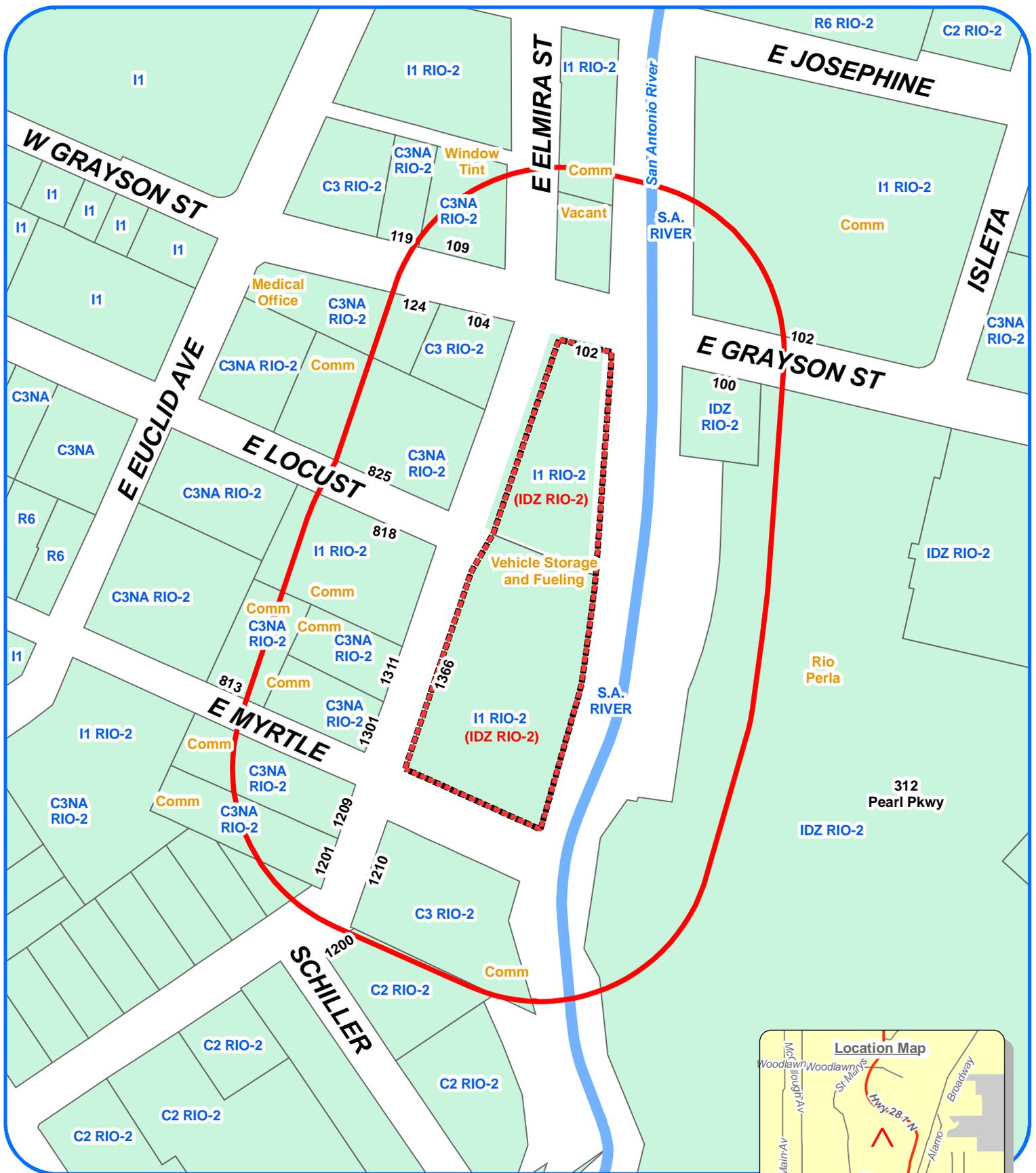
**AYES: Sherrill, Robbins, J. Valadez, Westheimer, Gadberry, Wright, Martinez**

