

AN ORDINANCE 2008-09-18-0853

**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 0.0442 acres out of Lot 1, Block 23, NCB 15849, previously NCB 15329, from "MPCD GC-2" Master Planned Community Highway 151 Gateway Corridor Overlay District-2 to "C-3 GC-2 S" General Commercial Highway 151 Gateway Corridor Overlay District-2 with a Specific Use Authorization for a Check Cashing Facility.

**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 specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

**SECTION 4.** The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

**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 18<sup>th</sup> day of September 2008.



M A Y O R

**PHIL HARDBERGER**

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney  
for



Request for  
**COUNCIL  
ACTION**

City of San Antonio

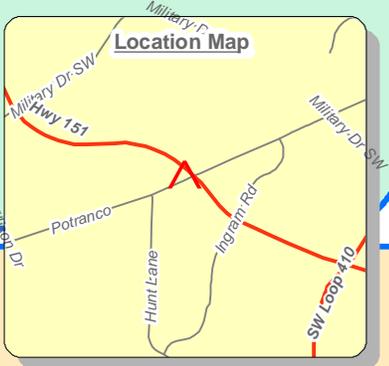
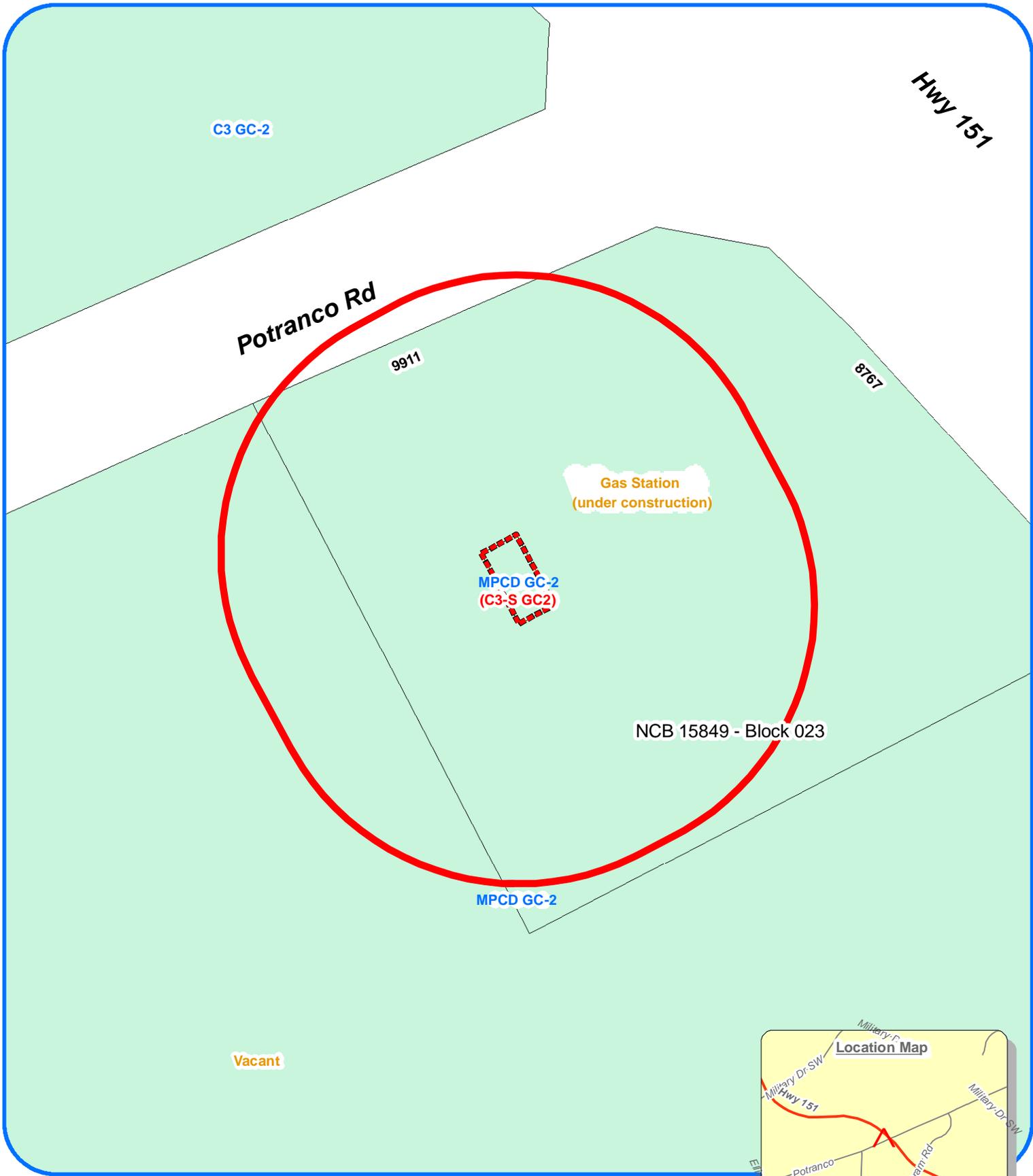


## Agenda Voting Results - Z-16

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|---------------------|---|
| <b>Name:</b>        | Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-9, Z-10, Z-12, P-1, Z-13, Z-14, Z-15, Z-16, Z-17, Z-18, Z-19, Z-22, Z-23, Z-25, Z-29, Z-30, Z-33, Z-34  |
| <b>Date:</b>        | 09/18/2008  |
| <b>Time:</b>        | 02:35:17 PM   |
| <b>Vote Type:</b>   | Motion to Approve   |
| <b>Description:</b> | ZONING CASE # Z2008218 S (District 6): An Ordinance amending the Zoning District Boundary from "MPCD GC-2" Master Planned Community Highway 151 Gateway Corridor Overlay District-2 to "C-3 GC-2 S" General Commercial Highway 151 Gateway Corridor Overlay District-2 with a Specific Use Authorization for a Check Cashing Facility on 0.0442 acres out of Lot 1, Block 23, NCB 15849, previously NCB 15329, located at 8767 State Hwy 151. 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   |     |         |        |        |
| Louis E. Rowe          | District 9  |             | x   |     |         |        |        |
| John G. Clamp          | District 10 |             | x   |     |         |        | x      |



# Zoning Case Notification Plan

## Case Z2008218 S

Council District 6  
 Scale: 1" approx. = 100'  
 Subject Property Legal Description(s): 0.0442 acres out of Lot 1 - Block 23 - NCB 15849

| Legend                   |              |
|--------------------------|--------------|
| Subject Property         | 0.0442 Acres |
| 200' Notification Buffer |              |
| Current Zoning           | R6           |
| Requested Zoning Change  | (R6)         |
| 100-Year FEMA Floodplain |              |





**METES AND BOUND DESCRIPTION  
(FOR A ZONING CASE)**

**0.0442 OF AN ACRE (1926.65 SQ. FT.) OF LAND OUT OF LOT 1, BLOCK 23, NEW CITY BLOCK 15849, MONTERREY CORNER FUELING SUBDIVISION, ACCORDING TO PLAT RECORDED IN VOLUME 9575, PAGE 225, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING** at a 1/2" iron rod found on the Southeast Right-of-Way line of Potranco Road marking the most Westerly corner of said Lot 1;

**THENCE** North 66° 22' 11" East (Basis of Bearings) 339.13 feet along the Southeast Right-of-Way line of Potranco Road to a 1/2" iron rod found marking the most Westerly corner of a cut-back between the Southeast Right-of-Way line of Potranco Road and the Southwest Right-of-Way line of S.H. 151;

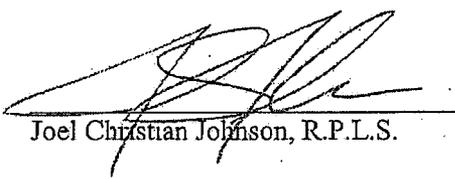
**THENCE** South 24° 22' 36" West 260.32 feet entrant said Lot 1 to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** North 61° 45' 05" East 31.05 feet to a point;

**THENCE** South 28° 14' 55" East 62.05 feet to a point;

**THENCE** South 61° 45' 05" West 31.05 feet to a point;

**THENCE** North 28° 14' 55" West 62.05 feet to the **POINT OF BEGINNING**, and containing 0.0442 of an acre of land.

  
Joel Christian Johnson, R.P.L.S.

07/07/08  
Date



RJI Job#:2074-001-000

A sketch to accompany this description prepared this date.

M:\2074-001-000\metes.doc

3690 Highpoint • San Antonio, TX 78217 • (210) 490-6001 • (210) 496-3975 (Fax) • info@rosinjohnson.com

**EXHIBIT A**

**Z2008218 S**

**ZONING CASE NUMBER Z2008218 S (Council District 6)** – August 5, 2008

A request for a change in zoning from “MPCD GC-2” Master Planned Community Highway 151 Gateway Corridor District to ‘C-3 GC-2 S’ General Commercial Highway 151 Gateway Corridor District with a Specific Use Authorization for a Check Cashing Facility on 0.0442 acres out of Lot 1, Block 23, NCB 15849, 8767 State Hwy 151. Staff recommends approval.

This case was approved by consent.

Staff stated there were 2 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor.

**COMMISSION ACTION**

The motion was made by Commissioner Gadberry and seconded by Commissioner Robbins to recommend approval.

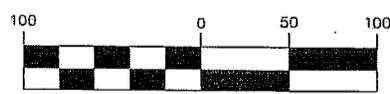
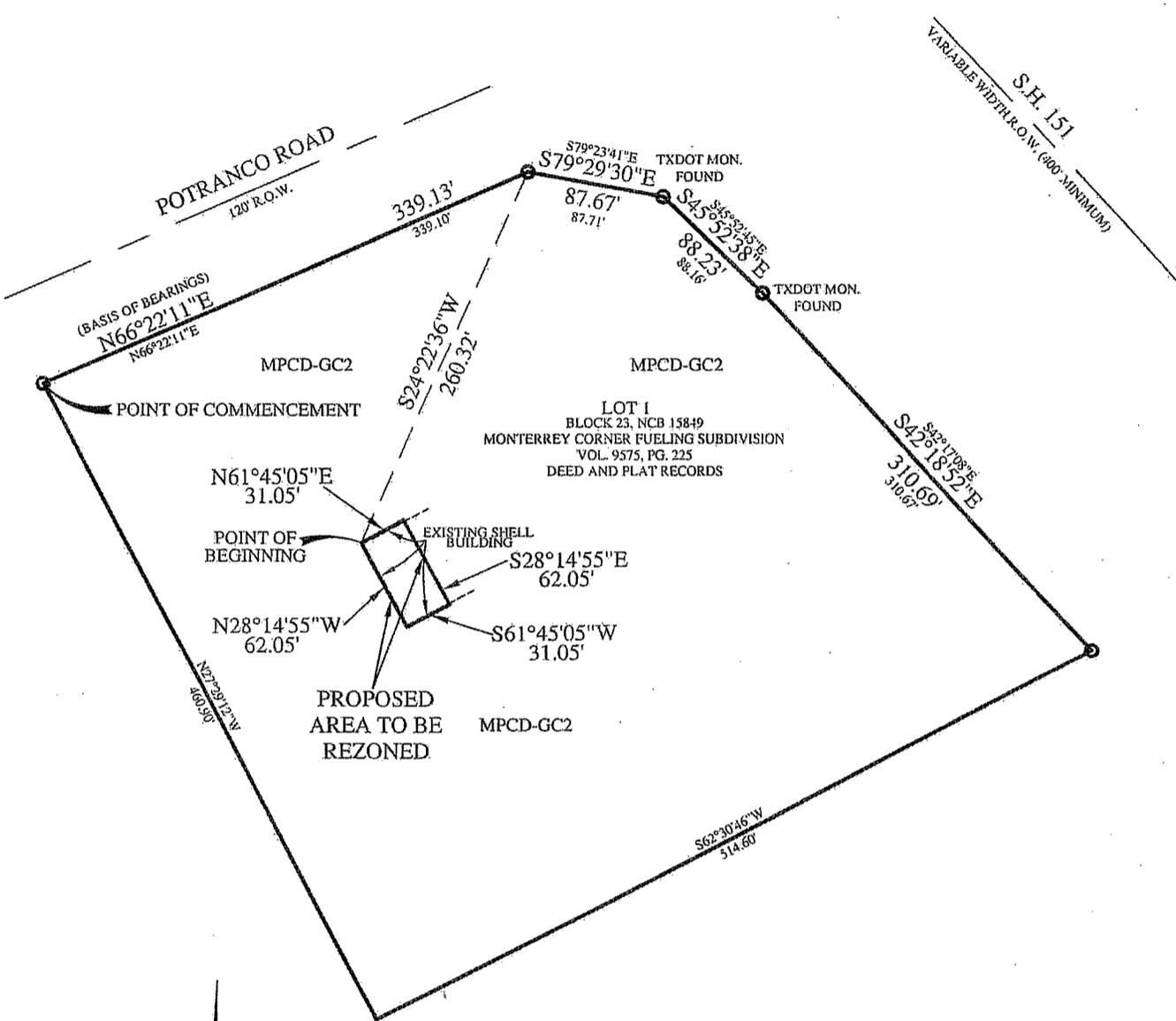
**AYES: Sherrill, Robbins, J. Valadez, Westheimer, Gadberry, Hawkins, Myers,  
Martinez**

**NAY: None**

**THE MOTION CARRIED**

NOTES:  
 1. SITE IMPROVEMENTS NOT SHOWN.  
 2. EASEMENTS, SETBACKS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY ARE NOT SHOWN.

RECORD INFORMATION  
 N89°27'41"E  
 65.00'  
 AS MEASURED IN FIELD  
 S33°29'20"W  
 161.24'



1 inch = 100ft.

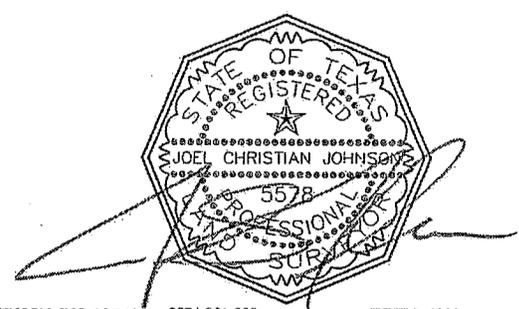
LEGEND  
 ● IRON ROD FOUND  
 (UNLESS OTHERWISE NOTED)

EXISTING ZONING: MPCD GC-2  
 AREA BEING REZONED 0.0442 OF AN AC./1926.65 S.F.

REVISED: JULY 7, 2008

# ZONING EXHIBIT

0.0442 OF AN ACRE (1926.65 SF)  
 PORTION OF LOT 1, BLOCK 23, NCB  
 15849, MONTERREY CORNER  
 FUELING SUBDIVISION,  
 ACCORDING TO PLAT RECORDED  
 IN VOLUME 9575, PAGE 225, DEED  
 AND PLAT RECORDS



ROSIN-JOHNSON, INC. JOB NO. 2074-001-000 DATE: JUNE 2, 2008

**RJ Rosin-Johnson, Inc.**  
 Civil Engineers - Land Surveyors



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

Agenda Item # Z-16  
Council Meeting Date: 9/18/2008  
RFCA Tracking No: R-3770

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

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

**SUBJECT:**  
Zoning Case Z2008218 S

**SUMMARY:**

From "MPCD GC-2" Master Planned Community Highway 151 Gateway Corridor Overlay District-2 to "C-3 GC-2 S" General Commercial Highway 151 Gateway Corridor Overlay District-2 with a Specific Use Authorization for a Check Cashing Facility.

**BACKGROUND INFORMATION:**

**Zoning Commission Meeting Date:** August 05, 2008

**Applicant:** Kaufman & Associates, Inc.

**Owner:** Carlton Owner, LLC

**Property Location:** 8767 State Hwy 151

0.0442 acres out of Lot 1, Block 23, NCB 15849

On the south side of Potranco Road, west of State Highway 151

**Proposal:** To allow a check cashing facility

**Neighborhood Association:** None

**Neighborhood Plan:** None

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

**ISSUE:**  
None.

**ALTERNATIVES:**

A denial of this zoning request would result in the subject property retaining the current zoning

classification of "MPCD GC-2" and would remain part of the Monterrey Village MPCD, prohibiting the proposed check cashing facility, which is only allowed in the C-3 district with the approval of a specific use authorization.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

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

The subject property, located at the southwest corner of Potranco Road and State Highway 151, consists of approximately 0.0442 acres out of a larger 4.6 acre lot. The larger 4.6 acre lot is currently being developed as a gas station with attached suites; the subject property consists entirely of one suite. The property was annexed in 1984, per ordinance 59776. Upon annexation, the subject property was zoned "B-3" Business District. Following the adoption of the Unified Development Code in 2002, the original zoning converted to "C-3" General Commercial District. In 2005, the property was rezoned to add the "GC-2" Highway 151 Gateway Corridor Overlay District. A 2007 zoning case rezoned a 200-acre tract, including the subject property, as "MPCD" Master Planned Community District. Surrounding zoning includes "MPCD" to the south and west, "C-3" to the north and east, and "C-2" to the northeast. Surrounding properties that are within 1000 feet of State Highway 151 are included in the "GC-2" Overlay District. Surrounding land uses include the attached gas station currently being constructed, and undeveloped land to the north, south, and west. To the east and southeast, across Highway 151, are a gas station and construction of multiple commercial projects.

The applicant requests "C-3 GC-2 S" General Commercial Highway 151 Gateway Corridor Overlay District with a Specific Use Authorization to allow a check cashing facility. Staff finds the request to be appropriate given the location of the subject property at the intersection of Potranco Road, a Primary Arterial "Type A", and an interstate highway. If approved, the current rezoning request would remove the 0.04-acre subject property from the surrounding Monterrey Village MPCD, resulting in a minor revision to that plan.

**ATTACHMENT(S):**

| File Description                                 | File Name              |
|--|------------------------|
| <a href="#">Zoning Commission Minutes</a>        | Z2008218 S.pdf         |
| <a href="#">Location Map</a>                     | Z2008218.pdf           |
| <a href="#">Site Plan</a>                        | Site Plan Z2008218.pdf |
| <a href="#">Voting Results</a>                   |                        |
| <a href="#">Ordinance/Supplemental Documents</a> | 200809180853.pdf       |

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager