

AN ORDINANCE 2008-12-04-1121

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 0.631 acres out of Lots 1 and 2, Block 9, NCB 14709 from "R-20" Residential Single Family District to "R-20 CD" (CD-Professional Office) Residential Single Family District with a Conditional Use to allow a Professional Office.

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

- A. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
- B. Allowable hours of operation shall not be permitted before 7:00 am or after 8:00 pm.

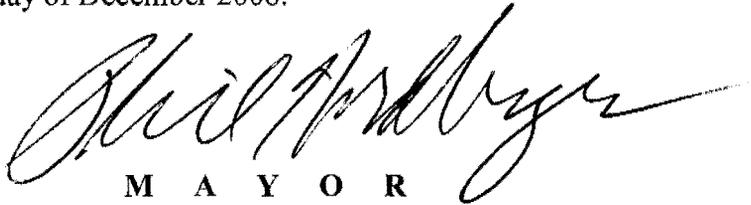
C. One sign, fifty (50) square feet in area, may be permitted on the property. Signage shall be limited to one sign for all commercial development.

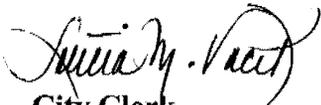
SECTION 5. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

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 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**

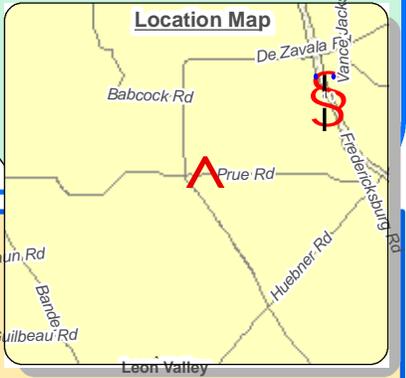
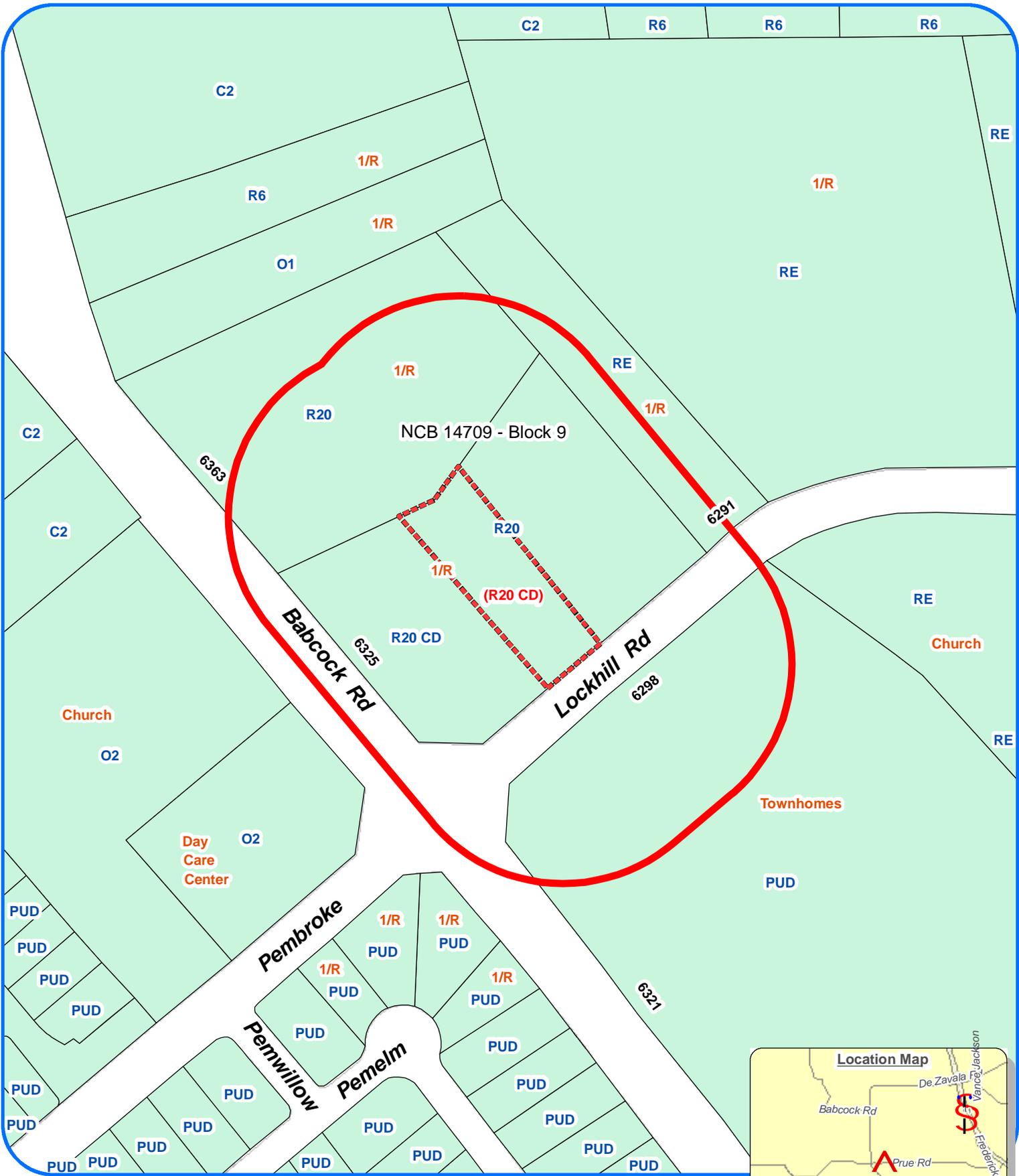
City of San Antonio



Agenda Voting Results - Z-8

Name:	Z-8
Date:	12/04/2008
Time:	05:19:30 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2009001 CD (District 8): An Ordinance amending the Zoning District Boundary from "R-20" Residential Single Family District to "R-20 CD" (CD-Professional Office) Residential Single Family District with a Conditional Use to allow a Professional Office on a 0.631 acre tract of land out of Lots 1 and 2, Block 9, NCB 14709. Staff recommends denial. Zoning Commission recommends 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 Z2009001 CD

Council District 8

Scale: 1" approx. = 150'

Subject Property Legal Description(s): 0.631 acres out of Lots 1 and 2, Block 9, NCB 14709

Legend

- Subject Property (0.63 acres)
- 200' Notification Buffer
- Current Zoning R20
- Requested Zoning Change (R20 CD)
- 100-Year FEMA Floodplain



Z2009001 CD

ZONING CASE NUMBER Z2009001 CD (Council District 8) – November 4, 2008

A request for a change in zoning from “R-20” Residential Single Family District to “R-20 CD” (CD-Professional Office) Residential Single Family District with a Conditional Use to allow a Professional Office on 0.631 acres out of Lots 1 and 2, Block 9, NCB 14709, a portion of 6325 Babcock Road. Staff recommends denial.

Andy Guerrero, representative, stated the purpose of this request is to allow for a dental office on the subject property.

Staff stated there were 6 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and Oakland Estates Neighborhood Association is in favor.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Wright to recommend approval with the following conditions :

1. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
2. Allowable hours of operation shall not be permitted before 7:00 am or after 8:00 pm.
3. One sign, fifty (50) square feet in area, may be permitted on the property. Signage shall be limited to one sign for all commercial development.

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

NAY: None

THE MOTION CARRIED

September 26, 2008
Job No. 39284

0.631 Acre Tract to be Re-zoned

72009001

STATE OF TEXAS
COUNTY OF BEXAR

METES AND BOUNDS description of a 0.631 acre tract of land situated in the corporate limits of the City of San Antonio, Bexar County, Texas, and being out of a 2.645 acre tract comprising a portion of Lots 1 and 2, Block 9, New City Block 14709, OAKLAND ESTATES, as shown by plat recorded in Volume 980, Page 281 A, Deed and Plat Records of said County and State, conveyed unto Reagan H. Smith, etux. by warranty deed executed June 1, 1983 and recorded in Volume 2845, Page 2336, Real Property Records of said County and State, in all said 0.631 acre tract being more particularly described as follows:

COMMENCING at a point on the east terminus of the cutback corner connecting the northwest right of way line of Lock Hill Road (a 60 foot wide public R.O.W.) and the northeast right of way line of Babcock Road (an 80 foot wide public R.O.W.), same being the east corner of a 0.095 acre tract conveyed unto Bexar County by warranty deed executed March 28, 1958 and recorded in Volume 4137, Page 631, Deed Records of said County and State.

THENCE, along the northwest right of line of said Lock Hill Road, North 50° 07' 00" East, 104.90 feet to a point for the south corner and POINT OF BEGINNING of this tract.

THENCE, across said 2.645 acre tract, parallel with the northeast right of way line of said Babcock Road, North 40° 11' 00" West, 274.81 feet to a point on the common northwest line of said 2.645 acre tract and the southeast line of a 2.378 acre tract conveyed unto Dan Son Giang, etux. by warranty deed executed February 2, 2000 and recorded in Volume 8301, Page 1965, said Real Property Records, for the west corner of this tract.

THENCE, along the common northwest line of said 2.645 acre tract and the southeast line of said 2.378 acre tract, North 60° 05' 00" East, 45.41 feet to an interior corner of this tract.

THENCE, continuing along said common northwest and southeast line, North 37° 47' 03" East, 56.46 feet to point for the north corner of this tract;

THENCE, across said 2.645 acre tract, parallel with and 150 feet southwest of its northeast line, South 40° 39' 40" East, 279.04 feet to a point on the northwest right of way line of said Lock Hill Road for the east corner of this tract;

THENCE, along said northwest right of way line, South 50° 07' 00" West, 102.24 feet to the POINT OF BEGINNING.

CONTAINING in all, 0.631 acres or 27,505 square feet of land, more or less.



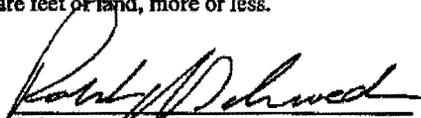

Robert J. Schroeder, R.P.L.S. No. 4045

EXHIBIT A



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-8
Council Meeting Date: 12/4/2008
RFCA Tracking No: R-4211

DEPARTMENT: Planning & Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 8

SUBJECT:
Zoning Case Z2009001 CD

SUMMARY:

From "R-20" Residential Single Family District to "R-20 CD" (CD-Professional Office) Residential Single Family District with a Conditional Use to allow a Professional Office.

BACKGROUND INFORMATION:

Zoning Commission Meeting: November 04, 2008

Applicant: 6325 Babcock Road, LLC

Owner: 6325 Babcock Road, LLC

Property Location: A portion of 6325 Babcock Road.

0.631 acres out of Lots 1 and 2, Block 9, NCB 14709

On the north side of Lockhill Road, approximately 160 feet east of Babcock Road.

Proposal: To allow a dental office.

Neighborhood Association: Oakland Estates Neighborhood Association.

Neighborhood Plan: Oakland Estates Neighborhood Plan.

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

ISSUE:
None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current "R-20" Residential

Single Family District zoning, restricting future land use to single family detached dwellings at a maximum of 2 units per acre, prohibiting the proposed professional office use, which is only allowed in the R-20 district with the approval of a conditional use.

FISCAL IMPACT:

None. The applicant has paid all required zoning fees.

RECOMMENDATION:

Staff recommends denial. Zoning Commission (10-0) recommends approval with the following conditions: 1. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; 2. Allowable hours of operation shall not be permitted before 7:00 am or after 8:00 pm and 3. One sign, fifty (50) square feet in area, may be permitted on the property. Signage shall be limited to one sign for all commercial development.

The requested conditional use for a professional office did not require a finding of consistency with the Oakland Estates Neighborhood land use plan, because there was no change to the base zone. The Oakland Estates Neighborhood Plan identifies future land use for the subject property as Low-Density Residential.

The subject property is located on the north side of Lockhill Road, east of Babcock Road. The subject property is a 0.631-acre portion of a larger 2.6-acre parcel. There are five existing structures on the lot, including a single-family home (approximately 1,978 square feet, built in 1957) and four accessory structures. The subject property was annexed in 1972, per ordinance 41426. The property was originally zoned "Temp R-1" Temporary Single Family Residence District. In 1999, the property was rezoned to "R-1" Single Family Residence District. Upon the adoption of the 2001 Unified Development Code, the previous "R-1" converted to "R-6" Residential Single-Family District. In a 2007 City-initiated case, the property was rezoned to "R-20" Residential Single-Family District, in accordance with the Oakland Estates Neighborhood Plan. In March of 2008, a one-acre portion of the property was rezoned to "R-20 CD" (CD-Professional Office) to allow for a dental office. The 0.631-acre portion that is the subject of this rezoning request is currently zoned "R-20", and directly abuts the existing "R-20 CD" area.

Surrounding zoning includes "RE" Residential Estate District and "R-20" to the east; "PUD MF-33" Planned Unit Development Multi-Family District to the south; "O-2" Office District and "C-2" Commercial District to the west and northwest along Babcock Road; with "R-6", "O-1" Office and "C-2" to the north. Surrounding land uses include single-family homes to the north; a church, townhomes, and single-family homes to the south and southeast; a childcare facility, church, and retail store to the west and northwest; with single-family homes and a mobile home park to the north.

The applicant requests this zoning change in order to expand plans for a proposed dental office. The applicant's stated intent is to move the existing residential structure to the rear portion of the lot, in order to build a new "one-story, low-profile" structure along Babcock Road. The applicant also indicated that the additional 0.6-acre portion is needed to accommodate the septic system that would be required for the new dental office.

Staff finds the request to be inappropriate as it could establish a pattern of commercial encroachment into the single-family residential neighborhood. In the March 2008 rezoning case that created the existing one-acre conditional use, the applicant stated that the remaining 1.6 acres would remain residential in order to provide a buffer between the commercial uses along Babcock Road and the residential uses along Lockhill Road. Babcock Road is identified as a Secondary Arterial "Type A" thoroughfare; and as such, is suited for some commercial development. However, Lockhill Road is a local street, along which exist multiple-acre single-family lots.

Staff prefers to limit commercial development to the Babcock corridor, maintaining the interior lots along Lockhill as large-acre, single-family residential.

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

1. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
2. Allowable hours of operation shall not be permitted before 7:00 am or after 8:00 pm.
3. One sign, fifty (50) square feet in area, may be permitted on the property. Signage shall be limited to one sign for all commercial development.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2009-001.pdf
Zoning Commission Minutes	Z2009001 CD.pdf
Voting Results	
Ordinance/Supplemental Documents	200812041121.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager