

AN ORDINANCE 2008-11-20-1059

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 3.176 acres out of NCB 15318 from "R-6" Residential Single-Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel.

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. The City Council finds as follows:

- A.** The specific use will not be contrary to the public interest.
- B.** The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C.** The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D.** The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E.** The specific use will not adversely affect the public health, safety and welfare.

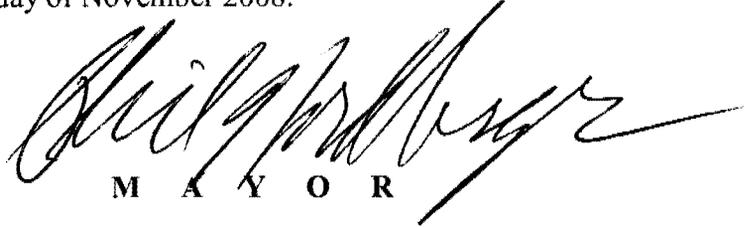
SECTION 4. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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.

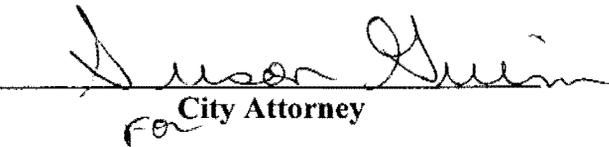
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective November 30, 2008.

PASSED AND APPROVED this 20th day of November 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - Z-1

Name:	Z-1, Z-3, Z-4, Z-9, Z-10, P-1, Z-11
Date:	11/20/2008
Time:	05:41:43 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008141 S (District 4): An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2 S" Commercial District with a Specific Use Authorization for a hotel on a 3.176 acre tract of land out of NCB 15318 located at 5100 Block of West 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				x
John G. Clamp	District 10		x				

EXHIBIT "A"
FIELD NOTE DESCRIPTION
FOR

3.176 acres out of the M.F. Rodriguez Survey No. 4, Abstract No. 16, New City Block 15318, Bexar County, Texas, being that 3.178 acre tract of land described in Deed of record in Volume 5016, at Page 369, of the real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds, as surveyed, as follows:

BEGINNING at an iron bar found set in the ground in the southwest right-of-way line of Military Dr. West, the northeast corner of a 3.178 acre tract of land described in deed record in Volume 5016 at page 369 of the Real Property Records of Bexar County, Texas and the northwest corner of Lot 21, Block 1, New City Block 15318, Mauthe Subdivision as shown by plat of record in Volume 9512 at page 132 of the Plat Records of Bexar County, Texas, for the northeast corner of this tract;

THENCE: S 09° 58' 11" W with an east boundary line of said 3.178 acre tract and the west boundary line of said Lot 21 a distance of 150.00 feet to an iron bar found set in the ground, a reentrant corner of said 3.178 acre tract and the southwest corner of said Lot 21, for a reentrant corner of this tract;

THENCE: S 55° 42' 42" E with a northeast boundary line of said 3.178 acre tract and the southwest boundary line of said Lot 21 a distance of 50.00 feet to an iron bar found set in the ground, a northeast corner of said 3.178 acre tract and the northwest corner of a 0.49 acre tract of land described in deed of record in Volume 7716 at page 1377 of the Deed Records of Bexar County, Texas, for a northeast corner of this tract;

THENCE: S 09° 58' 11" W with an east boundary line of said 3.178 acre tract and the west boundary line of said 0.49 acre tract a distance of 186.77 feet to an iron bar set in the ground, a reentrant corner of this tract;

THENCE: S 80° 01' 49" E with a north boundary line of said 3.178 acre tract and the south boundary line of said 0.49 acre tract a distance of 136.69 feet to an iron bar found set in the ground in the west right-of-way line of Whitewood Dr., a northeast corner of said 3.178 acre tract and the southeast corner of said 0.49 acre tract, for a northeast corner of this tract;

THENCE: S 09° 58' 11" W with the west right-of way line of Whitewood Dr. and the east boundary line of said 3.178 acre tract a distance of 68.46 feet to an iron bar set in the ground, the southeast corner of said 3.178 acre tract and the northeast corner of a 16 foot wide alley out of Gateway Terrace, Unit 2 as shown by plat of record in Volume 4305 at page 192 of the plat Records of Bexar County, Texas, for the southeast corner of this tract;

THENCE: N 80° 54' 29" W with the north right-of-way line of said 16 foot wide alley and the south boundary line of said 3.178 acre tract a distance of 324.46 feet to an iron bar found set in the ground, the southwest corner of said 3.178 acre tract and the southeast corner of a 5.342 acre tract of land described in deed of record in Volume 7249 at page 877 of the Real Property Records of Bexar County, Texas, for the southwest corner of this tract;

THENCE: N 11° 11' 16" W with the west boundary line of said 3.178 acre tract and the east boundary line of said 5.342 acre tract a distance of 320.66 feet to an iron bar set in the ground, a reentrant corner of said 3.178 acre tract, for the west corner of this tract;

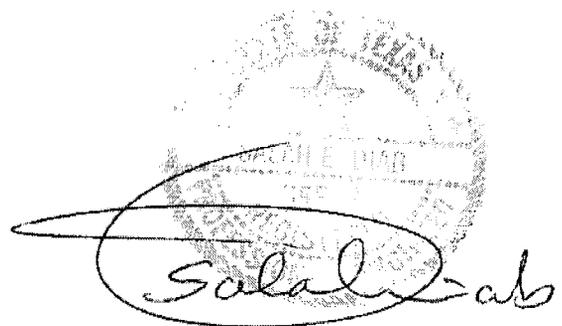
THENCE: N 55° 19' 30" W with the southwest boundary line of said 3.178 acre tract and the northeast boundary line of said 5.342 acre tract a distance of 76.44 feet to an iron bar set in the ground, the west corner of said 3.178 acre tract, for the west corner of this tract;

THENCE: N 24° 49' 43" E with the northwest boundary line of said 3.178 acre tract a distance of 219.14 feet to a tense post found set in the ground in the southwest right-of-way line of Military Dr. west, the north corner of said 3.178 acre tract, for the west corner of this tract;

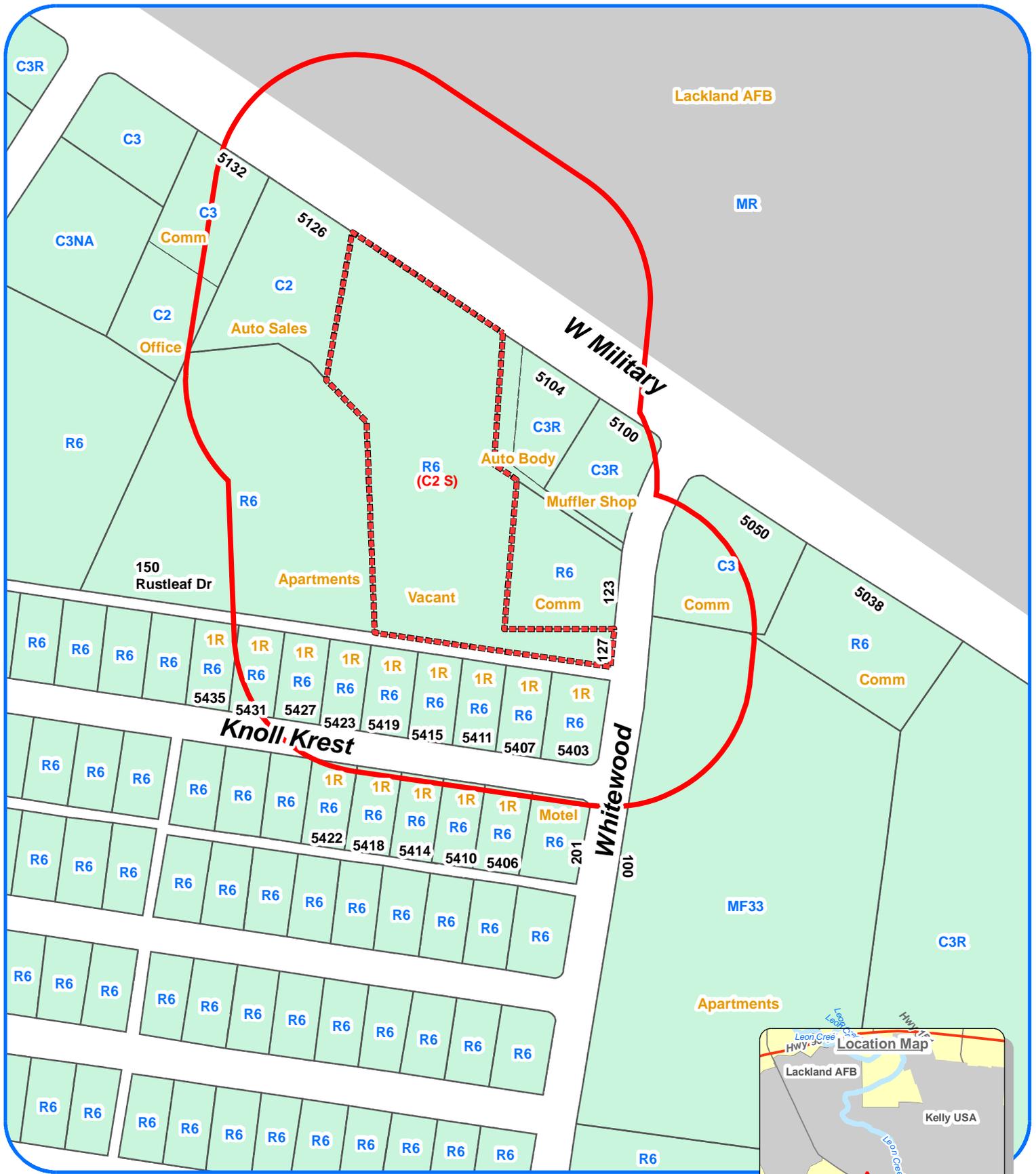
S 55° 42' 42" E with the southwest right-of-way line of Military Dr. West and a northeast boundary line of said 3.178 acre tract a distance of 139.76 feet to an iron bar set in the ground, a corner of said 3.178 acre tract, for a corner of this tract;

THENCE: S 61° 25' 20" E with the southwest right-of-way line of Military Dr. west and a northeast boundary line of said 3.178 acre tract a distance of 100.50 feet to an iron bar set in the ground, a corner of said 3.178 acre tract, for a corner of this tract;

THENCE: S 55° 42' 42" E with the southwest right-of-way line of Military Dr. West and a northeast boundary line of said 3.178-acre tract a distance of 53.03 feet **to the point of beginning, and containing 3.176 Acres of Land more or less.**



Salah-ab



Zoning Case Notification Plan

Case Z-2008-141

Council District 4

Scale: 1" approx. = 200'

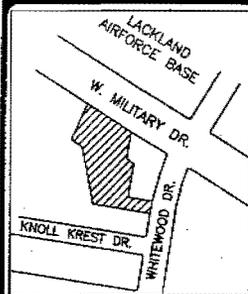
Subject Property Legal Description(s): 3.176 Acres out of NCB 15318

Legend

- Subject Property (3.176 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(4/21/2008)

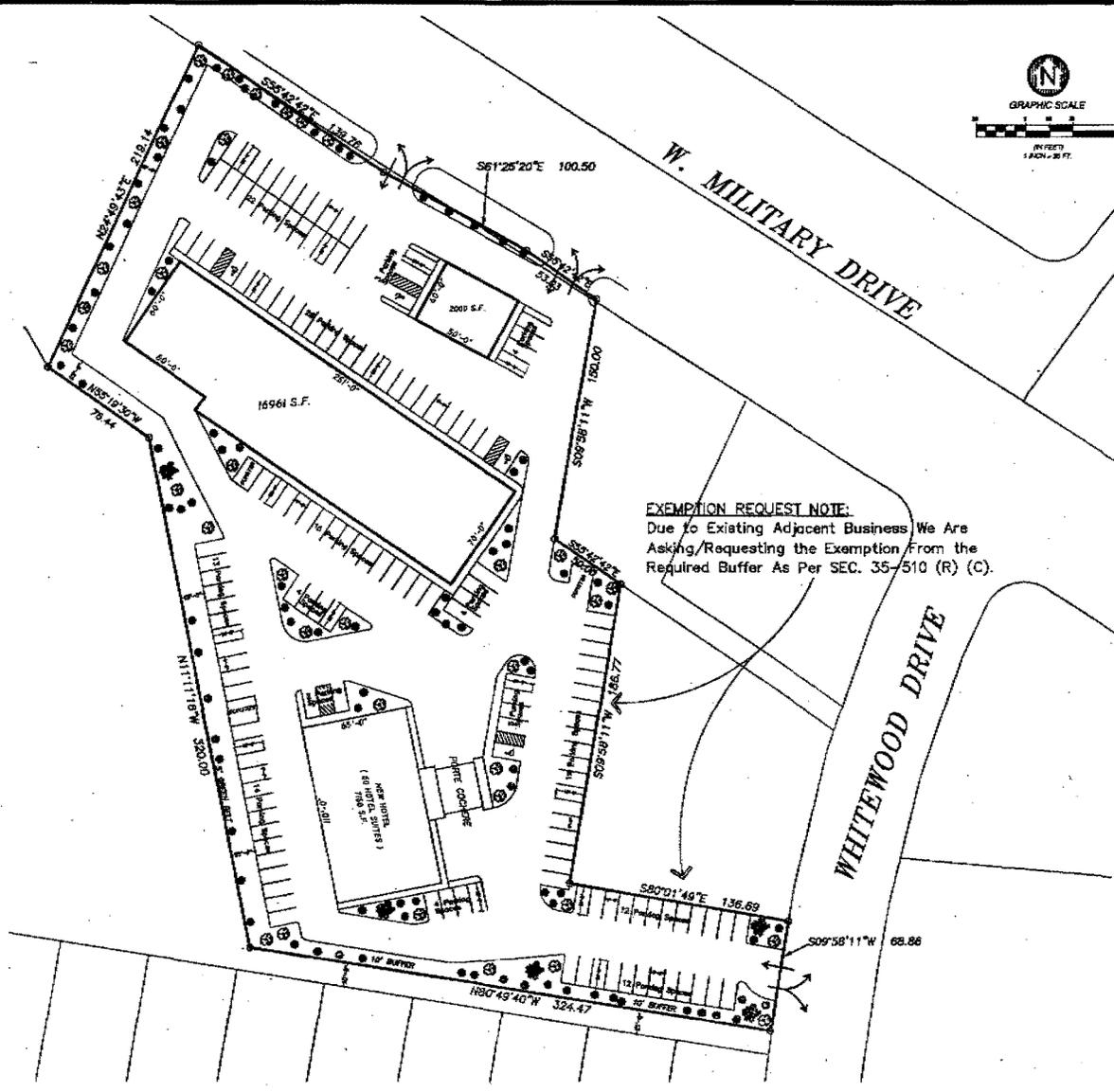


LOCATION MAP
NOT TO SCALE

Z2008141

SPACE	AREA
RETAIL SPACE	16,961 S.F.
PAD SITE	2,000 S.F.
HOTEL SITE	7,150 S.F.
TOTAL BUILDING AREA	26,111 S.F.
TOTAL PAVEMENT AREA	110,543 S.F.

PARKING LOT	SPACES
TOTAL PARKING PROVIDED	158
REQUIRED PARKING	110



EXEMPTION REQUEST NOTE:
Due to Existing Adjacent Business We Are Asking/Requesting the Exemption From the Required Buffer As Per SEC. 35-510 (R) (C).

SEDA CONSULTING ENGINEERS, INC.
 6705 H 10 West
 San Antonio, Texas 78231
 CIVIL - STRUCTURAL - ENVIRONMENTAL - PLANNER

SCE

MILITARY - WHITEWOOD
 SAN ANTONIO - TEXAS
 SITE PLAN

1508
 10/20/08
 10/14/08
 300
 1 of 1

EXHIBIT B

Z2008141 S

ZONING CASE NUMBER Z2008141 (Council District 4) – May 6, 2008

The request of Salah E. Diab, P. E., Applicant, for Bharat Sanghavi, Owner(s), for a change in zoning from “R-6” Residential Single-Family District to “C-3” General Commercial District on 3.176 acres out of NCB 15318, 5100 Block of West Military Drive. Staff recommends denial of “C-3” with an alternate recommendation of “C-2”.

Salah Diab, representative, stated they are agreeable with staff alternate recommendation of “C-2” S. He stated their intent is to develop a hotel.

The following citizen(s) appeared to speak:

L. A. Mottern, spoke in opposition.

Staff stated there were 27 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and People Active in Community Efforts (PACE) is in favor. Staff mailed 34 notices to the Planning Team.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

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

(A verbal vote was taken)

AYES: Robbins, J. Valadez, Westheimer, Gadberry, Myers, Wright, Martinez
NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Myers and seconded by Commissioner Wright to recommend approval of “C-2” S for a hotel.

AYES: Robbins, J. Valadez, Westheimer, Gadberry, Myers, Wright, Martinez
NAY: None

THE MOTION CARRIED



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-1
Council Meeting Date: 11/20/2008
RFCA Tracking No: R-4072

DEPARTMENT: Planning & Development
Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 4

SUBJECT:
Zoning Case Z2008141 S

SUMMARY:

From "R-6" Residential Single-Family District to "C-2 S" Commercial District with a Specific Use Authorization for a hotel.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: May 06, 2008

Applicant: Salah E. Diab, P. E.

Owner: Bharat Sanghavi

Property Location: 5100 Block of West Military Drive.

3.176 acres out of NCB 15318.

West Military Drive, west of Whitewood Drive.

Proposal: To allow a retail shopping center and a hotel.

Neighborhood Association: People Active in Community Effort.

Neighborhood Plan: United Southwest Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required.

ISSUE:
None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current "R-6"

Residential Single Family District zoning, restricting future land use to single family detached dwellings at a maximum of 7 units per acre, prohibiting the proposed commercial development.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

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

The requested C-2 S commercial district is consistent with the land use designation identified in the United Southwest Communities Plan. The United Southwest Communities Plan identifies future land uses as Community Commercial.

The subject property is located on the west side of the City. This is a vacant property that totals approximately 3.176 acres and is situated on the south side of West Military Drive. A small portion of the property to the south is on the west side of Whitewood Drive. This area was annexed into the City on December 26, 1972. The zoning on this parcel converted from "R-1" to "R-6" following the adoption of the current zoning districts in 2002. This side of West Military Drive is developed with commercial and service oriented uses. The adjacent property to the west is zoned "C-2" and is occupied by an automobile dealer. The lot to the southwest of this property is zoned "R-6" and is occupied by low-density apartments. The properties to the east are commercial and automobile repair uses, zoned "C-3R" and "R-6". The lots to the south of the subject property are zoned "R-6" and occupied by residential single-family dwellings. The lot across from Whitewood Drive is zoned "MF-33" and occupied by apartment complex. Lackland Air Force Base is located across West Military Drive to the north.

The applicant is requesting this zoning change so that the subject property may be utilized as a retail shopping center and a hotel. The United Southwest Neighborhood Plan calls for community oriented commercial uses for this area which corresponds to allowable uses in the "C-2" district. The requested types of uses are allowed in "C-2" commercial district for the shopping center and "C-2 S" commercial district with a specific use permit for the hotel. "C-2" zoning on the subject site would require a 10 foot side setback and 15 foot "Type B" landscape buffer where the subject property abuts residential uses. There will be no outside storage allowed except outdoor dining.

ATTACHMENT(S):

File Description	File Name
Zoning Commission Minutes	Z2008141.pdf
Location Map	Z2008141.pdf
Site Plan	Z2008141 S_Site Plan.pdf
Voting Results	
Ordinance/Supplemental Documents	200811201059.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

November 24, 2008.

Subscribed and sworn to before me this 24th day of November, 2008, to certify which witness my hand and seal of office.

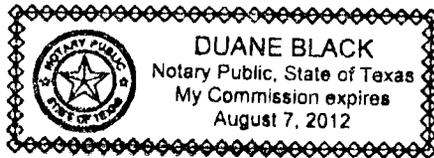
PUBLIC NOTICE

**AN ORDINANCE
2008-11-20-1059**

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: 3.176 acres out of NCB 15318 TO WIT: From "R-6" Residential Single-Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
11/24



Helen I. Lutz, Publisher



Notary Public in and for the State of Texas

Duane Black

Name of Notary

My commission expires August 7, 2012