**NAY: None**

**RECUSED: Gray**

**THE MOTION CARRIED**

Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



## Zoning Case Notification Plan

# Case Z2008250

Council District 1

Scale: 1" approx. = 150'

Subject Property Legal Description(s): 1.602 Acres out of NCB 6791

### Legend

- Subject Property  (1.602 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)

FIELD NOTES

FOR

A 1.602 acre, or 69,780 square feet more or less, tract of land being all of Lot 2, N.C.B. 7008 of the Plat of Lot 2, N.C.B. 7008 recorded in Volume 3377, Pages 41-42 of the Deed and Plat Records of Real Property of Bexar County, Texas, a 0.131 acre tract and a 0.915 acre tract of land described in Volume 11350, Pages 1892-1895 of the Official Public Records of Real Property of Bexar County, Texas, being Lots 14-19, Block 3 N.C.B. 6791 of the Myrtlelawn Subdivision recorded in Volume 980, Page 250 of the Deed and Plat Record of Bexar County, Texas, and a portion of E. Locust St. closed by ordinance no. 17947 in the City of San Antonio, Bexar County Texas. Said 1.602 acre tract being more fully described as follows with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone and the east right-of-way line of E. Elmira St., a variable with right-of-way, per City Engineers Map Number 19, as found monumented on the ground:

- BEGINNING:** At a found ½" iron rod with a cap marked "RPLS4612", the southwest corner of the 0.915 acre tract, the northeast corner of the intersection of the north right-of-way line of E. Myrtle St., a 50-foot right-of-way, per City Engineers Map Number 19, with the east right-of-way line of E. Elmira St.;
- THENCE:** N 18°37'30"E, with the east right-of-way line of E. Elmira St. the west line of the 0.915 acre tract, the west line of this tract, a distance of 241.91 feet to a fence post, the northwest corner of the 0.915 acre tract, the southwest corner of the 0.131 acre tract;
- THENCE:** N 30°16'27"E, with the east right-of-way line of E. Elmira St., the west line of the 0.131 acre tract, the west line of this tract, a distance of 49.66 feet to a found ½" iron rod, the northwest corner of a 0.131 acre tract, the southwest corner of Lot 2;
- THENCE:** N 18°36'59"E, with the east right-of-way line of E. Elmira St., the west line of Lot 2, the west line of this tract, a distance of 237.37 feet to a found PK nail, the northwest corner of Lot 2, on the south right-of-way line of W. Grayson St., a 60-foot right-of-way, per City Engineers Map Number 19;
- THENCE:** S 76°41'07"E, with the south right-of-way line of W. Grayson St., a distance of 62.58 feet to a set "x" in concrete, on the west line of the San Antonio River, the northeast corner of Lot 2, from which a found PK nail bears S 74°09'39"E, a distance of 5.54 feet;

22008250

1.602 Acres  
Job No. 9432-07  
Page 2 of 2

- THENCE: S 04°04'40"W, with the east line of Lot 2, the west line of the San Antonio River, a distance of 259.47 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", the southeast corner of Lot 2, the northeast corner of that portion of E. Locust St. closed by ordinance no. 17947;
- THENCE: S 06°54'52"W, with the east line of the portion of E. Locust St. closed by ordinance no. 17947, the west line of the San Antonio River, a distance of 51.05 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", the northeast corner of the 0.915 acre tract, the southeast corner of the portion of E. Locust St. closed by ordinance no. 17947;
- THENCE: With the east line of the 0.915 acre tract, the east line of this tract, the west line of the San Antonio River, the following calls and distances:
- S 07°45'40"W, a distance of 78.19 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";
- S 15°57'52"W, a distance of 171.95 feet to a found ½" iron rod with a cap marked "MLS", the southeast corner of the 0.915 acre tract, on the north right-of-way line of E. Myrtle St.;
- THENCE: N 66°01'16"W, with the north right-of-way line of E. Myrtle St., the south line of the 0.915 acre tract, the south line of this tract, a distance of 171.30 feet to the POINT OF BEGINNING and containing 1.602 acres of land in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: PAPE-DAWSON ENGINEERS INC.

DATE: January 8, 2008

REV: January 14, 2008

JOB No.: 9432-07

FILE: N:\Survey07\7-9500\9432-07\WORD\9432-07FN.doc



**PAPE-DAWSON**  
**ENGINEERS**





**AFFIDAVIT OF PUBLICATION**

(COUNTY OF BEXAR)  
(STATE OF TEXAS)

**PUBLIC NOTICE**

**AN ORDINANCE 2008-10-16-0950**

I, Lynette Nelson do solemnly swear that the notice was published 1 time(s) in the following publication(s):

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: 1.602 acres out of NCB 6791 TO WIT: From "I-1 RIO-2" General Industrial River Improvement Overlay District-2 to "IDZ RIO-2" Infill Development, River Improvement Overlay District-2 with uses permitted in "C-3" General Commercial District, "D" Downtown District, "MF-50" Multi-Family District with these 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

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 2008-10-16-0950

Lynette Nelson

Subscribed and sworn before me, this

20th day of February, 2009

NOTARY PUBLIC SIGNATURE

Olivia D. Chaverria

Notary Public Printed/Typed Name

My Commission Expires: 07/17/2010





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

Agenda Item # Z-2  
Council Meeting Date: 10/16/2008  
RFCA Tracking No: R-3959

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**DEPARTMENT:** Planning & Development  
Services

**DEPARTMENT HEAD:** Roderick Sanchez

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

**SUBJECT:**  
Zoning Case Z2008250

**SUMMARY:**

From "I-1 RIO-2" General Industrial 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 with these 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:** Rio Perla Properties, L.P.

**Owner:** Rio Perla Properties, L.P.

**Property Location:** 102 E. Grayson Street and 1366 E. Elmira Street

1.602 acres out of NCB 6791 and 7008

East Elmira Street between East Myrtle Street and East Grayson Street

**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 industrial zoning, restricting future uses to those of an industrial nature and prohibiting 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 1.602 acres. There is an existing commercial structure on the subject property that measures approximately 7200 square feet and was constructed in 1950. The subject property is currently being used as a vehicle storage and fueling facility. Upon adoption of the 2001 Unified Development Code, the existing I-1 zoning converted from the previous I-1 zoning classification. The River Improvement Overlay District was added by City Council on August 8, 2002 (Ordinance #96152.)

Property to the north across Grayson Street is zoned "C-3 RIO-2" General Commercial, River Improvement Overlay District-2 and "I-1 RIO-2" General Industrial, River Improvement Overlay District-2. Property to the west across Elmira Street is zoned "C-3 RIO-2" General Commercial, River Improvement Overlay District-2, "C-3NA" General Commercial Non-alcoholic Sales, River Improvement Overlay District-2 and "I-1 RIO-2" General Industrial, River Improvement Overlay District-2. Property to the south across E. Myrtle is zoned "C-3 RIO-2" General Commercial, 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 and industrial uses to the north across Grayson Street, to the west across Elmira Street and to the south across E. Myrtle. The Pearl Brewery development is located to the east across the San Antonio River.

The applicant has applied for IDZ zoning in order to allow for a mixed use development. The zoning request is a down-zoning from I-1 to IDZ and would remove potentially harmful land-uses from the area. 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>	Z2008250.pdf
<a href="#">Zoning Commission Minutes</a>	Z2008250.pdf
<a href="#">Voting Results</a>	
<a href="#">Ordinance/Supplemental Documents</a>	200810160950.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director Planning & Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager