

AN ORDINANCE 2008-09-18-0847

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 Tract F, NCB 13975 from "NP-10" Neighborhood Preservation District to "HE NP-10" Historic Exceptional Neighborhood Preservation District.

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 September 28, 2008.

PASSED AND APPROVED this 18th day of September 2008.



M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney



Request for
**COUNCIL
ACTION**

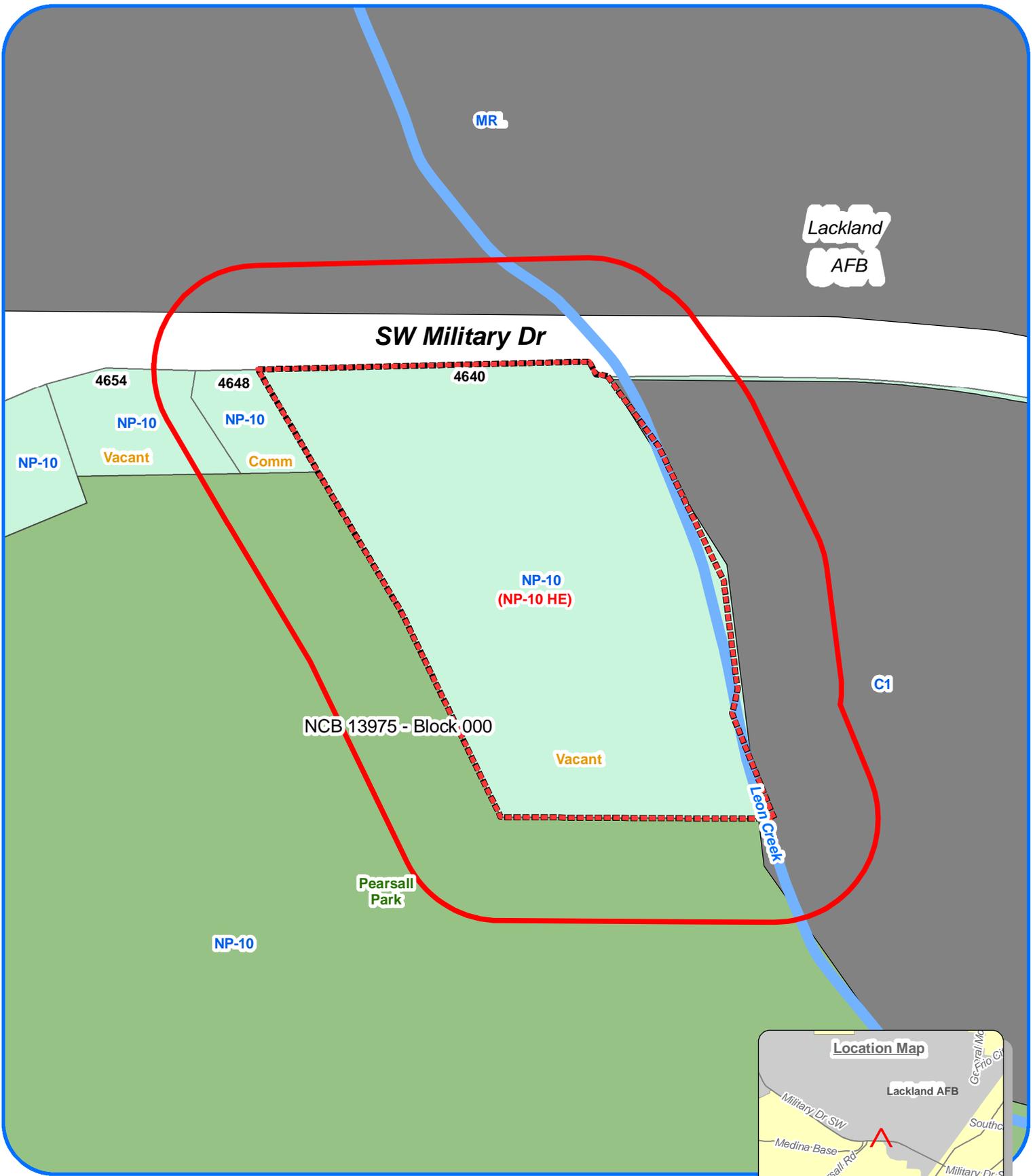
City of San Antonio



Agenda Voting Results - Z-10

Name:	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
Date:	09/18/2008
Time:	02:35:17 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008237 (District 4): An Ordinance amending the Zoning District Boundary from "NP-10" Neighborhood Preservation District to "HE NP-10" Historic Exceptional, Neighborhood Preservation District on Tract F, NCB 13975 located at 4640 Southwest Military Drive . Staff and Zoning Commission recommend approval.
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-2008-237

Council District 4

Scale: 1" approx. = 250'

Subject Property Legal Description(s): 11.27 Acres out of NCB 13975

Legend

- Subject Property (11.27 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(07/25/2008)

Z2008237

ZONING CASE NUMBER Z2008237 (Council District 4) – August 19, 2008

A request for a change in zoning from “NP-10” Neighborhood Preservation District to “HE NP-10” Historic Exceptional Neighborhood Preservation District on Tract F, NCB 13975, 4640 Southwest Military Drive. Staff recommends approval.

Myron Maples, owner, stated he is in support of this Historic Exceptional designation for the entire parcel.

The following citizen(s) appeared to speak:

Fred Adams, stated he is in support of this request.

W. J. Adcock, Jr., representing Richard Williams a property owner, stated he is in opposition. He stated he currently operates a business nearby and concerned that this designation may have a negative impact on his business.

Staff stated there were 5 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor. Staff mailed 34 notices to the planning team.

COMMISSION ACTION

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

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

NAY: None

THE MOTION CARRIED



2008237

HISTORIC AND DESIGN REVIEW COMMISSION
CERTIFICATE OF APPROPRIATENESS

June 04, 2008

CITY OF SAN ANTONIO

HDCR CASE NO: 2008-172
ADDRESS: 4640 Southwest Military Drive
LEGAL DESCRIPTION: NCB 13975 TR F
PUBLIC PROPERTY: No
HISTORIC DISTRICT:
LANDMARK DISTRICT:
APPLICANT: COSA, 1901 S Alamo
OWNER: Myron L. Maples
TYPE OF WORK: Finding of Historic Significance

REQUEST:

The applicant is requesting a Certificate of Appropriateness for a Finding of Historic Significance.

RECOMMENDATION:

The Rodriguez/Leal/Dwyer outbuilding meets the following criteria for Landmark status (35-607) (b) (1) serves as a visible reminder of the cultural heritage of the community; (3) Its identification with a person or persons who significantly contributed to the development of the community; (5) its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; (7) its unique location or singular physical characteristics that make it an established or familiar visual feature; (8) Its historical, architectural or cultural integrity of location, design, materials, and workmanship; and, additionally, 35-607 (c) (1) A. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event 35-607 (c) (1) B. Properties which are determined to contribute to a San Antonio historic district; (c) (1) E. the property is associated with family persons important to the history of San Antonio; (c) (2) A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years; (c)(2) E. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history.

COMMISSION ACTION:

Approval of a finding of historic significance for 4640 S.W. Military Drive. The Historic and Design Review Commission is also recommending approval to the Zoning Commission and to the City Council for designation of Historic District for 4640 S.W. Military Drive.

Ann Benson McGlone
Historic Preservation Officer

City Landmark Designation**HDRC CASE NO.****KNOWN AS:** Rodriguez/Leal/Dwyer complex**ADDRESS:** 4640 Southwest Military Drive**LEGAL DESCRIPTION:** NCB 13975 TR F

Parcel Key: 256977

Property ID: 539989

ZONING: NP-10**COUNCIL DISTRICT:** 4**HISTORIC DISTRICT****LANDMARK:** Finding of Historical Significance**APPLICANT:** City of San Antonio**OWNER:** Myron L. Maples

4640 SW Military Drive

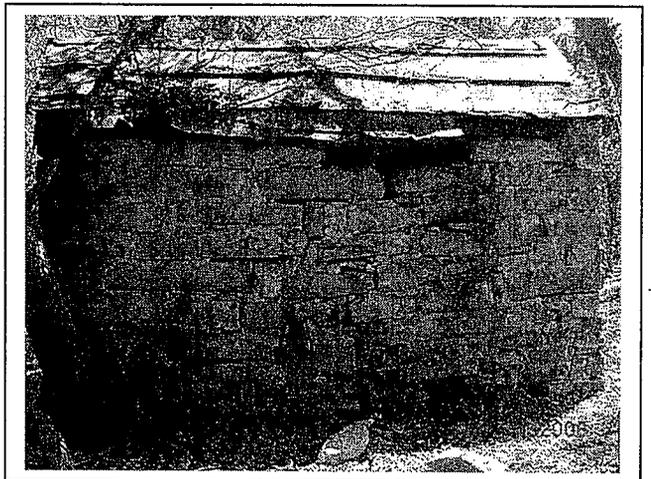
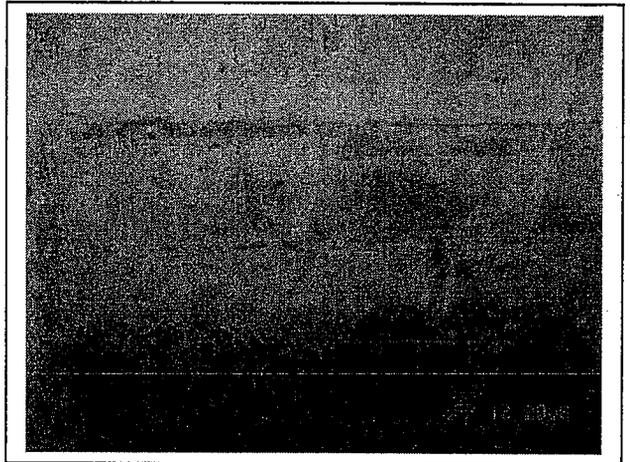
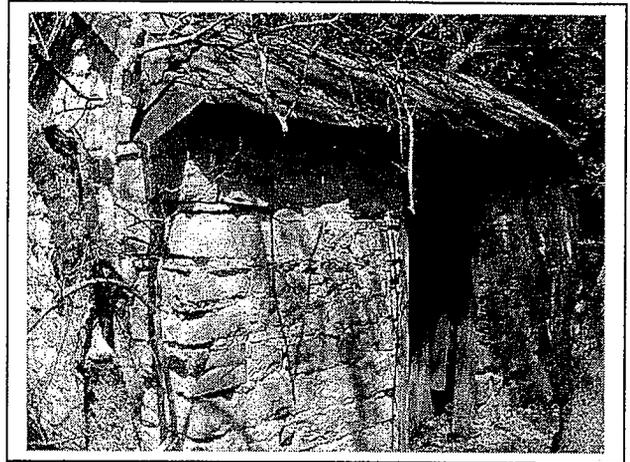
San Antonio, TX 78242

ARCHAEOLOGICAL SITE NO.**TYPE OF WORK:****HISTORY:**

Early ownership of this property has been traced to two Canary Island families, Rodriguez and Leal. In later years, it was owned by Edward Dwyer, who was Mayor of San Antonio in 1845. There are two structures, one of which is stone and adobe and the other which was a much larger stone house, now in ruins. Additional outbuildings are located on the property.

The land on which this small building is located was granted to Maria Francisca Antonio Rodriguez and her husband Jose Remigio Leal (great grandson of Juan Goraz Leal, first Mayor of San Antonio) who settled and cultivated this land from the time of the Spanish Government. The property was referred to as "La Encantada" and was located on the west side of Leon Creek.

Leal was killed in the Battle of Alazan in 1813 when General Joaquin Arredondo entered and occupied the plaza of San Antonio. Maria Francisca Rodriguez, a widow, petitioned the State of Coahuila Texas in order to secure the property in her own name. She stated she had "acquired by force of her own efforts" some stock after having suffered a general disaster to those which her husband had acquired when the property was recaptured by the troops of General Arredondo. She desired to have the cattle on land of



her own in order to increase the number of behalf of the large family she supported. Maria Francisca Rodriguez and Remigio Leal had had six children. Her petition was approved for one league and she was required to pay for one labor of land for a total of 4605.05 acres (BCDR: 927:610-616; General Land Office, Spanish Collection, Translation 3361).

On June 6, 1851, Maria Francisca Rodriguez sold the league and labor on Leon Creek to her daughter, Maria Leal de Ramon and son-in-law, Edward Dwyer. The selling price was \$1,000. (BCDR 12:542-543). Edward Dwyer, Mayor of San Antonio in 1845, had married Mariana Leal de Ramon (her 2nd marriage) in 1843. He was a partner of William Elliott in San Antonio about 1839. In 1840, along with George W. Blow and Jose Antonio Navarro, he was appointed to investigate fraudulent land claims in the Bexar District. Edward Dwyer and Mariana Leal had 4 children. Dwyer also owned a row of buildings facing the site of the present courthouse, one of which was likely his city residence. Edward Dwyer died in Bexar County in April 1854.

The property was inherited by Maria and Edward's son, Joseph who had married Annette Withers. Serious financial difficulties ensued and the property was mortgaged. In March 1900, the property was auctioned off at the courthouse steps to high bidder, Hermine Fletcher. (BCDR 187:36+,1900). In 1902 she sold the property to James H. Downie. Other owners in the 20th century included George F. Stuemke, J.A. Baker, Mary Schuh, Clyde H. and Katherine Schuh Maples, and the present owner Myron L. Maples.

REQUEST: Finding of Historical Significance

CASE COMMENTS: The Rodriguez/Leal/Dwyer outbuilding meets the following criteria for Landmark status (35-607) (b) (1) serves as a visible reminder of the cultural heritage of the community; (3) Its identification with a person or persons who significantly contributed to the development of the community; (5) its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; (7) its unique location or singular physical characteristics that make it an established or familiar visual feature; (8) Its historical, architectural or cultural integrity of location, design, materials, and workmanship; and, additionally, 35-607 (c) (1) A. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event 35-607 (c) (1) B. Properties which are determined to contribute to a San Antonio historic district; (c) (1) E. the property is associated with family persons important to the history of San Antonio; (c) (2) A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years; (c)(2) E. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history.

A RESOLUTION

72008237

DIRECTING THE DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARIES OF FOURTEEN (14) NINETEENTH CENTURY FARM AND RANCH COMPLEXES IDENTIFIED WITHIN THE SAN ANTONIO CITY LIMITS FOR HISTORIC DESIGNATION.

* * * * *

WHEREAS, Historic context for fourteen (14) nineteenth century farm and ranch properties, more specifically described and attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes, was approved by the State Board of Review for the National Register of Historic Places; and

WHEREAS, the Historic Preservation Division of the Planning and Community Development Department is requesting concurrence from City Council to move forward with the Historic Designation for these properties; and

WHEREAS, City Council desires to initiate a change in the zoning district boundary of property to a zoning district compatible with current use and the surrounding area in accordance with Chapter 211 of the Texas Local Government Code and Article III of the San Antonio Unified Development Code; **NOW THEREFORE;**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The City Council hereby directs City Staff to initiate a change in the zoning district boundaries of fourteen (14) nineteenth century farm and ranch properties more specifically described and attached as Exhibit "A" for Historic Designation.

Section 2. This resolution shall be 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
For



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-10
Council Meeting Date: 9/18/2008
RFCA Tracking No: R-3844

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 4

SUBJECT:
Zoning Case Z2008237

SUMMARY:

From "NP-10" Neighborhood Preservation District to "HE NP-10" Historic Exceptional, Neighborhood Preservation District.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: August 19, 2008

Applicant: City of San Antonio Historic Preservation Office

Owner: Myron L. Maples

Property Location: 4640 Southwest Military Drive

Tract F, NCB 13975

East of the southeast corner of the Southwest Military Drive and Old Pearsall Road intersection

Proposal: To designate Historic Exceptional

Neighborhood Association: Southwest Neighborhood Association

Neighborhood Plan: United Southwest Community Plan

TIA Statement: A Traffic Impact Analysis is not required at this time.

ISSUE:

Between 2003 and 2007, the San Antonio Conservation Society (SACS) and the City Historic Preservation Division surveyed and researched 19th century vernacular properties that qualify as Historic Texas Farm and Ranch Complexes. Of the 86 total properties found, only seventeen 19th century (1800-1899) vernacular farm and ranch complexes have been identified within the current city limits of San Antonio. These

extremely rare resources represent **the last remaining visual vestiges** of the earliest settlement of the city and county. Each year more and more of these precious resources are lost to development, vandalism, and deterioration. Landmark designation will help to preserve and protect these resources for future generations.

A historic context for these properties was approved by the State Board of Review for the National Register of Historic Places, as well as three individual property applications. **The seventeen properties located within the city limits meet the criteria for landmark designation at the highest levels.** They are significant due to their age, their association with the founding families of the city and their architectural significance. Landmark designation to protect them is important.

ALTERNATIVES:

Should the City Council deny this request, the base zoning district would remain in place and the historic district overlay would not be applied.

FISCAL IMPACT:

The applicant is the City of San Antonio. No rezoning fees are required.

RECOMMENDATION:

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

Since the base zone is not changing, a finding of consistency is not required. The United Southwest Community Plan identifies future land use for the subject property as Parks.

Subject property is a vacant 11.27-acre parcel located on the City's southwest side. This property is situated east of the southeast corner of the Southwest Military Drive and Old Pearsall Road intersection. This area was annexed by the City of San Antonio on January 20, 1966. The zoning on this parcel converted from "RA" to "NP-10" following the adoption of the current zoning districts in 2001. Properties to the south and west are zoned "NP-10" and property to the east is zoned "C-1". The subject property is fronting Southwest Military Drive and Lackland Air Force Base to the north. Southwest Military Drive is a Primary Arterial "Type A". This property is within the Southwest Neighborhood Association and the United Southwest Community Plan. Leon Creek runs through the subject property and the majority of this property is within the 100 year flood plain.

The Historic Preservation Office recommends a finding of Historic Significance based on the evaluation criteria in Section 35-607 for the Designation of Historic Districts and Landmarks. On June 4, 2008, the Historic and Design Review Commission concurred with Historic Division Staff and is also recommending approval of a finding of Historic Significance. Seeing that there is no proposed change to the land use of the subject property, Zoning Staff recommends approval.

Pursuant to Texas Local Government Code §§ 211.001 and 211.003, historic districts and landmark designations are adopted in order to protect and preserve places and areas of historical, cultural, or architectural importance and significance. Historic districts and Landmark designation preserve and enhance the city's historic resources pursuant to Goal 2 of the Urban Design Element of the Master Plan.

ATTACHMENT(S):

File Description

[Location Map](#)

[Zoning Commission Minutes](#)

[HDRC Certificate of Appropriateness](#)

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

File Name

Z2008237.pdf

Z2008237.pdf

Z2008237 HDRC.pdf

200809180847.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager