

AN ORDINANCE 2007-01-04-0025

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 23 and Lot 24, Block 4, NCB 6403, Lot 3 and Lot 4, Block 4, NCB 6403, Lot 21 and Lot 22, Block 4, NCB 6403, Lot 1 and Lot 2, Block 4, NCB 6403, and Lot 1 and Lot 2, Block 4, NCB 3105 from "C-3" NCD-5 General Commercial Neighborhood Conservation District-5 to "C-2" NCD-5 Commercial Neighborhood Conservation District-5.

SECTION 2. 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 3. 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 4. This Ordinance shall become effective on January 14, 2007

PASSED AND APPROVED this 4th day of January, 2007.


M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: Consent Zoning Items 3,4,6,8,9,13,14,15,16,18,19,22,25,26,30,31,35

Date: 01/04/07

Time: 02:23:02 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR	Not present			

Affidavit of Publisher

PUBLIC NOTICE
ORDINANCE
2007-01-04-0025

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: Lots 23 and 24, Block 4, NCB 6403, Lots 3 and 4, Block 4, NCB 6403, Lots 21 and 22, Block 4, NCB 6403, Lots 1 and 2, Block 4, NCB 6403, and Lots 1 and 2, Block 4, NCB 3105, TO WIT: From 'C-3' NCD-5 General Commercial Neighborhood Conservation District-5 to 'C-2' NCD-5 Commercial Neighborhood Conservation District-5. **THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00.**

1/10

STATE OF TEXAS
 COUNTY OF BEXAR
 S.A. - CITY CLERK

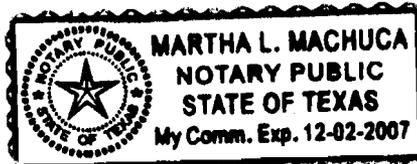
Before me, the undersigned authority, on this day personally appeared Helen I. [redacted] by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, general circulation in the City of San Antonio, in the State and County aforesaid, and Ordinance 2007-01-04-0025 here to attached has been published in every issue of newspaper on the following days, to wit:

01/10/2007.

Helen I. [redacted]

Sworn to and subscribed before me this 10th day of of January, 2007.

Martha L. Machuca



Z2007041

ZONING CASE NUMBER Z2007041 (Council District 1) – December 5, 2006

The request of City of San Antonio, Applicant, for Christopher A. Madrid, Owner(s), for a change in zoning from “C-3” “NCD-5” General Commercial Neighborhood Conservation District 5 to “C-2” “NCD-5” Commercial Neighborhood Conservation District 5 on Lots 23 and 24, Block 4, NCB 6403, Lots 3 and 4, Block 4, NCB 6403, Lots 21 and 22, Block 4, NCB 6403, Lots 1 and 2, Block 4, NCB 6403, and Lots 1 and 2, Block 4, NCB 3105, 835 W. Lynwood, 834 W. Hollywood Avenue, 1830-1836 Blanco Road, 1838 Blanco Road and 1915 Blanco Road. Staff recommended approval.

City staff represented this case.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Gadberry and seconded by Commissioner Wright to find consistent with the neighborhood plan.

(A verbal vote was taken)

AYES: Avila, Robbins, Rodriguez, Gadberry, Marshall, Sherrill, Wright, Briones

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

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

AYES: Avila, Robbins, Gadberry, Marshall, Sherrill, Wright, Briones

NAYS: None

ABSTAIN: Rodriguez

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

2006 NOV 17 A 11:41 AM
CITY SERVICES

MARTIN & DROUGHT, P.C.
ATTORNEYS AT LAW
BANK OF AMERICA PLAZA, 25th FLOOR
300 CONVENT STREET
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(210) 227-7591
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www.mdtlaw.com

FRANK B. BURNEY
fburney@mdtlaw.com

Direct Dial (210) 220-1339
Residence (210) 824-4043
Mobile (210) 289-5843

November 16, 2006

Mr. Matthew Taylor
Zoning Services Department
City of San Antonio
1901 S. Alamo
San Antonio, Texas 78204

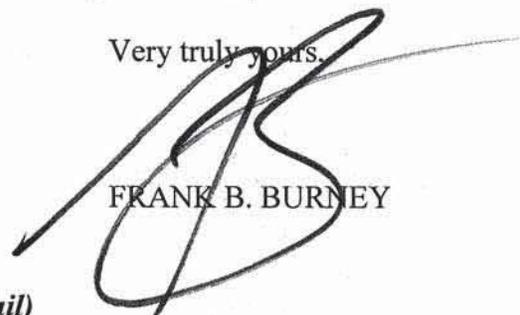
RE: Chris Madrid Zoning Application No. Z2007041 ("Zoning Application")

Dear Matthew:

Please be advised that on behalf of Chris Madrid, my client is not opposed to the city-initiated downzoning from C-3 NCD-5 to C-2 NCD-5 in connection with the above-referenced zoning matter.

If you have any questions concerning this letter, please feel free to call me.

Very truly yours,



FRANK B. BURNEY

FBB:ds

- cc: Mr. Martin Herrera (*Via email*)
- Hon. Roger O. Flores (*Via email*)
- Mr. Chris Madrid (*Via email*)
- Mr. John Walker (*Via email*)
- Mr. Phil Marzec (*Via email*)
- Mr. Michael Westheimer (*Via email*)

**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor and City Council

FROM: Councilman Roger O. Flores

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Michael Bernard, City Attorney; Emil Moncivais, Director of Planning Department; Roderick Sanchez, Interim Director of Development and Business Services Department; File

SUBJECT: Midtown Neighborhood Commercial Corridor Rezoning

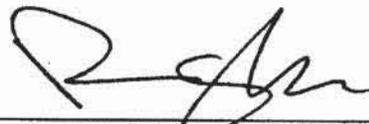
DATE: November 02, 2006

Your concurrence is requested to direct the Staff of Development Services to initiate an application for the rezoning of the following properties in the Beacon Hill Neighborhood located within the Midtown Neighborhood Plan and to bring the case forward for Council consideration:

From "C-3 NCD-5" General Commercial Nonalcoholic Sales, Neighborhood Conservation District to "C-2 NCD-5", Commercial, Neighborhood Conservation District on: NCB 3105, Block 4, Lot 1&2, located at 1915 Blanco Rd.; NCB 6403, Block 4, Lot 1&2, located at 1838 Blanco Rd.; NCB 6403, Block 4, Lot 21&22, located at 1830-1836 Blanco Rd.; NCB 6403, Block 4, Lot 3&4, located at 834 W. Hollywood; NCB 6403, Block 4, Lot 23&24, located at 835 W. Lynwood.

These properties, as presently zoned, are not consistent with the Land Use Plan and are not presently utilizing their intense commercial zoning. This application comes at the request of the property owner, Mr. Madrid, and the Beacon Hill Neighborhood Association. Together they seek to bring all of the properties to an appropriate base zoning district that is consistent with the Midtown Neighborhood Plan in an effort to ensure uses in the future that are compatible with the adjacent residential district.

Your favorable consideration is requested.



**ROGER O. FLORES
DISTRICT 1**

2006 NOV -3 A 11:51
RECEIVED
CITY OF SAN ANTONIO
CITY CLERK'S OFFICE

SUBJECT: Midtown Neighborhood Commercial Corridor Rezoning (continued)

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

2006 NOV -3 A 11:51

PHIL HARDBERGER
MAYOR

Sheila McNeil
SHEILA D. MCNEIL
DISTRICT 2

DELICIA HERRERA
DISTRICT 6

Delicia Herrera

ROLAND GUTIERREZ
DISTRICT 3

Richard Perez for
RICHARD PEREZ
DISTRICT 4

Discussion

ART A. HALL
DISTRICT 8

Art A. Hall
Discussion

RICHARD PEREZ
DISTRICT 4

KEVIN A. WOLFF
DISTRICT 9

PATTI RADLE
DISTRICT 5

Patti Radle

CHIP HAASS
DISTRICT 10



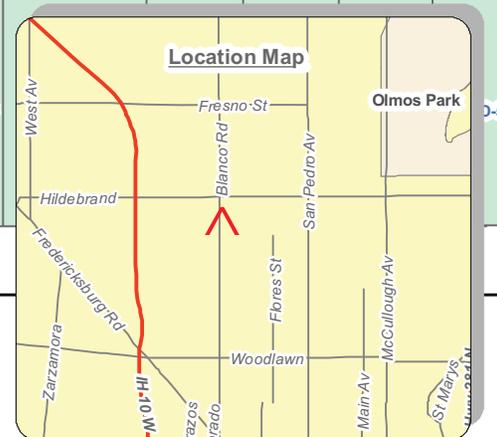
Zoning Case Notification Plan

Case Z-2007-041

Council District 1
 Scale: 1" approx. = 100'



- Legend**
- Subject Property
 - 200' Notification Buffer
 - Property Address **12345**
 - Current Zoning **Blue**
 - Requested Zoning Change **(Red)**
 - Land Use **Orange**
 - NCB - Block **54321-123**
 - 100-Year FEMA Floodplain





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

Agenda Item # Z-8
Council Meeting Date: 1/4/2007
RFCA Tracking No: R-850

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 1

SUBJECT:
Zoning Case Z2007041

SUMMARY:
From "C-3" NCD-5 General Commercial Neighborhood Conservation District-5 to "C-2" NCD-5 Commercial Neighborhood Conservation District-5.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: December 05, 2006

Applicant: City of San Antonio
Owner: Christopher A. Madrid

Property Location: 835 W. Lynwood, 834 W. Hollywood Avenue, 1830-1836 Blanco Road, 1838 Blanco Road and 1915 Blanco Road

Lots 23 and 24, Block 4, NCB 6403, Lots 3 and 4, Block 4, NCB 6403, Lots 21 and 22, Block 4, NCB 6403, Lots 1 and 2, Block 4, NCB 6403, and Lots 1 and 2, Block 4, NCB 3105

Blanco Road, at W. Hollywood and W. Lynwood Avenues

Proposal: To Make Consistent with the Midtown Neighborhood Plan

Neighborhood Association: Beacon Hill Neighborhood Association

Neighborhood Plan: Midtown Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required.

ISSUE:

This zoning case is initiated by the City of San Antonio. The property owner is not opposed to the

proposed rezoning.

ALTERNATIVES:

A Denial of the request will result in the subject properties retaining the existing C-3 zoning district. The Neighborhood Conservation Overlay District will remain unchanged.

FISCAL IMPACT:

This is a city-initiated zoning case; therefore, no fees are involved.

RECOMMENDATION:

Staff and Zoning Commission (7-0) recommend Approval.

The requested change of the base zoning district from C-3 to C-2 is consistent with the land use designation identified in the Midtown Community Plan. The Plan identifies future land use of the subject properties as Mixed Use which allows commercial and residential uses, including commercial zoning districts up to and including C-2.

The zoning request, initiated by the City of San Antonio, is to downzone the subject properties and achieve conformity with the Midtown Community Plan. The property owner is not opposed to this rezoning action and the Neighborhood Conservation District Overlay (NCD-5) will not be removed or altered.

The subject properties are located within the original 36 square mile city limit and cumulatively total just under one acre. Two of the parcels, identified as 834 W. Hollywood Avenue and 835 W. Lynwood Avenue, do not have direct access to Blanco Road and are presently used as off-premise parking for Chris Madrid's Nachos and Burgers which is located at 1900 Blanco Road. The restaurant property, at the request of the property owner, was downzoned from C-3 to C-2 in November of 2006 (Ordinance #2006-11-02-1260). The Neighborhood Conservation District Overlay (NCD-5) was applied in December of 2005.

There is an existing multi-tenant building that dates to 1950 located at 1830-1836 Blanco Road. This building is in excess of 3,000 square feet and the property was rezoned from F to B-3 in July of 1966 (Ordinance #34576). This property fronts on Blanco Road with a secondary frontage on Lynwood. The property at 1838 Blanco, at the southeast corner of Blanco and Hollywood, has existing buildings dating to 1925 and 1960. The final parcel is located at 1915 Blanco at the northwest corner of Blanco and Lynwood. There is a commercial structure on this property that is currently not in use. All of the subject properties, excepting the property located at 1830-1836 Blanco Road, were rezoned from B, a residential zoning district to B-3, a regional commercial district, in September of 1997 (Ordinance #86704) in accordance with a city-initiated rezoning. Most of the existing C-2 and C-3 between along Blanco Road between Hildebrand Avenue and Gramercy Place was also applied under this zoning ordinance.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2007041.pdf
Council Memorandum	Z2007041councilmemo.pdf
Property Owner Letter	Z2007041ownerletter.pdf
Zoning Commission Minutes	Z2007041.pdf
Ordinance/Supplemental Documents	200701040025.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director (Interim) Development Services

APPROVED FOR COUNCIL CONSIDERATION:

Jelynn Burley Deputy City Manager

