

AN ORDINANCE 2008-11-20-1061

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 The south 68.5 feet of Lot 28 and Lot 29, Block 13, NCB 1955 from "R-6" Residential Single-Family District to "R-6 CD" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 15 units per acre or a total of 2 units.

SECTION 2. The City Council finds as follows:

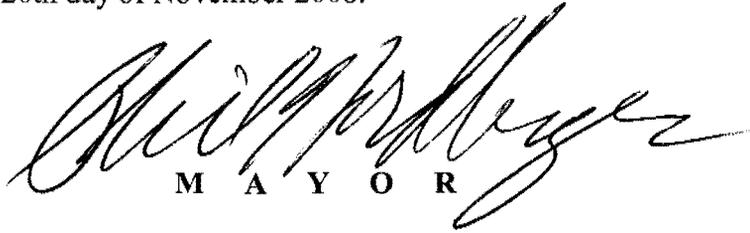
- A.** The conditional use will not be contrary to the public interest.
- B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C.** The conditional use will be in harmony with the spirit and purpose for conditional 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.

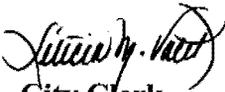
SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

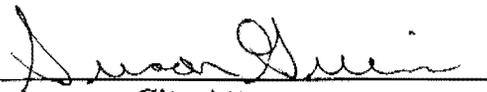
SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective November 30, 2008.

PASSED AND APPROVED this 20th day of November 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - Z-4

Name:	Z-1, Z-3, Z-4, Z-9, Z-10, P-1, Z-11
Date:	11/20/2008
Time:	05:41:43 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008271 CD (District 7): An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "R-6 CD" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 15 units per acre or a total of 2 units on the south 68.5 feet of Lot 28 and Lot 29, Block 13, NCB 1955 located at 2793 and 2795 North Elmendorf Street. 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				x
John G. Clamp	District 10		x				

Z2008271 CD

ZONING CASE NUMBER Z2008271 CD (Council District 7) – October 21, 2008

A request for a change in zoning from “R-6” Residential Single-Family District to “R-6 CD” Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 15 units per acre or a total of 2 units on the south 68.5 feet of Lot 28 and Lot 29, Block 13, NCB 1955, 2793 and 2795 North Elmendorf Street. Staff recommends approval.

Theodore Rodriguez, owner, stated the purpose of this request is to allow for another meter also to upgrade the electrical service in the house. He stated he does not intend to remodel or making additions to the structure.

The following citizen(s) appeared to speak:

Alejandro Soto, President of Woodlawn Lake Neighborhood Association, stated their concern is that this zoning change may allow for apartment rental units should Mr. Rodriguez sell the property.

Grace Rose, representing Jefferson Woodlawn Lake Association, stated they are in opposition. As Mr. Soto stated, they are concerned that this change would allow for rental units. She stated their intent is to maintain the single-family residential character of the neighborhood.

Staff stated there were 24 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Jefferson Neighborhood Association. Staff mailed 34 notices to the Planning Team.

COMMISSION ACTION

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

AYES: Sherrill, McFarland, J. Valadez, Gadberry, Martinez, Gray

NAY: Myers

THE MOTION CARRIED



Zoning Case Notification Plan

Case Z2008-271CD

Council District 7

Scale: 1" approx. = 100'

Subject Property Legal Description(s): South 68.5 feet of Lot 28 and 29 NCB 1955 Blk 13

Legend

- Subject Property (0.1299 acres)
- 200' Notification Buffer
- Current Zoning R5
- Requested Zoning Change (R6CD)
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 09/22/2008
 D. E. Castillo



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-4
Council Meeting Date: 11/20/2008
RFCA Tracking No: R-4105

DEPARTMENT: Planning & Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 7

SUBJECT:
Zoning Case Z2008271 CD

SUMMARY:

From "R-6" Residential Single-Family District to "R-6 CD" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 15 units per acre or a total of 2 units.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: October 21, 2008

Applicant: Theodore C. Rodriguez, Jr.

Owner: Theodore C. Rodriguez, Jr.

Property Location: 2793 and 2795 North Elmendorf Street

The south 68.5 feet of Lot 28 and Lot 29, Block 13, NCB 1955.

On the west side of North Elmendorf Street, approximately 96 feet south of West Huisache Avenue, having 68.5 feet of frontage on North Elmendorf Street with a maximum depth of 82.70 feet.

Proposal: To separate two rental units.

Neighborhood Association: Jefferson/Woodlawn Lake Neighborhood Association

Neighborhood Plan: Near Northwest Community 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 "R-6" Residential Single Family District zoning, restricting future land use to single family detached dwellings at a maximum of 7 units per acre, prohibiting the proposed separation of the two rental units.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (6-1) recommend approval.

The requested conditional use for multi-family dwellings did not require a finding of consistency with the Near Northwest Community land use plan because the base zone of the subject property was not changed. The Near Northwest Community Plan identifies future land use for the subject property as Medium Density Residential.

The subject property is located within the original city limits and totals approximately 0.1299 acres. The subject property is occupied by two existing single-family dwellings and has frontage on North Elmendorf Street, a local street. There is an existing single-family dwelling on the subject property that measures approximately 1323 square feet and was constructed in 1934, as well as an existing garage apartment that measures approximately 676 square feet and was constructed in 1934. Both structures were constructed prior to the application of city zoning regulations. In 2002 following the adoption of the Unified Development Code, the existing "R-6" Residential Single-Family District zoning converted from the previous "R-1" Single-Family Residence District. The subject property is adjacent to "R-6" Residential Single-Family District zoning to the west, south, and north (single-family dwellings) as well as across North Elmendorf Street to the east (school). The applicant is the owner of the single-family dwelling located at 1804 West Huisache Avenue.

The applicant is requesting a change of zoning in order to allow for two meters at the subject property location. Although the general area is primarily zoned "R-6" Residential Single-Family District, multiple properties along West Huisache Avenue and West Magnolia Avenue have both primary residences and garage apartments. Seeing that there is an existing mix of residential uses in the general area, a conditional use for two dwelling units would be compatible with the surrounding neighborhood. The zoning request would be appropriate at this location and is consistent with the Near Northwest Community Plan.

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but, due to individual site consideration or unique development requirements may be compatible with adjacent land uses under given conditions. The applicant will have to comply with all current site development standards to receive a Certificate of Occupancy, which include parking, landscaping, exterior lighting and the issuance of building and other supplemental permits.

ATTACHMENT(S):

File Description	File Name
Zoning Map	Z2008271CD.pdf
Zoning Commission Minutes	Z2008271 CD.pdf
Voting Results	
Ordinance/Supplemental Documents	200811201061.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

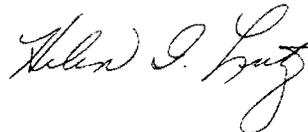
November 24, 2008.

PUBLIC NOTICE

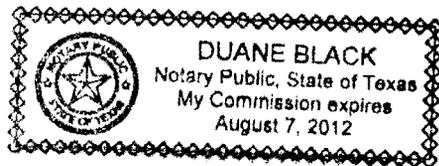
**AN ORDINANCE
2008-11-20-1061**

Subscribed and sworn to before me this 24th day of November, 2008, to certify which witness my hand and seal of office.

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 HEREINAS: The south 68.5 feet of Lot 28 and Lot 29, Block 13, NCB 1955 TO WIT: From "R-6" Residential Single-Family District to "R-6 CD" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 15 units per acre or a total of 2 units provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
11/24



Helen I. Lutz, Publisher



Notary Public in and for the State of Texas

Duane Black

Name of Notary

My commission expires August 7, 2012