

AN ORDINANCE 2009-05-07-0363

**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 Lots 11 and 12, Block 2, NCB 2877 from "H C-2" Commercial, King William Historic District to "H C-2 CD" Commercial, King William Historic District with a Conditional Use for Auto Sales (Motor Scooter Sales).

**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 outdoor storage or display of merchandise shall be permitted.
- B. Business or office hours of operation shall not be permitted before 10:00 a.m. or after 8:00 p.m.
- C. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.

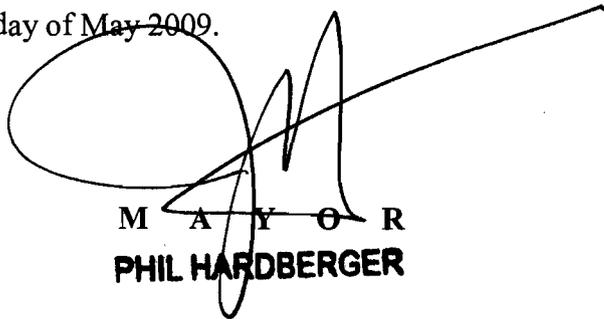
**SECTION 4.** The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**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.

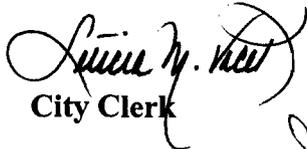
**SECTION 7.** This ordinance shall become effective May 17, 2009.

**PASSED AND APPROVED** this 7th day of May 2009.



M A Y O R  
PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:

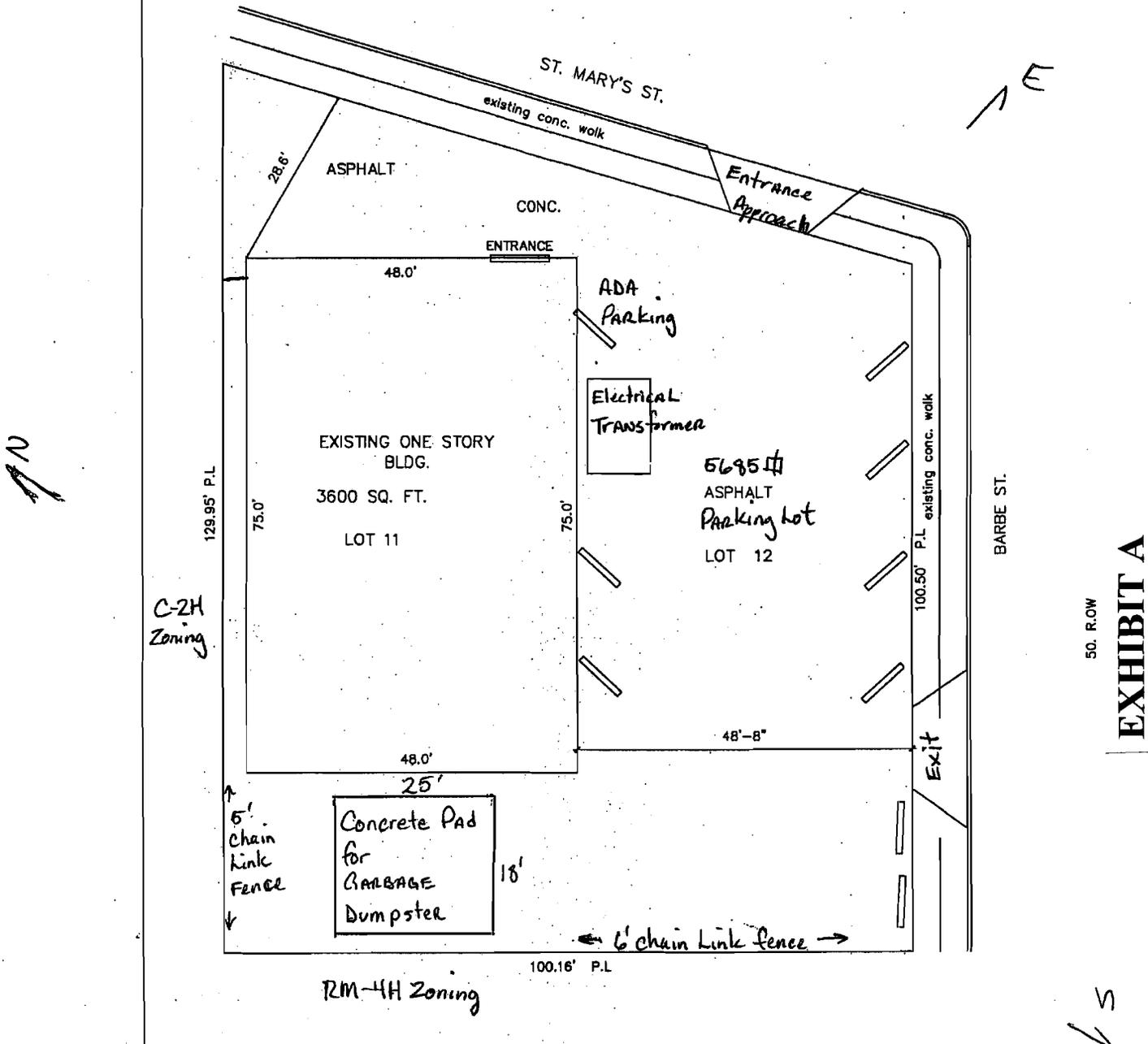


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for City Attorney

<b>Agenda Item:</b>	<b>Z-6</b>						
<b>Date:</b>	05/07/2009						
<b>Time:</b>	06:16:48 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	ZONING CASE # Z2009075 CD (District 1): An Ordinance amending the zoning district boundary from "H C-2" Commercial, King William Historic District to "H C-2 CD" Commercial, King William Historic District with a Conditional Use for Auto Sales (motor scooter sales) on Lots 11 and 12, Block 2, NCB 2877 located at 1315 South St. Mary's Street. Staff and Zoning Commission recommend approval with conditions.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Phil Hardberger	Mayor	x					
Mary Alice P. Cisneros	District 1		x			x	
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				x
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				

72009075



SITE PLAN  
SCALE: 1"=10'-0"

LEGAL DESCRIPTION

1315 ST. MARY'S ST  
LOT 11-12  
BLOCK 2  
NCB 2877  
SAN ANTONIO, TX.

Proposed: C-2HCD Conditional Use

for (Auto) Scooter Sales

I, Edward Haverlah, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submission for building permits.

PETE MUZQUIZ 392-4297

EXHIBIT A



## Zoning Case Notification Plan

# Case Z-2009-075 CD

Council District 1

Scale: 1" approx. = 100'

Subject Property Legal Description(s): NCB 02877 - Block 002 - Lots 11 and 12

### Legend

- Subject Property  (0.26 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change R6
- 100-Year FEMA Floodplain



Planning & Development Services Dept  
 City of San Antonio  
 (03/23/2009 - E Hart)

**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):

**May 11, 2009**

Subscribed and sworn to before me this 11th day of May, 2009, to certify which witness my hand and seal of office.

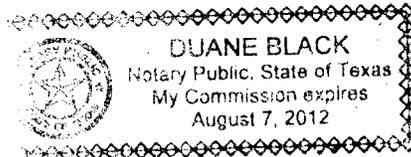
**PUBLIC NOTICE**

**AN ORDINANCE**  
**2009-05-07-0363**

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: Lots 11 and 12, Block 2, NCB 2877 TO WIT: From "H C-2" Commercial, King William Historic District to "H C-2 CD" Commercial, King William Historic District with a Conditional Use for Auto Sales (Motor Scooter Sales) provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
5/11



*Helen I. Lutz, Publisher*



*Notary Public in and for the State of Texas*

Duane Black

*Name of Notary*

*My commission expires August 7, 2012*