

AN ORDINANCE 2008-10-16-0957

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 1.392 acres out of NCB 8204 from "C-3 R CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District, Restrictive Alcohol Sales with a Conditional Use for a Lumberyard and Building Materials with Outside Storage and "C-3 R" General Commercial District, Restrictive Alcohol Sales to "C-3 CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage.

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. Outside storage shall be screened from public view.

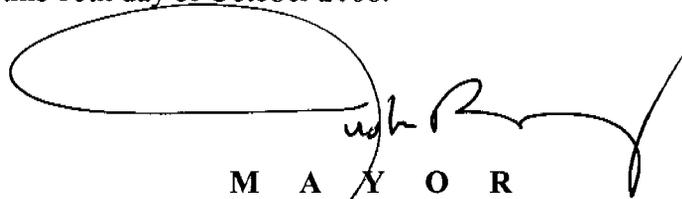
- B. Outdoor lighting shall be arranged so the source of light is concealed from the nearby residential properties through the use of directional fixtures of ninety (90) degrees or less.
- C. A minimum 10-foot "Type A" landscaped buffer shall be maintained for the property lines along Alta Sita Street and Southwest 30th Street. As per the Unified Development Code (Table 510-1) a minimum 15-foot "Type B" landscaped buffer shall be maintained for the property line along West Commerce Street.

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 October 26, 2008.

PASSED AND APPROVED this 16th day of October 2008.



M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney



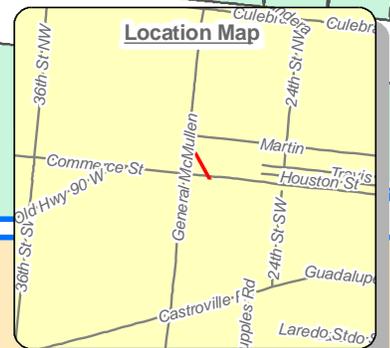
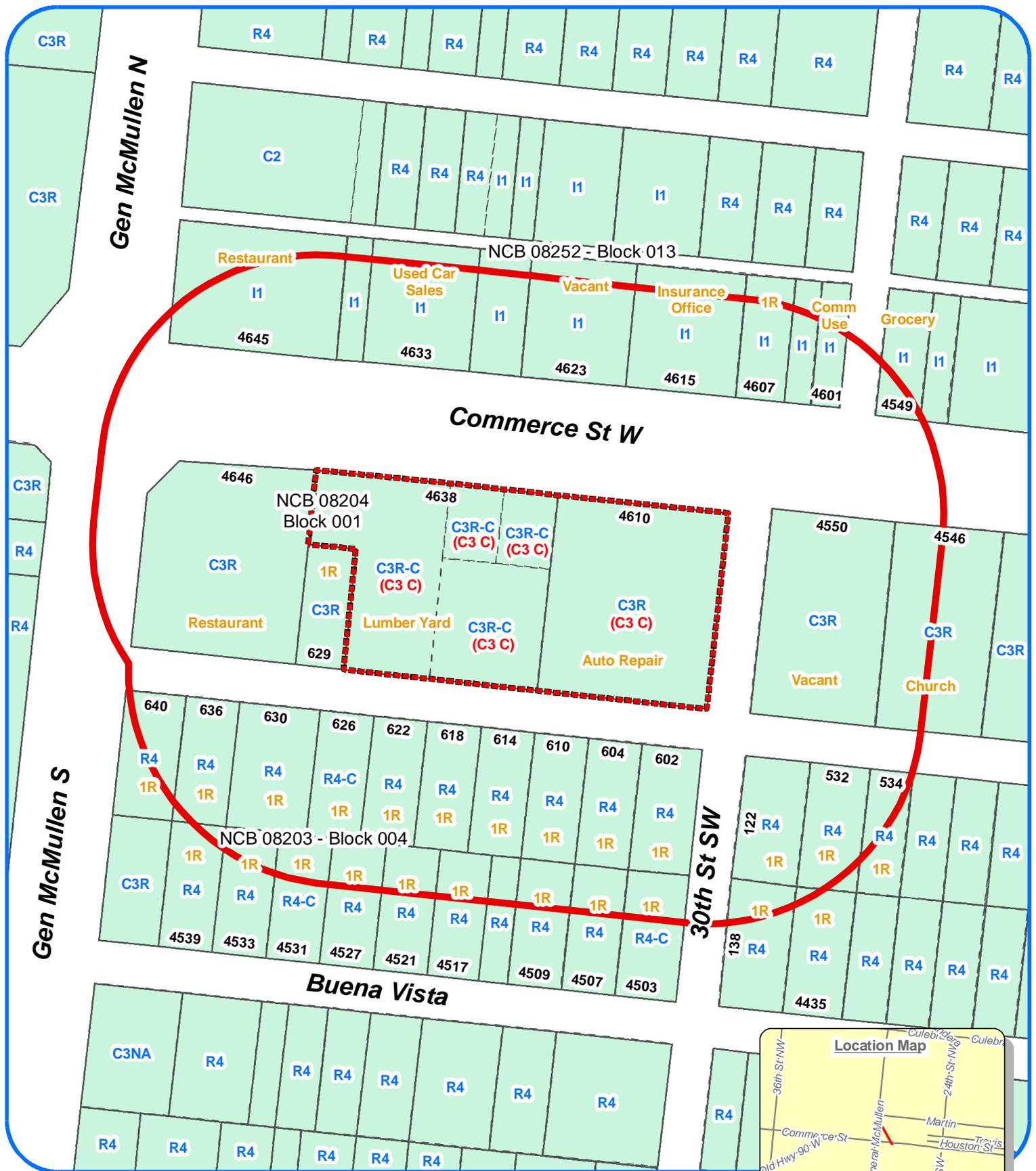
Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-11

Name:	Z-2, Z-3, Z-4, Z-5, Z-10, Z-11, Z-13, Z-14
Date:	10/16/2008
Time:	04:36:50 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008263 CD (District 5): An Ordinance changing the zoning district boundary from "C-3 R CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District, Restrictive Alcohol Sales with a Conditional Use for a Lumberyard and Building Materials with Outside Storage and "C-3 R" General Commercial District, Restrictive Alcohol Sales to "C-3 CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage on 1.392 acres out of NCB 8204 located at 4638 and 4610 West Commerce. Staff and Zoning Commission recommend approval with conditions.
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				
John G. Clamp	District 10		x				x



Zoning Case Notification Plan

Case Z-2008-263

Council District 5

Scale: 1" approx. = 120'

Subject Property Legal Description(s): NCB 08204 - Block 001 - S 65.06 ft of Lots 7 thru 15 and Lots 28 thru 34; and Lots 22 thru 27 and S 65.06 ft of Lots 16 thru 21

Legend

- Subject Property (1.4 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(09/05/2008)

Z2008263 CD

ZONING CASE NUMBER Z2008263 CD (Council District 5) – September 16, 2008

A request for a change in zoning from “C-3R CD” (CD-Lumberyard and Building Materials with Outside Storage) General Commercial Restrictive Alcohol Sales District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage and “C-3R” General Commercial Restrictive Alcohol Sales District to ‘C-3 CD’ (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage on 1.392 acres out of NCB 8204, 4638 and 4610 West Commerce Street. Staff recommends the conditions listed to help eliminate any potentially negative impact on nearby residences:

1. Outside storage shall be screened along public view.
2. Outdoor lighting shall be arranged so the source of light is concealed from the nearby residential properties through the use of directional fixtures of ninety (90) degrees or less.
3. A minimum 10-foot “Type A” landscaped buffer shall be maintained for the property lines along Alta Sita Street and Southwest 30th Street. As per the Unified Development Code (Table 510-1) a minimum 15-foot “Type B” landscaped buffer shall be maintained for the property line along West Commerce Street.

This case was approved by consent.

Staff stated there were 44 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and Prospect Hill Neighborhood Association is in favor.

COMMISSION ACTION

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

AYES: Sherrill, Robbins, J. Valadez, Gadberry, Myers, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

Z2008263

Page 1 of 7
1.392 Acres



METES AND BOUND DESCRIPTION

1.392 ACRES (60,622 SQ FT) OF LAND CONSISTING OF: LOTS 10, 11, 32, 33 AND 34, BLOCK 1, NEW CITY BLOCK 8204, ALTA SITA ADDITION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 980, PAGE 69, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, SAVE AND EXCEPT THAT PART OF LOTS 10 AND 11 DESCRIBED IN CONDEMNATION PROCEEDINGS IN CAUSE NO. 194, STATE OF TEXAS VS. SAN ANTONIO LOAN AND TRUST CO., ET. AL. ACCORDING TO DEED RECORDED IN VOLUME 10573, PAGE 1597, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS; THE SOUTH 65.06 FEET OF LOT NUMBERS 14 AND 15, BLOCK 1, NEW CITY BLOCK 8204, OF SAID ALTA SITA ADDITION ACCORDING TO DEED RECORDED IN VOLUME 10573, PAGE 1599, IN SAID REAL PROPERTY RECORDS; LOTS 7, 8, AND 9, BLOCK 1, NEW CITY BLOCK 8204, OF SAID ALTA SITA ADDITION, SAVE AND EXCEPT THAT PORTION DESCRIBED IN CONDEMNATION PROCEEDINGS IN SAID CAUSE NO. 194 ACCORDING TO DEED RECORDED IN VOLUME 10573, PAGE 1601, IN SAID REAL PROPERTY RECORDS; LOTS 12, 13, 28, 29, 30, AND 31, BLOCK 1, NEW CITY BLOCK 8204, OF SAID ALTA SITA ADDITION, SAVE AND EXCEPT THAT PORTION DESCRIBED IN CONDEMNATION PROCEEDINGS IN SAID CAUSE NO. 194 ACCORDING TO DEED RECORDED IN VOLUME 10573, PAGE 1603, IN SAID REAL PROPERTY RECORDS; AND THE SOUTH 63.5 FEET OF LOTS 16 THROUGH 21, AND ALL OF LOTS 22 THROUGH 27, BLOCK 1, NEW CITY BLOCK 8204, OF SAID ALTA SITA ADDITION ACCORDING TO DEED RECORDED IN VOLUME 10573, PAGE 1608, IN SAID REAL PROPERTY RECORDS. SAID 1.392 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½-inch iron rod set with yellow cap marked "Rosin Johnson" at the intersection of the West Right-of-Way line of 30th St and the North Right-of-Way line of Alta Sita St marking the Southeast corner of said Lot 22 and of the herein described tract;

THENCE North 83 degrees 33 minutes 00 seconds West 325.00 feet along the North Right-of-Way line of Alta Sita St to a ½-inch iron rod set with yellow cap marked "Rosin Johnson" marking the Southwest corner of said Lot 34 and of the herein described tract;

THENCE North 06 degrees 26 minutes 37 seconds East 112.00 feet along the West line of said Lot 34 to a ½-inch iron rod set with yellow cap marked "Rosin Johnson" marking the Northwest corner of said Lot 34;

THENCE North 83 degrees 33 minutes 00 seconds West 50.00 feet to a ½-inch iron rod set with yellow cap marked "Rosin Johnson" marking the Southwest corner of said Lot 7;

THENCE North 06 degrees 26 minutes 37 seconds East 64.59 feet along the West line of said Lot 7 to a 1/2-inch iron rod set with yellow cap marked "Rosin Johnson" on the South Right-of-Way line of W Commerce St marking the Northwest corner of the herein described tract;

THENCE South 83 degrees 33 minutes 00 seconds East 375.00 feet along the South Right-of-Way line of said W Commerce St to a 1/2-inch iron rod set with yellow cap marked "Rosin Johnson" at the intersection of the South Right-of-Way line of W Commerce St and the West Right-of-Way line of 30th St marking the Northeast corner of the herein described tract;

THENCE South 06 degrees 26 minutes 37 seconds West 176.59 feet along the West Right-of-Way line of 30th St to the **POINT OF BEGINNING**, and containing 1.392 acres (60,622 sq ft) of land.

This description is based on the land title survey and plat made by Joel Christian Johnson, RPLS No. 5578 of equal date.

Basis of Bearings: Texas State Plain Coordinate System NAD 83 South Central Zone (CORS)


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

01/22/08
Date

RJI Job#1926-004-000

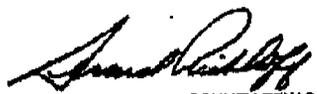


Doc# 20080064335 Fees: \$35.00
03/28/2008 3:18PM # Pages 5
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

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 BEKAR
I hereby certify that this instrument was FILED in File Number Sequence on this 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:

MAR 28 2008




COUNTY CLERK BEXAR COUNTY, TEXAS



AFFIDAVIT OF PUBLICATION

(COUNTY OF BEXAR)
(STATE OF TEXAS)

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

PUBLIC NOTICE

AN ORDINANCE 2008-10-16-0957

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: 1.392 Acres out of NCB 8204 TO WIT: From "C-3 R CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial Restrictive Alcohol Sales District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage and "C-3 R" General Commercial Restrictive Alcohol Sales District to "C-3 CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage provided all conditions imposed by the are City Council adhered to. "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 2008-10-16-0957

Lynette Nelson

Lynette Nelson
Subscribed and sworn before me, this

20th day of February, 2009

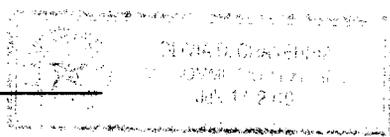
Olivia D. Chaverria

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-11
Council Meeting Date: 10/16/2008
RFCA Tracking No: R-3997

DEPARTMENT: Planning & Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 5

SUBJECT:
Zoning Case Z2008263 CD

SUMMARY:

From "C-3 R CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District, Restrictive Alcohol Sales with a Conditional Use for a Lumberyard and Building Materials with Outside Storage and "C-3 R" General Commercial District, Restrictive Alcohol Sales to "C-3 CD" (CD-Lumberyard and Building Materials with Outside Storage) General Commercial District with a Conditional Use for a Lumberyard and Building Materials with Outside Storage.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: September 16, 2008

Applicant: Revo Capital West Commerce, Ltd.

Owner: Revo Capital West Commerce, Ltd.

Property Location: 4638 and 4610 West Commerce Street

1.392 Acres out of NCB 8204

The southwest corner of the intersection of West Commerce Street and Southwest 30th Street.

Proposal: To remove alcohol restriction for commercial development.

Neighborhood Association: Prospect Hill Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

ISSUE:

None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current commercial zoning; restricting future land uses to those permissible in a C-3 commercial zoning district.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (7-0) recommend approval with the following conditions: 1. Outside storage shall be screened from public view; 2. Outdoor lighting shall be arranged so the source of light is concealed from the nearby residential properties through the use of directional fixtures of ninety (90) degrees or less; and 3. A minimum 10-foot "Type A" landscaped buffer shall be maintained for the property lines along Alta Sita Street and Southwest 30th Street. As per the Unified Development Code (Table 510-1) a minimum 15-foot "Type B" landscaped buffer shall be maintained for the property line along West Commerce Street.

The subject property is located on the west side of the city. This 1.392-acre, 2 parcel site is located on the south side of West Commerce Street, between South General McMullen and Southwest 30th Street. This area was annexed into the City on August 03, 1944. The existing commercial structures total approximately 5881 square feet with the uses of a tire-muffler shop and a vacant lumberyard. The subject property was rezoned from "J" to "B-3 R" and "B-3 S.U.P." (S – Lumberyard and Construction Materials with Outside Storage) on March 28, 1991. Upon the adoption of the current Unified Development Code in 2001, "B-3 R" and "B-3 S" were converted to "C-3 R" and "C-3 CD" (CD - Lumberyard and Construction Materials with Outside Storage). Surrounding properties to the west and to the east are zoned "C-3 R" and are occupied by a restaurant to the west and a vacant lot to the east. Properties to the north, across from West Commerce Street, are zoned "I-1" General Industrial District and are occupied by various commercial uses like auto sales, restaurant and an office. Properties to the south, across from Alta Vista Street, are zoned "R-4" and occupied by single-family residential structures and uses. This portion of West Commerce Street is Primary Arterial "Type B".

The requested commercial district, which will allow the applicant to sell alcohol, is a regional district most appropriate at the intersections of major thoroughfares and along the frontages of arterials and expressways. Given the property's location, the amount of existing commercial zoning in place and the development trends in the vicinity, uses allowed by this district would be consistent and compatible with the existing and likely future uses along the West Commerce Street corridor. Additionally, staff recommends the conditions listed below to help eliminate any potentially negative impact on nearby residences.

Should the City Council approve this request, staff and Zoning Commission recommend the following conditions:

1. Outside storage shall be screened from public view.
2. Outdoor lighting shall be arranged so the source of light is concealed from the nearby residential properties through the use of directional fixtures of ninety (90) degrees or less.
3. A minimum 10-foot "Type A" landscaped buffer shall be maintained for the property lines

along Alta Sita Street and Southwest 30th Street. As per the Unified Development Code (Table 510-1) a minimum 15-foot "Type B" landscaped buffer shall be maintained for the property line along West Commerce Street.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008263.pdf
Zoning Commission Minutes	Z2008263 CD.pdf
Voting Results	
Ordinance/Supplemental Documents	200810160957.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager