

AN ORDINANCE 2008-09-18-0866

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.

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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 44, Block B, NCB 8695 from "C-2" Commercial District to "C-2NA CD" (CD-Auto and Light Truck Repair) Commercial District, Nonalcoholic Sales with a Conditional Use for Auto and Light Truck Repair.

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. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. No storage of junk vehicles shall be allowed.
- B. No vehicles shall be kept on premise for more than 30 days.
- C. All repair work shall take place indoors.
- D. All repair bays shall be oriented away from any abutting residential uses or zoning.
- E. All building facades shall be constructed primarily of masonry materials or masonry veneer without visible use of sheet metal with the exception of the work-bay doors.
- F. A Type C (15-foot) landscape buffer shall be maintained where the subject property abuts

residential uses or zoning.

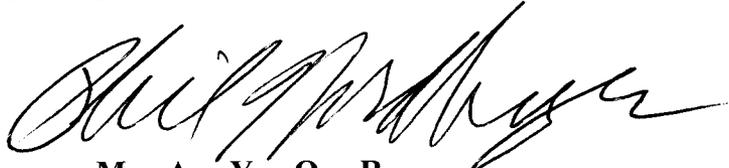
- G. A 6-foot tall, solid screen fence shall be maintained where the subject property abuts residential uses.
- H. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses using 90 degree or less cut-off fixtures.
- I. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 7:00 p.m. Monday through Saturday, and shall not be permitted before 12:00 noon or after 6 p.m. on Sunday.

SECTION 4. 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 5. 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 6. This ordinance shall become effective September 28, 2008.

PASSED AND APPROVED this 18th day of September 2008.


M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney
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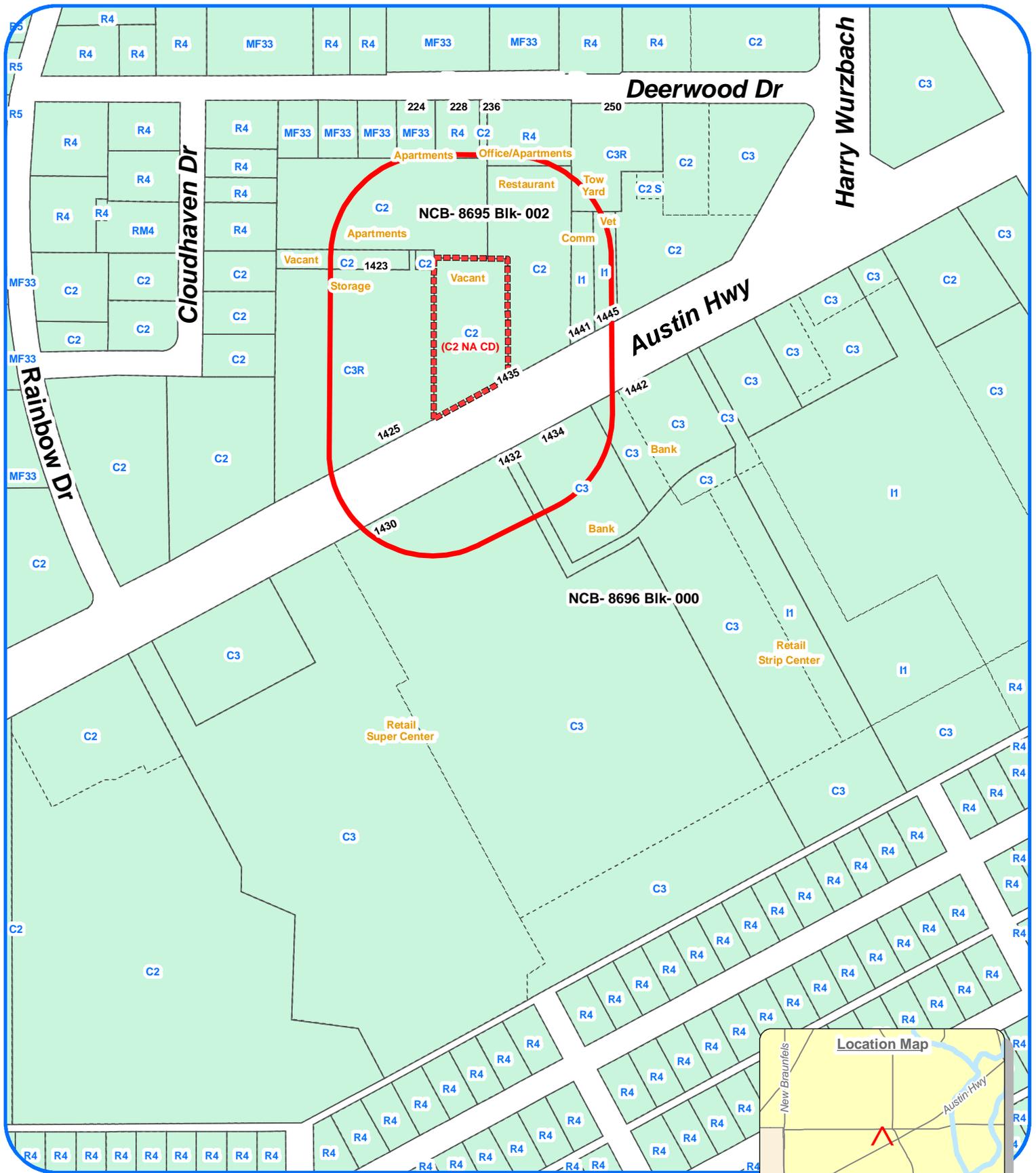
Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-31

Name:	Z-31
Date:	09/18/2008
Time:	03:29:00 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2008196 CD (District 10): An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-2NA CD" (CD-Auto and Light Truck Repair) Commercial District, Nonalcoholic Sales with a Conditional Use for Auto and Light Truck Repair on Lot 44, Block B, NCB 8695 located at 1435 Austin Highway. Staff and Zoning Commission recommend approval with conditions.
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				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x			x	



Zoning Case Notification Plan

Case Z2008196 CD

Council District 10

Scale: 1" approx. = 250'

Subject Property Legal Description(s): Lot: 44 Bik: B NCB: 8695

Legend

- Subject Property (0.851 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(6/23/2008)

Z2008196 CD

ZONING CASE NUMBER Z2008196 CD (Council District 10) – August 5, 2008

A request for a change in zoning from “C-2” Commercial District to “C-2” (CD-Auto and Light Truck Repair) Commercial District with a Conditional Use for Auto and Light Truck Repair on Lot 44, Block B, NCB 8695, 1435 Austin Highway. Staff recommends approval with conditions.

This case was approved by consent.

Michael Chapa, applicant, stated he would like to amend his request to “C-2NA” and is in agreement with conditions as staff has recommended.

Staff stated there were 12 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and no response from Wilshire Village Neighborhood Association. Staff mailed 54 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, Myers,
Martinez**

NAY: None

THE MOTION CARRIED



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-31
Council Meeting Date: 9/18/2008
RFCA Tracking No: R-3769

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 10

SUBJECT:
Zoning Case Z2008196 CD

SUMMARY:
From "C-2" Commercial District to "C-2NA CD" (CD-Auto and Light Truck Repair) Commercial District, Nonalcoholic Sales with a Conditional Use for Auto and Light Truck Repair.

BACKGROUND INFORMATION:
Zoning Commission Meeting Date: August 05, 2008

Applicant: CRD Group, LLC
Owner: SRI Real Estate Properties, LLC

Property Location: 1435 Austin Highway

Lot 44, Block B, NCB 8695

The north side of Austin Highway between Rainbow Drive and Harry Wurzbach

Proposal: To allow an auto repair facility

Neighborhood Association: Wilshire Village Neighborhood Association

Neighborhood Plan: Northeast Inner Loop Neighborhood Plan

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

ISSUE:

The applicant originally requested "C-2 CD" (CD-Auto and Light Truck Repair) Commercial District with a Conditional Use for Auto and Light Truck Repair. At the Zoning Commission hearing, the applicant agreed to amend the request to "C-2 NA CD" (CD-Auto and Light Truck Repair) Commercial District, Nonalcoholic Sales with a Conditional Use for Auto and Light Truck Repair.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current commercial zoning, allowing many commercially-oriented uses permitted by the current C-2 district, prohibiting the proposed auto and light truck repair facility, which is only allowed in the C-2 district with the approval of a conditional use.

FISCAL IMPACT:

None. The applicant has paid all the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (8-0) recommends approval with the following conditions: 1. No storage of junk vehicles shall be allowed; 2. No vehicles shall be kept on premise for more than 30 days; 3. All repair work shall take place indoors; 4. All repair bays shall be oriented away from any abutting residential uses or zoning; 5. All building facades shall be constructed primarily of masonry materials or masonry veneer, without visible use of sheet metal with the exception of the work-bay doors; 6. A Type C (15-foot) landscape buffer shall be maintained where the subject property abuts residential uses or zoning; 7. A 6-foot tall, solid screen fence shall be maintained where the subject property abuts residential uses; 8. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses using 90 degree or less cut-off fixtures; and 9. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 7:00 p.m.

Since the base zone is not changing, a finding of consistency is not required. The Northeast Inner Loop Neighborhood Plan identifies future land use for the subject property as Community Commercial.

The subject property, located on the north side of Austin Highway, between Harry Wurzbach and Rainbow Drive, is approximately 0.851 acres in size. The property is currently undeveloped with the exception of a driveway that provides access to the fast-food restaurant next door. Both the subject property and the restaurant are owned by the same company and are listed under the same address. The subject property was annexed in 1952, per ordinance 18115. After annexation, it was zoned "F" Local Retail District, then converted to "C-2" Commercial District upon adoption of the 2001 Unified Development Code. Surrounding zoning includes "C-2", "C-3" General Commercial District and "I-1" General Industrial District to the south, east, and west along Austin Highway; with a mix of "R-4" Residential Single-Family District, "MF-33" Multi-Family District, and "C-2" to the north and northwest. Properties to the north and northwest, behind the subject property, include apartments, duplexes, and single-family homes. Properties to the east and west along Austin Highway include motels, mini storage, banking, fast-food restaurants, and retail shopping centers. The City's Major Thoroughfare Plan identifies Austin Highway as a Primary Arterial "Type A" street.

Staff finds the requested zoning change to be appropriate given the location of the subject property on a major thoroughfare, and within the commercial node that extends along Austin Highway from Harry Wurzbach. Auto and Light Truck Repair is permitted by right in "C-3" General Commercial District. Although there is a large amount of "C-3" zoning in the area, there is also an ongoing effort to avoid the intense commercialization of Austin Highway by encouraging less-intense commercial and multi-family development. The applicant's request for a lower intensity commercial district and a Conditional Use allows the continuation of the current development pattern, while preserving the community's revitalization efforts and limiting the impact on the abutting residential uses.

The application of a Conditional Use provides an opportunity to limit the impact of the proposed use on surrounding properties by limiting the scope of use allowed.

Should the City Council approve this request, staff and Zoning Commission recommends the following conditions:

1. No storage of junk vehicles shall be allowed.
2. No vehicles shall be kept on premise for more than 30 days.
3. All repair work shall take place indoors.
4. All repair bays shall be oriented away from any abutting residential uses or zoning.
5. All building facades shall be constructed primarily of masonry materials or masonry veneer, without visible use of sheet metal with the exception of the work-bay doors.
6. A Type C (15-foot) landscape buffer shall be maintained where the subject property abuts residential uses or zoning.
7. A 6-foot tall, solid screen fence shall be maintained where the subject property abuts residential uses.
8. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses using 90 degree or less cut-off fixtures.
9. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 7:00 p.m.

ATTACHMENT(S):

File Description	File Name
Zoning Commission Minutes	Z2008196 CD.pdf
Location Map	Z2008196.pdf
Voting Results	
Ordinance/Supplemental Documents	200809180866.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager