

AN ORDINANCE 2008-08-21-0737

**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 Lot B-6, NCB 10751 from "R-4" Residential Single-Family District to "C-2NA CD" (CD-Motor Vehicle Sales) Commercial District, Nonalcoholic Sales with a Conditional Use for Motor Vehicle Sales.

**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.** 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 point away from any residential zoning or uses, using 90-degree or less cut-off fixtures.
- B. A 6-foot tall, solid screen fence shall be maintained where the subject property abuts residential zoning or uses.
- C. No storage of junk vehicles shall be allowed.

**SECTION 4.** 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 5.** 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 6.** This ordinance shall become effective August 31, 2008.

**PASSED AND APPROVED** this 21st day of August 2008.

  
M A Y O R  
PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
For City Attorney

<b>Agenda Item:</b>	<b>Z-3</b>						
<b>Date:</b>	08/21/2008						
<b>Time:</b>	04:50:32 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2008028 ERZD (District 8): An Ordinance amending the Zoning District Boundary from "PUD R-6 ERZD" Planned Unit Development, Residential Single Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on Parcel 127T, NCB 14865 located at 7280 UTSA Boulevard. Staff and Zoning Commission recommend approval.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
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				
Justin Rodriguez	District 7		x				x
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

**Z2008167 CD**

**ZONING CASE NUMBER Z2008167 (Council District 2)** – June 17, 2008

The request of Leroy C. Alex, Applicant, for Leroy C. and Eleanor D. Alex, Owner(s), for a change in zoning from “R-4” Residential Single-Family District to “C-3” General Commercial District on Lot B-6, NCB 10751, 2011 and 2015 Rigsby. Staff recommends denial.

Leroy Alex, owner, stated the purpose of this request is to allow for a used auto sales lot.

Staff stated there were 28 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Southeast Side Community Organization.

**COMMISSION ACTION**

The motion was made by Commissioner Gray and seconded by Commissioner Wright to recommend a continuance until July 15, 2008.

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

**NAY: None**

**THE MOTION CARRIED**

**ZONING CASE NUMBER Z2008167 CD (Council District 2)** – July 15, 2008

A request for a change in zoning from “R-4” Residential Single-Family District to “C-3” General Commercial District on Lot B-6, NCB 10751, 2011 and 2015 Rigsby. Staff recommends denial of the request for “C-3” General Commercial District with an alternate recommendation for “C-2” (CD- Motor Vehicle Sales) Commercial District with a Conditional Use for Motor Vehicles Sales with conditions.

This case was approved by consent.

Applicant amended to “C-2NA” CD and is agreeable to conditions as staff has recommended.

Staff stated there were 28 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and no response from Southeast Side Community Organization.

**Z2008167 CD**

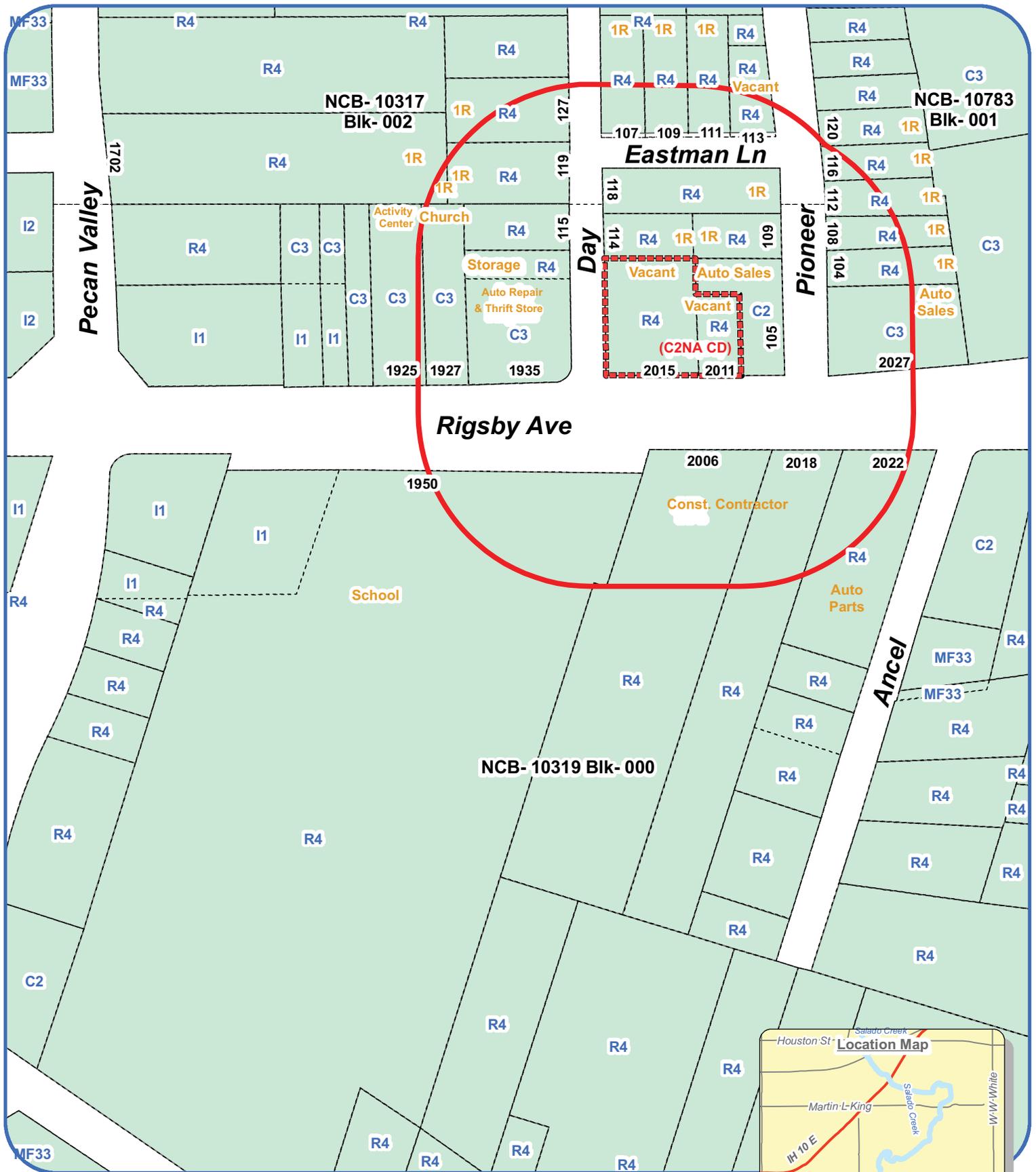
**COMMISSION ACTION**

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

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

**NAY: None**

**THE MOTION CARRIED**



**Zoning Case Notification Plan**

**Case Z2008167 CD**

Council District 2

Scale: 1" approx. = 150'

**Legend**

- Subject Property  (0.45 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept  
(5/29/2008)

Subject Property Legal Description(s): Lot: B-6 Block: 000 NCB: 10751



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

Agenda Item # Z-10  
Council Meeting Date: 8/21/2008  
RFCAs Tracking No: R-3683

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 2

**SUBJECT:**  
Zoning Case Z2008167 CD

**SUMMARY:**  
From "R-4" Residential Single-Family District to "C-2 NA CD" (CD-Motor Vehicle Sales) Commercial District, Nonalcoholic Sales with a Conditional Use for Motor Vehicle Sales.

**BACKGROUND INFORMATION:**  
**Zoning Commission Meeting Date:** July 15, 2008

**Applicant:** Leroy C. Alex  
**Owner:** Leroy C. and Eleanor D. Alex

**Property Location:** 2011 and 2015 Rigsby

Lot B-6, NCB 10751

The northeast corner of Rigsby Avenue and Day

**Proposal:** To allow auto sales

**Neighborhood Association:** Southeast Side Community Organization

**Neighborhood Plan:** None

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

**ISSUE:**  
The applicant originally requested "C-3" General Commercial District. At the July 15, 2008, Zoning Commission public hearing, the applicant amended the request. The amended request is for "C-2NA" (CD-Motor Vehicle Sales) Commercial Nonalcoholic Sales District with a

Conditional Use for Motor Vehicle Sales. Staff and Zoning Commission support the amended request.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current "R-4" Residential Single Family District zoning, restricting future land use to single family detached dwellings at a maximum of 11 units per acre, prohibiting the proposed commercial use.

**FISCAL IMPACT:**

None. The applicant has paid all the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (11-0) recommend approval with the following conditions: 1. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses, using 90-degree or less cut-off fixtures; 2. A 6-foot tall, solid screen fence shall be maintained where the subject property abuts residential zoning or uses; and 3. No storage of junk vehicles shall be allowed.

The subject property, located on the north side of Rigsby Avenue between Day and Pioneer, is approximately 0.45 acres in size and is currently undeveloped. The property was annexed in 1952, per ordinance 18115. After annexation, the subject property was zoned "B" Residence District, then converted to "R-4" Residential Single-Family District upon adoption of the 2001 Unified Development Code. Surrounding zoning includes "R-4" to the north and south, with "C-2" Commercial District abutting to the east and "C-3" General Commercial District to the east and west. Properties to the north are residential single-family; properties to the east are used as vehicle sales and repair. West of the subject property are multiple commercial buildings, many of which are vacant while others are used as a thrift store, auto repair, a church and an activity center. Land uses to the south include an elementary school, a construction contractor, auto part retail, and a print shop. The City's Major Thoroughfare Plan identifies Rigsby Avenue as a Primary Arterial "Type A" street, and Day and Pioneer as local streets.

The applicant requests "C-2 NA" (CD-Motor Vehicle Sales) Commercial Nonalcoholic Sales District with a Conditional Use for Motor Vehicle Sales. Staff finds the request to be appropriate for the subject property due to its specific location on this major thoroughfare, and the zoning transition it would provide along this segment of Rigsby Avenue. Although motor vehicle sales is allowed by right in "C-3", the less-intense "C-2" district with a conditional use would allow continuation of the current development pattern, while limiting the impact on the abutting residential development and the adjacent elementary school. Should the requested zoning be approved, a "Type B" landscape buffer will be required along the rear property line, where the subject property abuts residential zoning.

The application of a conditional use also provides an opportunity to limit the impact of the proposed use on surrounding properties by limiting the scope of uses allowed.

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

1. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses, using 90-degree or less cut-off fixtures.

2. A 6-foot tall, solid screen fence shall be maintained where the subject property abuts residential zoning or uses.
3. No storage of junk vehicles shall be allowed.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">Zoning Commission Minutes</a>	Z2008167 CD.pdf
<a href="#">Location Map</a>	Z2008167.pdf
<a href="#">Voting Results</a>	
<a href="#">Ordinance/Supplemental Documents</a>	200808210737.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager