

AN ORDINANCE      2008 - 06 - 19 - 0621

**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 19, NCB 3078 from "RM-4 NCD-1" Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 to "RM-4 CD NCD-1" (CD-Multi-Family Dwellings) Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 with a Conditional Use for Multi-Family Dwellings not exceeding 11 units per acre or a total of two units.

**SECTION 2.** The City Council finds as follows:

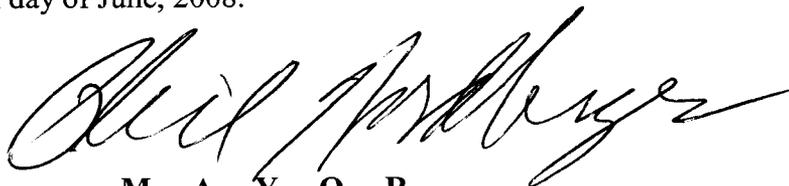
- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional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

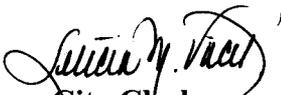
**SECTION 4.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

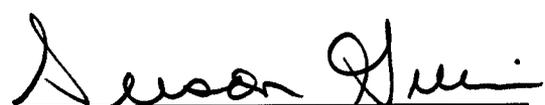
SECTION 5. This ordinance shall become effective on June 29, 2008.

PASSED AND APPROVED this 19th day of June, 2008.



M A Y O R  
PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney





Request for  
**COUNCIL  
ACTION**

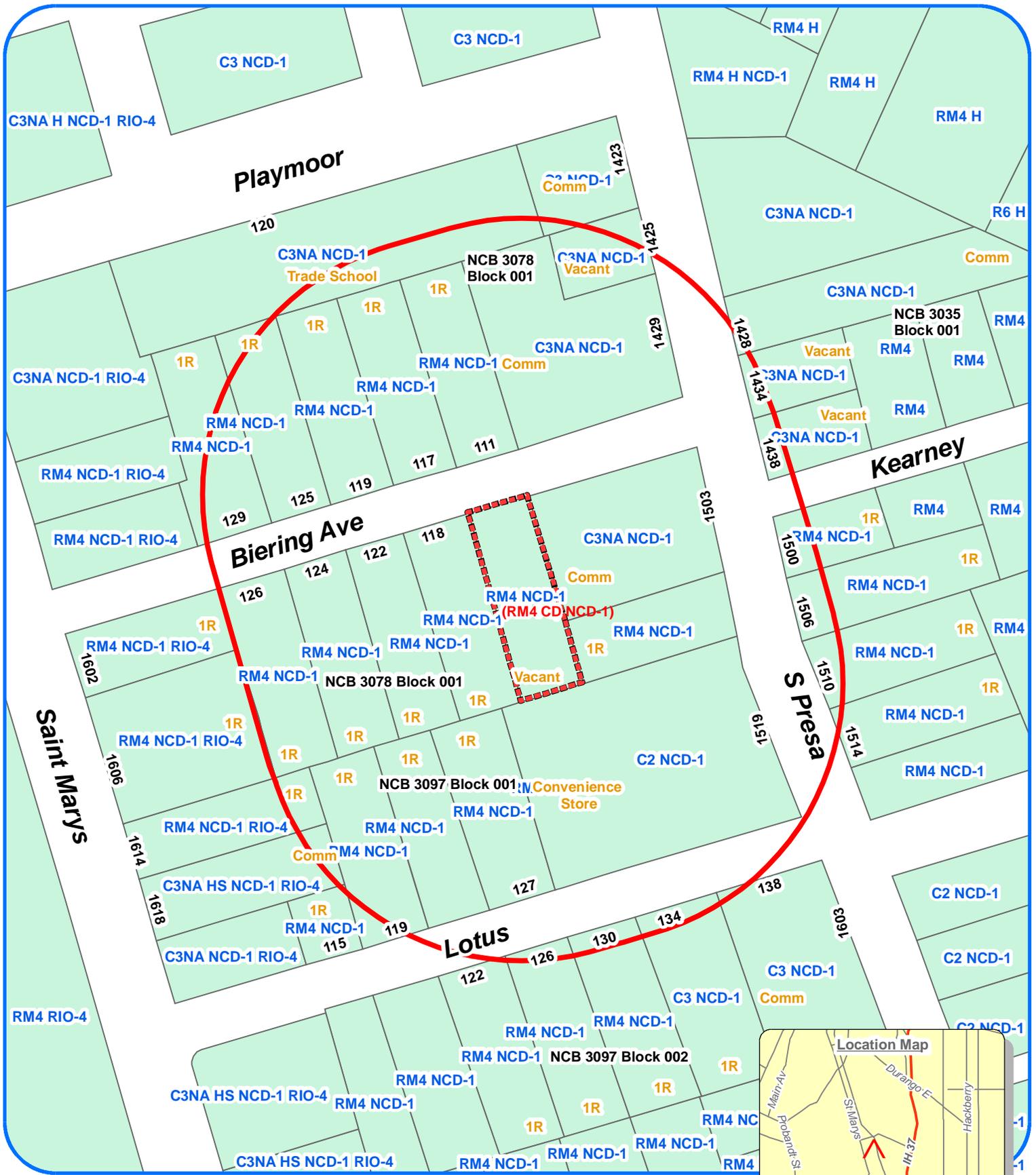
City of San Antonio



**Agenda Voting Results - Z-4**

<b>Name:</b>	Z-3, Z-4, P-1, Z-5, Z-6, Z-7, Z-10, Z-11, Z-13, Z-18
<b>Date:</b>	06/19/2008
<b>Time:</b>	05:29:34 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING CASE # Z2008159 CD (District 1) : An Ordinance changing the zoning district boundary from "RM-4 NCD-1" Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 to "RM-4 NCD-1" (CD-Multi-Family Dwellings) Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 with a Conditional Use for Multi-Family Dwellings not exceeding 11 units per acre or a total of two units on Lot 19, NCB 3078, 112 Biering Avenue as requested by Klingmann/Scruggs, LLC, Applicant for Klingmann/Scruggs, LLC, Owner. 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				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				
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					



# Zoning Case Notification Plan

## Case Z2008159 CD

Council District 1

Scale: 1" approx. = 100'

Subject Property Legal Description(s): Lot 19  
Block S PT 15 NCB 3078

### Legend

- Subject Property  ( 0.1722 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept  
5/2/2008)

**Z2008159 CD**

**ZONING CASE NUMBER Z2008159 CD (Council District 1) – May 20, 2008**

The request of Klingmann/Scruggs, LLC, Applicant, for Klingmann/Scruggs, LLC, Owner(s), for a change in zoning from “RM-4” NCD-1 Residential Mixed, South Presa/South St. Mary's Streets Neighborhood Conservation District to “RM-4” NCD-1 (CD-Multi-Family Dwellings) Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District with a Conditional Use for Multi-Family Dwellings not exceeding 11 units per acre or a total of two units on Lot 19, NCB 3078, 112 Biering Avenue. Staff recommends approval.

This case was approved by consent.

Staff stated there were 37 notices mailed out to the surrounding property owners, 4 returned in opposition and 0 returned in favor. Staff mailed 12 notices to the Planning Team.

**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, Martinez,  
R. Valadez, Gray**

**NAY: None**

**THE MOTION CARRIED**



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

Agenda Item # Z-4  
Council Meeting Date: 6/19/2008  
RFCAs Tracking No: R-3395

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 1

**SUBJECT:**  
Zoning Case Z2008159 CD

**SUMMARY:**  
From "RM-4 NCD-1" Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 to "RM-4 NCD-1" (CD-Multi-Family Dwellings) Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 with a Conditional Use for Multi-Family Dwellings not exceeding 11 units per acre or a total of two units.

**BACKGROUND INFORMATION:**  
**Zoning Commission Meeting Date:** May 20, 2008

**Applicant:** Klingmann/Scruggs, LLC  
**Owner:** Klingmann/Scruggs, LLC

**Property Location:** 112 Biering Avenue

Lot 19, NCB 3078

On the south side of Biering Avenue, approximately 250 feet west of the Biering Avenue and South Presa Street Intersection

**Proposal:** To allow a Duplex

**Neighborhood Association:** Lavaca Neighborhood Association

**Neighborhood Plan:** Lavaca Neighborhood Plan

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

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the current "RM-4 NCD-1" Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District-1 zoning classification and would prohibit the proposed duplex use.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (9-0) recommend approval.

Since the base zone is not changing, a finding of consistency is not required. The Lavaca Neighborhood Plan identifies future land use for the subject property as low-density residential.

The subject property is within the original city limits, totals approximately 0.1722 acres and is currently undeveloped. In 2002 following the adoption of the Unified Development Code, the existing RM-4 zoning converted from the previous R-2 zoning. The South Presa/ South St. Mary's Streets Neighborhood Conservation District overlay was added by the City Council on November 14, 2002 (Ord. 96732.)

Property to the north across Biering Avenue and to the west of the subject property is "RM-4 NCD-1" Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District. Property to the east is zoned "C-3NA NCD-1" General Commercial, Nonalcoholic Sales, South Presa/ South St. Mary's Streets Neighborhood Conservation District and "RM-4 NCD-1" Residential Mixed, South Presa/ South St. Mary's Streets Neighborhood Conservation District. Property to the south is zoned "C-2 NCD-1" Commercial, South Presa/ South St. Mary's Streets Neighborhood Conservation District. Land uses immediately adjacent to the proposed development consist of single-family homes to the north across Biering Avenue and to the west of the subject property. There is a small retail center to the east of the subject property and a convenience store to the south.

The applicant has applied for RM-4 (CD Multi-Family Dwelling) in order to allow for a 3,000 square foot duplex on a 7,500 square foot lot. The RM-4 classification requires a lot size of 7,920 square feet in order to allow for a duplex outright. While most of the properties in the immediate area have single-family zoning, there are several multi-family uses in the immediate vicinity. There are existing duplexes at 134 Lotus and 115 Jacobs, as well as multi-family dwellings at 1602 S. St. Mary's, and 103 Lotus. Seeing as there is an existing mix of residential uses in the general area, a conditional use for multi-family dwellings would be compatible with the surrounding neighborhood. Staff believes that the proposed two dwelling units would be an appropriate use for the subject property.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">Location Map</a>	Z2008159.pdf
<a href="#">Zoning Commission Minutes</a>	Z2008159 CD.pdf

<a href="#">Voting Results</a>	
<a href="#">Ordinance/Supplemental Documents</a>	200806160621.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Roderick Sanchez Director Development Services

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager