

AN ORDINANCE 2008-12-04-1116

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 a 0.2084 acre tract of land out of Block 1, NCB 6692 from "H C-2NA" Commercial Nonalcoholic Sales, Monticello Park Historic District to "HE H C-2NA " Historic Exceptional, Commercial Nonalcoholic Sales, Monticello Park Historic District.

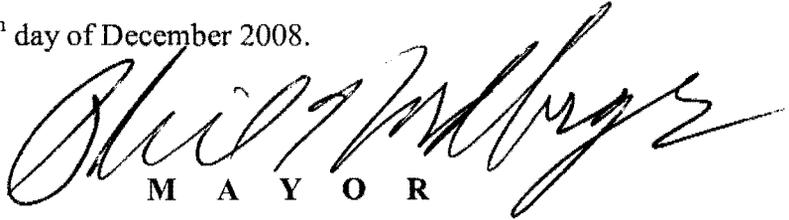
SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. 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.

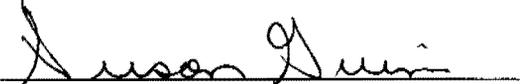
SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective December 14, 2008.

PASSED AND APPROVED this 4th day of December 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**

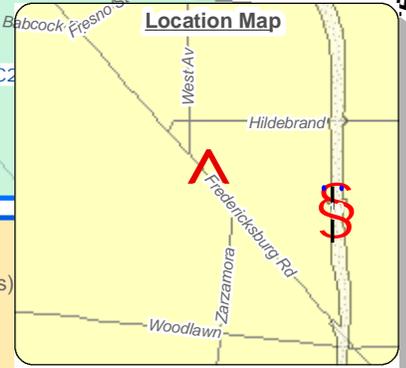
City of San Antonio



Agenda Voting Results - Z-2

Name:	P-1, P-2, P-3, Z-2, Z-3, Z-9, Z-11, Z-12, P-5, P-6, Z-15, Z-17
Date:	12/04/2008
Time:	05:10:07 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2009006 (District 7): An Ordinance amending the Zoning District Boundary from "H C-2NA" Commercial Nonalcoholic Sales, Monticello Park Historic District to "HE H C-2NA" Historic Exceptional, Commercial Nonalcoholic Sales, Monticello Park Historic District on a 0.2084 acre tract of land out of Block 1, NCB 6692 located at 1909 Fredericksburg Road. 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 Z2009-006

Council District 7

Scale: 1" approx. = 100'

Subject Property Legal Description(s): A 0.2084 acre tract of land out of Block 1, NCB 6692

Legend

- Subject Property (0.2084 acres)
- 200' Notification Buffer
- Current Zoning C2NA H
- Requested Zoning Change (C2NA H HE)
- 100-Year FEMA Floodplain



Z2009006

90 81 111 FF \$9.00

THIS DEED IS BEING REFILED SOLELY FOR THE PURPOSE OF CORRECTING THE EXECUTION DATE TO READ April 8, 1981, ALL OTHER INFORMATION TO REMAIN IN EFFECT.

303184

329203

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS

MAY-27-81 77149 LS -- I
JUL-29-81 116022 LS -- I
KNOW ALL MEN BY THESE PRESENTS:

9.00
9.00

COUNTY OF BEXAR

That we, JAMES A. PEYTON and wife, DOROTHY M. PEYTON

of the County of Karnes State of Texas for and
in consideration of the sum of Ten and no/100 -----(510.00)----- DOLLARS
and other valuable consideration to the undersigned cash in hand paid by the grantees herein named, the

receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of their one certain promissory note of even date herewith in the principal sum of Seventy-five Thousand Dollars payable to the order of James A. Peyton and wife, Dorothy M. Peyton, as therein provided.

the payment of which note is secured by vendor's lien herein retained, and is additionally secured by a deed of trust, of even date herewith, to William H. Price Trustee.

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Specialty Merchandise Unlimited of San Antonio, Inc.

of the County of Bexar State of Texas, all of the following described real

property in Bexar County, Texas, to-wit: A certain parcel of land in City Block 6692, known as 1909 Fredericksburg Road in the City of San Antonio, Bexar County, Texas, and described by metes and bounds as follows:

Commencing at a point on the west or S.W. line of Fredericksburg Road where the north or N.W. line of that certain property heretofore conveyed by Grantor to Magnolia Petroleum Company, by deed or records in Volume 1769, pages 205-6, of the Deed Records of Bexar County, Texas, intersects said west or S.W. line of Fredericksburg Road; thence north 46° 29' west along said west or S.W. line of Fredericksburg Road a distance of 108.1 feet; thence south 44° 46' west along the north or N.W. end of the present store

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EXHIBIT A

Z2009006

building (i.e., the building situated on the property here conveyed and which extends in a southerly direction to the said north or N.W. line of said Magnolia Petroleum Company property above referred to) to the east line of Elmendorf Street; thence south along said east line of Elmendorf Street to the S.W. corner of said City Block 6692 at the intersection of the Elmendorf Street east line and the Donaldson Avenue north line; thence east along the north line of Donaldson Avenue 72.6 feet to the aforesaid Magnolia Petroleum Company property; thence north 44° 46' east along said north or N.W. line of said Magnolia Petroleum Company property and also along the south side of a covered porch which is a part of the aforementioned building to the place of beginning.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantor, - his successors, - heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, his successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

EXECUTED this 8th day of

April

A. D. 1987

James A. Peyton
JAMES A. PEYTON

Dorothy M. Peyton
DOROTHY M. PEYTON

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Z2009006

(Acknowledgment)

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared JAMES A. PEYTON and wife,
DOROTHY M. PEYTON

known to me to be the person(s) whose name(s) subscribed to the foregoing instrument, and acknowledged to me that
they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 12th day of April, A. D. 1981



Notary Public in and for Bexar County, Texas.
My Commission Expires: 5/20/81

(Acknowledgment)

THE STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person... whose name... subscribed to the foregoing instrument, and acknowledged to me that
he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ day of _____, A. D. 19 _____

Notary Public in and for _____ County, Texas.

(Acknowledgment)

THE STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person... whose name... subscribed to the foregoing instrument, and acknowledged to me that
he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ day of _____, A. D. 19 _____

Notary Public in and for _____ County, Texas.

(Corporate acknowledgment)

THE STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, on this day personally appeared
of

a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me
that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act
and deed of said Corporation.

Given under my hand and seal of office on this the _____ day of _____, A. D. 19 _____

Notary Public in and for _____ County, Texas.

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Z2009006

This instrument has been recorded more than one time.
Robert D. Green
County Clerk, Bexar County

STATE OF TEXAS
COUNTY OF BEXAR
FILE NUMBER: [unclear] THIS INSTRUMENT WAS FILED IN MY OFFICE ON [unclear] IN THE CLERK'S PUBLIC OFFICE OF BEXAR COUNTY, TEXAS

JUL 29 1981

Robert D. Green
COUNTY CLERK
BEXAR COUNTY, TEXAS



FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO.

1981 JUL 29 PM 1 20

FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO.

1981 MAY 27 PM 3 52



FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO.
MAY 27 1981
[unclear]

WARRANTY DEED
WITH VENDOR'S LIEN

JAMES A. PEYTON and wife,
DOROTHY M. PEYTON

TO

SPECIALTY MERCHANDISE UN-
LIMITED OF SAN ANTONIO, INC.

PREPARED IN THE LAW OFFICE OF:

William H. Price
4103 Parkdale Dr.
San Antonio, TX 78229

PH: 699-8511

PLEASE RETURN TO:
Specialty Merchandise Unlimited

P.O. Box 5527
S.A. TX 78207

713 23866111
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Z2009006

ZONING CASE NUMBER Z2009006 (Council District 7) – November 4, 2008

A request for a change in zoning from “H C-2NA” Commercial Nonalcoholic Sales, Monticello Park Historic District to “HE H C-2NA” Commercial Nonalcoholic Sales, Monticello Park Historic District, Historic Exceptional on 0.2084 acres out of NCB 6692, 1909 Fredericksburg Road. Staff recommends approval.

Rollette Schrenckenghost, representing San Antonio Conservation Society, stated they are in support of this Historic Designation request.

Charlotte Kahl, representing the Old Spanish Trail Auto Highway Project, state they are also very much in favor of this request.

Roberto Hindson, President of Monticello Park Historic District, stated they are also very much in favor of this request.

Staff stated there were 32 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor an no response from Jefferson, Monticello Park and Los Angeles Heights/Keystone Neighborhood Associations. Staff mailed 34 notices to the Planning Team.

COMMISSION ACTION

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

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

NAY: None

THE MOTION CARRIED

A RESOLUTION 2008-10-02-0046R

**DIRECTING PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT STAFF TO INITIATE A CHANGE IN THE ZONING
DISTRICT BOUNDARY OF PROPERTY LOCATED AT 1909
FREDERICKSBURG ROAD AS HISTORIC EXCEPTIONAL.**

* * * * *

WHEREAS, the Historic and Design Review Commission approved a finding of Historic Significance and the Historic Preservation Office is requesting concurrence from City Council to move forward with the Historic Designation of 1909 Fredericksburg Road; 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 boundary of property located at 1909 Fredericksburg Road to Historic Exceptional.

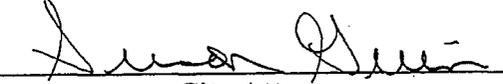
Section 2. This Resolution shall be effective on October 12, 2008.

PASSED AND APPROVED this 2nd day of October, 2008.



M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney



Z2009006

CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

September 03, 2008

HDRC CASE NO: 2008-270
ADDRESS: 1909 Fredericksburg Rd
LEGAL DESCRIPTION: NCB 6692 BLK 1 LOT E IRRG 58 FEET OF
W 166.2 FEET
PUBLIC PROPERTY:
HISTORIC DISTRICT: Monticello Park Historic District
LANDMARK DISTRICT:
APPLICANT: City of San Antonio, P.O. Box 839966
Historic Preservation
OWNER: Specialty Merchandise of San Antonio
TYPE OF WORK: Demolition and Finding of Historic Significance
(HE Designation)

REQUEST:

The applicant is requesting a Certificate of Appropriateness for a Finding of Historic Significance and a recommendation from the Historic Design Review Commission to the Zoning Commission and the City Council for designation of Historic Exceptional for the property at 1909 Fredericksburg Rd.

STATEMENT OF SIGNIFICANCE FOR THE PROPERTY LOCATED AT 1909 FREDERICKSBURG ROAD

The property at 1909 Fredericksburg Road is a Spanish Colonial Revival-style commercial building within the Monticello Park Local Historic District. The structure shares a triangular parcel of land, between Donaldson Avenue and N. Elmendorf Street, with other small commercial buildings. What remains today is the northern half of the original structure. The southern half of the building, which extended nearly to Donaldson Avenue, has been demolished. The building was completed in 1925 as the Parkmoor, a shopping center designed for owners J. Frank Gallagher (a former city treasurer and U.S.A.F. Major), and druggists J.W. Blaize and J.E. Gallagher. The structure housed the Gallagher-Blaize Drug Company, complete with a soda fountain, an ice cream manufacturing plant (for the drug store), and a refrigeration system in the basement. In addition to the drug store, space in the building was dedicated to other proposed shops including a food store, ladies' store, and a "hair bobbing shop" (SA Light, June 14, 1925 and SA Express, June 16, 1925). In the 1927-28 City Directory, occupants included the Parkmoor Drug Store, Parkmoor Cleaners, Parkmoor Barbershop, and the Parkmoor Grocery. No other addresses within the 1900 block were listed.

At the time of construction, Fredericksburg Road served as a major thoroughfare in and out of San Antonio, and the building was reportedly located within one of the fastest growing sections of the city (SA Light, June 14, 1925). The building was designed by San Antonio architects Phelps and Dewees.

The original design of the building featured a front-gabled section at either end separated by a linear multi-bay section with a flat roof and gabled parapets. Only the northern half of the building remains today. Spanish Colonial Revival-style elements include the red tile roof, stucco cladding, and elaborate plaster ornamentation on the front-gabled façade. The three windows of the gabled end section are separated by pilasters featuring shell motifs, cartouches, and a decorative vent. An arched doorway at the north end of the façade has been enclosed. The three bays of the linear section are composed of single doors flanked by windows and include turned spindle work at the door surrounds and operable hopper transoms. A brick water table extends across the lower façade.

Although altered from its original size, the 1909 Fredericksburg Road building remains a good example of the Spanish Colonial Revival style popular in the 1920s and is one of the few buildings of this style surviving in the area. It is a reflection of the development period of Monticello Park, as the neighborhood grew into one of the city's most desirable areas in the 1920s. It is significant for its location along an important early twentieth-century commercial corridor, and at the time of construction, it was touted as the first community store in the city to incorporate a design compatible with surrounding residential architecture (SA Light, 1925).

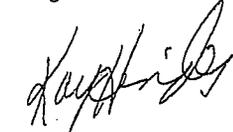
RECOMMENDATION:

The staff recommends approval of this request for a Finding of Historic Exceptional. Staff has determined that the building at 1909 Fredericksburg Rd. qualifies for historic landmark status based on the following criteria:

- Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, or method of construction, or use of indigenous materials (35-607(b)(5));
- Its historical, architectural, or cultural character as a particularly fine or unique example of a utilitarian structure, including but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures (35-607(b)(6));
- Its unique location or singular physical characteristics that make it an established or familiar visual feature (35-607(b)(7));
- Its historical, architectural, or cultural integrity of location, design, materials, and workmanship (35-607(b)(8));

COMMISSION ACTION:

Approval of a Finding of Historic Significance and a recommendation from the Historic Design Review Commission to the Zoning Commission and the City Council for designation of Historic Exceptional for the property at 1909 Fredericksburg Rd.



Kay Hindes
Interim Historic Preservation



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-2
Council Meeting Date: 12/4/2008
RFCA Tracking No: R-4150

DEPARTMENT: Planning & Development
Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 7

SUBJECT:
Zoning Case Z2009006

SUMMARY:

From "H C-2NA" Commercial Nonalcoholic Sales, Monticello Park Historic District to "HE H C-2NA" Historic Exceptional, Commercial Nonalcoholic Sales, Monticello Park Historic District.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: November 04, 2008

Applicant: City Of San Antonio Historic Preservation Office

Owner: Specialty Merchandise of San Antonio

Property Location: 1909 Fredericksburg Road

A 0.2084 acre tract of land out of Block 1, NCB 6692.

On the southwest side of Fredericksburg Road, between North Elmendorf and Donaldson Avenue.

Proposal: To designate Historic Exceptional.

Neighborhood Association: Jefferson Neighborhood Association, Monticello Park Neighborhood Association. Los Angeles Heights/Keystone Neighborhood Association and Woodlawn Lake Community Association are within 200 feet.

Neighborhood Plan: Near Northwest Community Plan.

TIA Statement: A Traffic Impact Analysis is not required at this time, however a study may be required should future development occur.

ISSUE:
None.

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:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (10-0) recommend approval.

The requested historic district overlay did not require a finding of consistency with the Near Northwest Community land use plan, because there was no change to the base zone. The Near Northwest Community Plan identifies future land use for the subject property as Neighborhood Commercial.

One of the goals in the Near Northwest Plan calls for preserving and enhancing the character of the area as well as celebrating its history and culture. The preservation of this building is important to Goal 2 of the plan which states, "Ensure the Near NW Community's business corridors are filled with a mix of uses including professional offices, residences and busy shops, providing neighbors an attractive place to walk for shopping, playing, working and relaxing both day and night."(p.22)

The subject property is located within the original city limits, is approximately 0.2084 acres and is located in a triangle-shaped piece of land between Fredericksburg Road and North Elmendorf, north of Donaldson Avenue. There is an existing vacant Spanish Colonial Revival-style commercial building on the subject property, which is located within the Monticello Park Historic District. The subject property was originally zoned "H B-2NA" Business Nonalcoholic Sales, Monticello Park Historic District; and converted to the current "H C-2NA" Commercial Nonalcoholic Sales, Monticello Park Historic District in 2002. Surrounding zoning includes "H C-2NA" Commercial Nonalcoholic Sales, Monticello Park Historic District to the northwest and southeast, and "C-2" Commercial District across Fredericksburg Road to the east.

This is a city-initiated case, with the City of San Antonio Historic Preservation Office acting as the applicant. The Historic Preservation Office requested a finding of Historic Significance based on the evaluation criteria in Section 35-607 for the Designation of Historic Districts and Landmarks. On September 3, 2008, the Historic and Design Review Commission agreed with San Antonio Historic Preservation Office Staff and is recommending approval of a finding of Historic Significance based on the following criteria: 1. It serves as a visible reminder of the cultural heritage of the community; 2. It embodies distinguishing characteristics of an architectural style valuable for the study of period, type, method of construction or use of indigenous materials; 3. Its historical, architectural and cultural integrity of location, design, material and workmanship. As 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	File Name
Zoning Map	Z2009-006.pdf
Zoning Commission Minutes	Z2009006.pdf
Backup Materials	Z2009006 Basic History.pdf
Voting Results	
Ordinance/Supplemental Documents	200812041116.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager