

AN ORDINANCE 2008-11-20-1062

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 0.102 acre parcel out of Lot 133, Block 1, NCB 18338 and 1.27 acre parcel out of Lot 131, Block 1, NCB 18338 from "C-2 GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 and "O-1 GC-1" Office, Hill Country Gateway Corridor Overlay District-1 to "C-2 S GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 with a Specific Use Authorization for a bar/ tavern (0.102 acres) and "C-2 GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 (1.27 acres).

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.

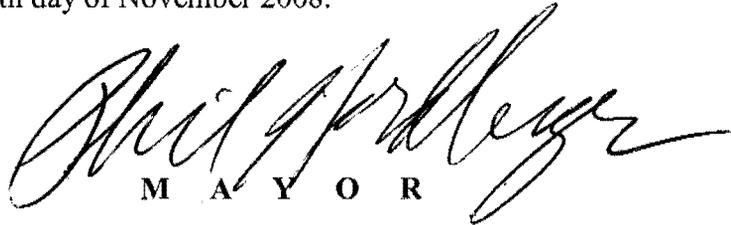
SECTION 4. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

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: 
For City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - Z-9

| | |
|---------------------|---|
| 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 # Z2008278 S (District 8): An Ordinance amending the Zoning District Boundary from "C-2 GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 and "O-1 GC-1" Office, Hill Country Gateway Corridor Overlay District-1 to "C-2 S GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 with a Specific Use Authorization for a bar/ tavern (0.102 acres) and "C-2 GC-1" Commercial, Hill Country Gateway Corridor Overlay District (1.27 acres) on a 0.102 acre parcel out of Lot 133, Block 1, NCB 18338 and a 1.27 acre parcel out of Lot 131, Block 1, NCB 18338 located at 23095 and 23127 IH 10 West. 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 | | | | |

Z2008278 S

ZONING CASE NUMBER Z2008278 S (Council District 8) – October 21, 2008

A request for a change in zoning from “C-2 GC-1” Commercial, Gateway Corridor District and “O-1 GC-1” Office, Gateway Corridor District to “C-2 S GC-1” Commercial, Gateway Corridor District with a Specific Use Authorization for a bar/ tavern (0.19 acres) and “C-2 GC-1” Commercial, Gateway Corridor District (1.27 acres) on a 0.19 acre parcel out of Lot 131, Block 1, NCB 18338 and 1.27 acre parcel out of Lot 133, Block 1, NCB 18338, 23095 IH 10 West. Staff recommends approval.

Staff stated there were 6 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor.

COMMISSION ACTION

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

AYES: Sherrill, McFarland, Gadberry, Myers, Martinez, Gray

NAY: None

THE MOTION CARRIED

Z2008278 S



Seda Consulting Engineers, Inc.
6735 L.H. 10 West
San Antonio, TX 78201

Phone: (210) 308-0057
FAX: (210) 308-8842
E-MAIL:seda@satx.rr.com

FIELD NOTE DESCRIPTION

FOR 0.102 ± ACRES

BEING 0.102 ACRES PARCEL OF LAND OUT OF LOT 133, BLOCK 1, NCB 18338, ONE DOMINION PLACE SUBDIVISION AS RECORDED IN VOLUME 9574, PAGE 174, OF THE DEED AND PLAT RECORD, BEXAR COUNTY, TEXAS.

STARTING AT A REFERENCED POINT, BEING THE COMMON POINT OF LOTS 131 AND 133 OF SAID SUBDIVISION, S10°25'49"E A DISTANCE OF 201.26 FEET TO THE POINT OF BEGINNING AND THE MOST NORTH-WESTERLY CORNER OF HEREIN DESCRIBED PARCEL;

THENCE: N72°35'09"E, A DISTANCE OF 69.30 FEET;

THENCE: S17°25'57"E, A DISTANCE OF 56.65 FEET TO A SET IRON PIN;

THENCE: S72°35'09"W, A DISTANCE OF 21.52 FEET TO A SET IRON PIN;

THENCE: S 17°24'51"E, A DISTANCE OF 5.98 FEET TO AN IRON PIN SET;

THENCE: S 72°35'09"W, A DISTANCE OF 55.47 FEET TO AN IRON PIN SET IN THE WEST LINE OF LOT133;

THENCE: N 10°25'49"W, A DISTANCE OF 63.10 FEET TO THE POINT OF BEGINNING.

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LAND DEVELOPMENT
SERVICES DIVISION

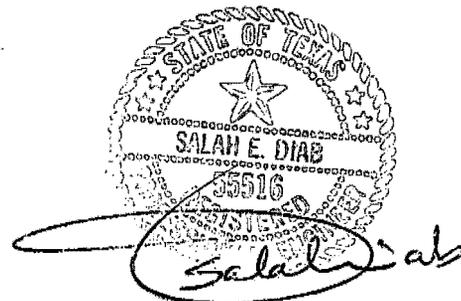


EXHIBIT A

ZZ2008278Z2008287 S S



Seda Consulting Engineers, Inc.
6735 I.H. 10 West
San Antonio, TX 78201

Phone: (210) 308-0057
FAX: (210) 308-8842
E-MAIL:seda@satx.rr.com

**FIELD NOTE DESCRIPTION
FOR 1.27 ± ACRES**

BEING 1.27 ACRES OUT OF LOT 131, BLOCK 1, NCB 18338, ONE DOMINION PLACE SUBDIVISION AS RECORDED IN VOLUME 9574, PAGE 174, OF THE DEED AND PLAT RECORD, BEXAR COUNTY, TEXAS.

SAID 1.27 ACRES TRACT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: At an iron pin found, said iron pin being the most Northwesterly corner of lot 133 and the most Northeasterly corner of lot 131, Block 1, NCB 18228, of said subdivision.

THENCE: S 10° 25' 49" E, a distance of 358.56 feet, along the common line between Lots 131 & 133, to a found iron pin at the Southwesterly corner of lot 133,

THENCE: S 76° 12' 51" W, a distance of 112.68 feet, to a set iron pin,

THENCE: N 70° 19' 12" W, a distance of 49.24 feet, to an iron pin found at the most Northwesterly corner of lot 132 of said subdivision,

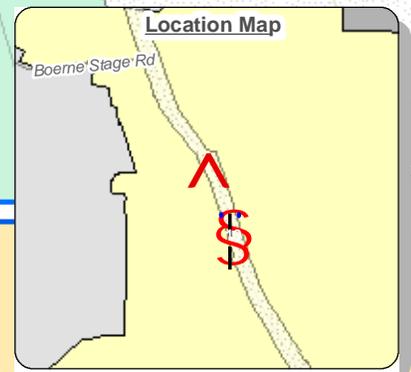
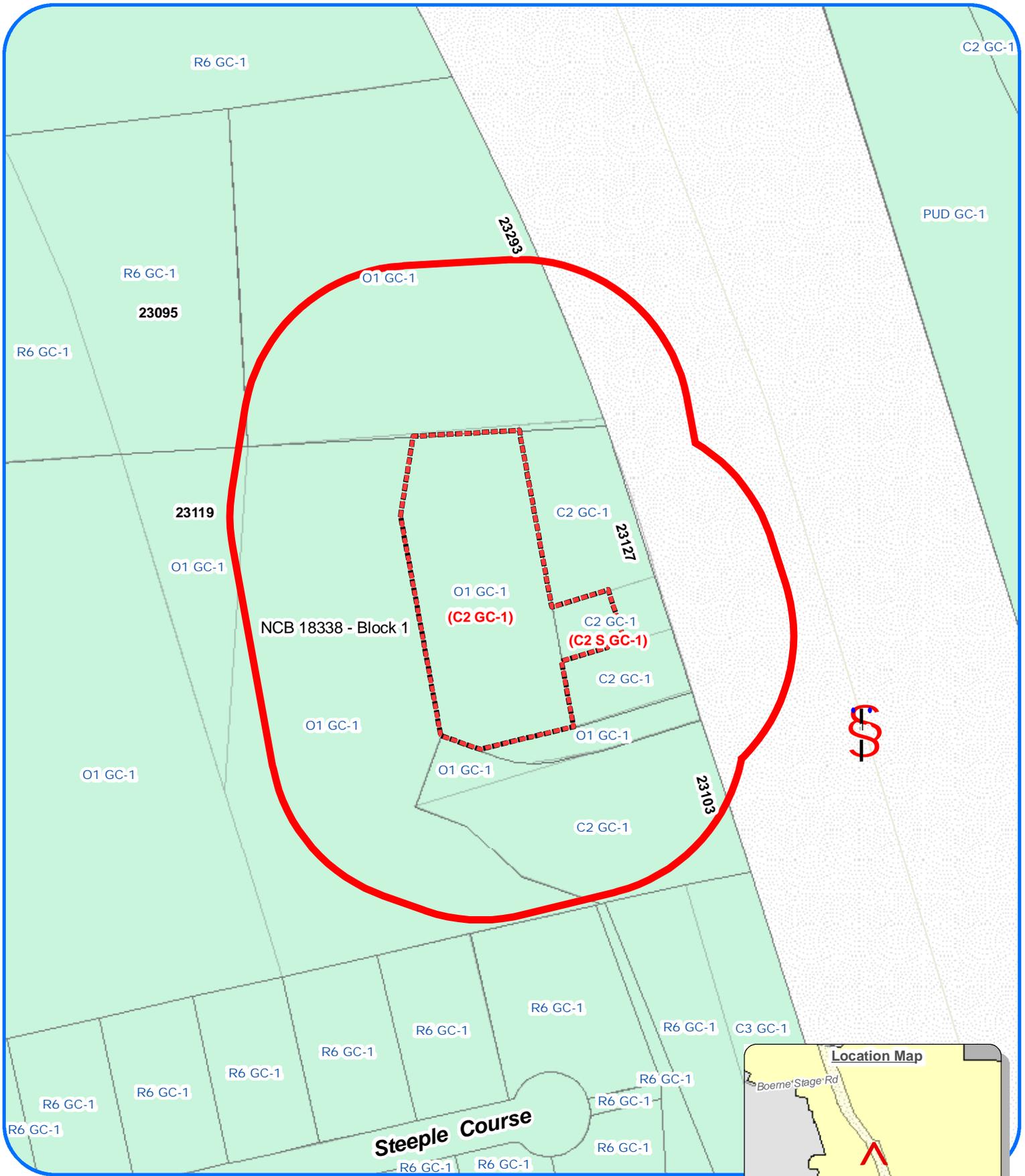
THENCE: N 10° 25' 49" W, a distance of 260.83 feet to a set iron pin,

THENCE: N 09° 03' 23" E, a distance of 98.06 feet to a set iron pin in the North property line of lot 131,

THENCE: N 85° 32' 47" E, along the North line of lot 131, a distance of 123.04 feet, to the **POINT OF BEGINNING**, and Containing 1.27 acres Parcel of land, more or less.

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LAND DEVELOPMENT
SERVICES DIVISION





Zoning Case Notification Plan

Case Z2008-278 S

Council District 8

Scale: 1" approx. = 150'

Subject Property Legal Description(s): A 0.095 acre parcel out of Lot 131, Block 1, NCB 18338 and 1.27 acre parcel out of Lot 133, Block 1, NCB 18338

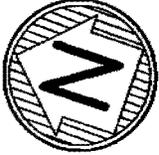
Legend

- Subject Property 1.365 acres
- 200' Notification Buffer
- Current Zoning C2,O1 GC-1
- Requested Zoning Change (C2 S,C2 GC-1)
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 09/25/2008
 D. E. Castillo

SITE PLAN



GRAPHIC SCALE
1 INCH = 50 FT.

- NOTE:**
- A. THE AREA IS PART OF THE, ATTACHED" ONE DOMINION PLACE SUBDIVISION" APPROVED MASTER PLAN.
 - B. BUILDING NO.1- UNDER CONSTRUCTION/ALMOST COMPLETE.
 - C. PROPOSED BAR IS A PART OF BUILDING NO.1
 - D. THE REQUESTED ZONING IS FOR THE INDIVIDUAL USE ONLY.

PROPOSED BAR AREA - 0.053 ACRES(2325 SQ.FT)
BAR + SIDEWALK -0.102 ACRES

RECEIVED
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Z2008278 S

LAND DEVELOPMENT
SERVICES DIVISION

| LINE | LENGTH | BEARING |
|------|--------|-------------|
| L1 | 21.52 | S72°35'09"W |
| L2 | 5.98 | S17°24'51"E |

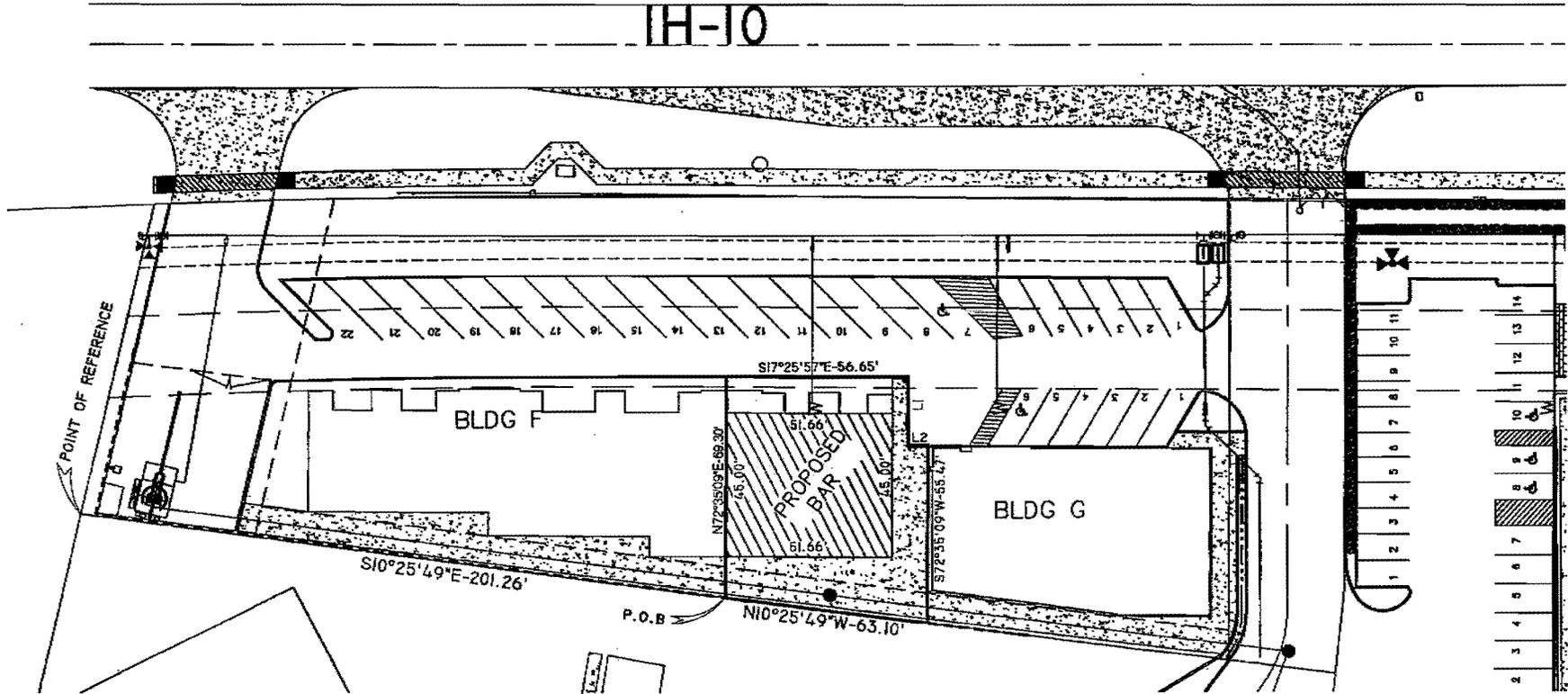


EXHIBIT B



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-9
Council Meeting Date: 11/20/2008
RFCA Tracking No: R-4104

DEPARTMENT: Planning & Development
Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 8

SUBJECT:
Zoning Case Z2008278 S

SUMMARY:

From "C-2 GC-1" Commercial, Gateway Corridor District-1 and "O-1 GC-1" Office, Gateway Corridor District-1 to "C-2 S GC-1" Commercial, Gateway Corridor District-1 with a Specific Use Authorization for a bar/ tavern (0.095 acres) and "C-2 GC-1" Commercial, Gateway Corridor District (1.27 acres).

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: October 21, 2008

Applicant: Salah Diab, P. E.

Owner: George Atallah

Property Location: 23095 and 23127 IH 10 West

A 0.095 acre parcel out of Lot 131, Block 1, NCB 18338 and a 1.27 acre parcel out of Lot 133, Block 1, NCB 18338.

On the west side of IH 10 West.

Proposal: To allow a bar/ tavern and medical office.

Neighborhood Association: None

Neighborhood Plan: None

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

ISSUE:
None.

ALTERNATIVES:

A denial of this zoning request will result in the subject property retaining the current zoning classifications, prohibiting the proposed bar/tavern.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (6-0) recommend approval.

The project site is located in northwest San Antonio and has frontage on the IH 10 West access road. The project site was annexed in December of 2000 and totals approximately 1.365 acres. The Hill Country Gateway Corridor Overlay, "GC-1," was applied to the project site in May of 2003. In 2005, the project site was approved for a split zoning, "C-2 GC-1" Commercial, Gateway Corridor District and "O-1 GC-1" Office, Gateway Corridor District. Zoning surrounding the subject property consists of "C-2 GC-1" Commercial, Gateway Corridor District and "O-1 GC-1" Office, Gateway Corridor District.

The applicant is requesting "C-2 S GC-1" to allow a bar/ tavern on 0.095 acres within the proposed commercial multi-tenant building. The Specific Use Authorization for a bar/ tavern is proposed for a portion of the multi-tenant building on the site but does not extend beyond the footprint of the Specific Use Authorization site plan. The applicant is also requesting to rezone 1.27 acres of "O-1 GC-1" property to "C-2 CG-1" to allow for commercial uses. The existing "O-1 GC-1" along the rear of the project site serves as an adequate transition of zoning between the existing and proposed zoning. C-2 districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic. The zoning request would be appropriate for this location, which has direct access to IH 10 West.

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations.

ATTACHMENT(S):

| File Description | File Name |
|--|--------------------------|
| Zoning Map | Z2008-278 S.pdf |
| Site Plan | Z2008278 S_Site Plan.pdf |
| Zoning Commission Minutes | Z2008278 S.pdf |
| Voting Results | |
| Ordinance/Supplemental Documents | 200811201062.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.

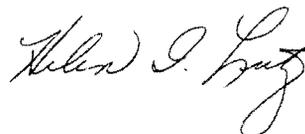
PUBLIC NOTICE

**AN ORDINANCE
2008-11-20-1062**

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: A 0.102 acre parcel out of Lot 133, Block 1, NCB 18338 and 1.27 acre parcel out of Lot 131, Block 1, NCB 18338 TO WIT: From "C-2 GC-1" Commercial, Hill Country Gateway Corridor District-1 and "O-1 GC-1" Office, Hill Country Gateway Corridor District-1 to "C-2 S GC-1" Commercial, Hill Country Gateway Corridor District-1 with a Specific Use Authorization for a bar/ tavern (0.102 acres) and "C-2 GC-1 Commercial, Hill Country Gateway Corridor District-1 (1.27 acres) 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

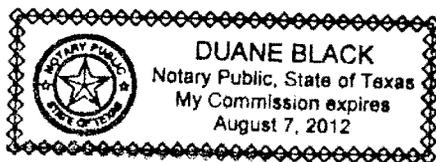
Subscribed and sworn to before me this 24th day of November, 2008, to certify which witness my hand and seal of office.



Helen I. Lutz, Publisher



Notary Public in and for the State of Texas



Duane Black

Name of Notary

My commission expires August 7, 2012