

AN ORDINANCE 2008-06-05-0508

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 Lot 12, Block 21, NCB 17971, SAVE and EXCEPT that portion of land acquired by the State of Texas described as .030 acres out of NCB 17971 and recorded in Volume 5468 Page 1134 of the Real Property Records of Bexar County Texas, from "R-6" Residential Single-Family District to "C-2 NA" Commercial District, Nonalcoholic Sales.

SECTION 2. A description of the land identified as the SAVE and EXCEPT portion is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. In accordance with Section 35-514(c)(2) of the Unified Development Code, the City Council authorizes a fence to be erected or altered of up to a height of eight (8) feet along the property line that abuts existing residential zoning districts and land uses.

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.

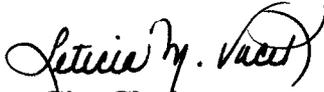
SECTION 6. This ordinance shall become effective on June 15, 2008.

PASSED AND APPROVED this 5th day of June, 2008.



M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



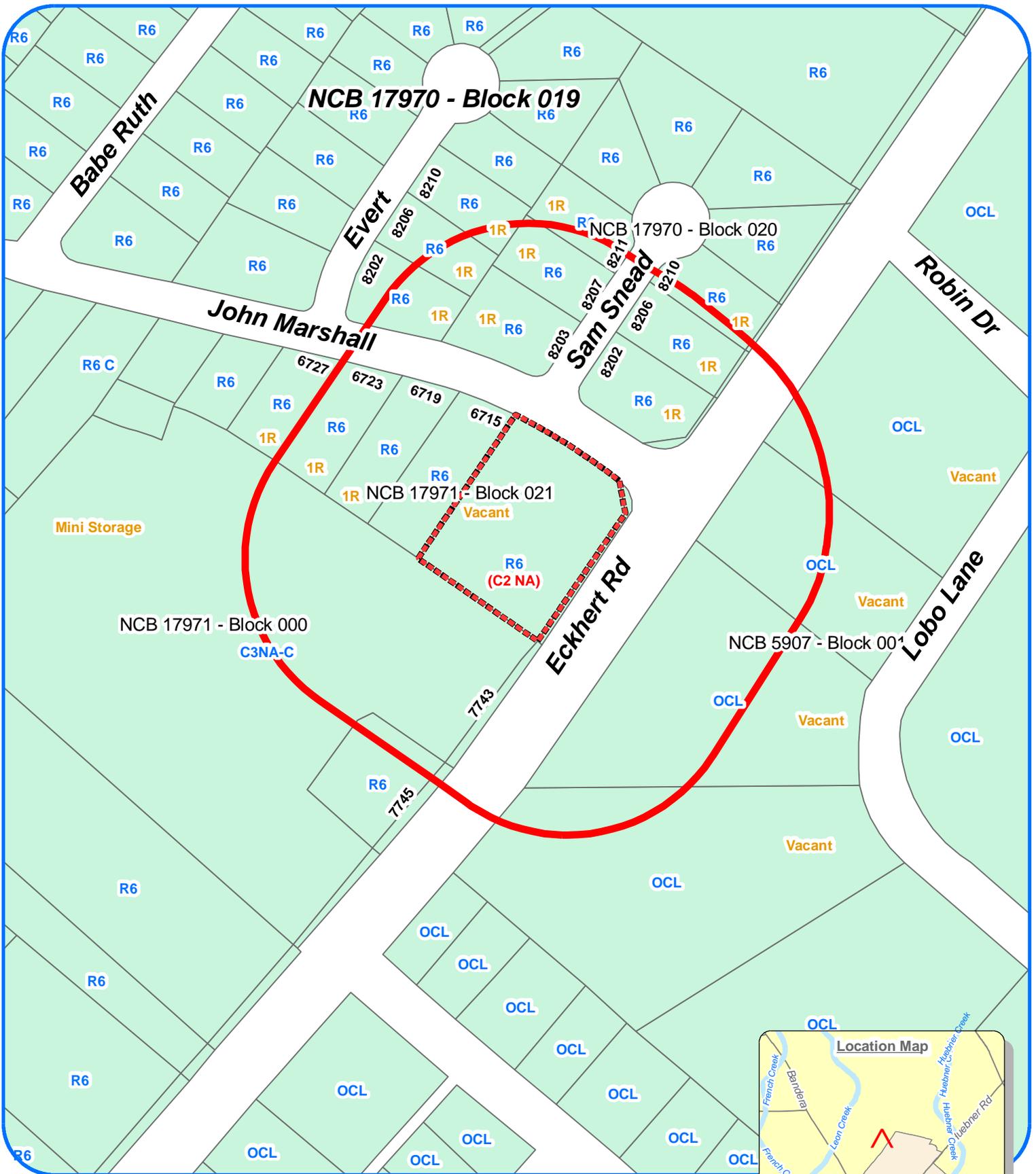
Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-13

Name:	Z-1, P-1, Z-7, Z-8, Z-9, Z-10, P-2, Z-12, Z-13
Date:	06/05/2008
Time:	03:03:21 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2008135 (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2 NA" Commercial District, Nonalcoholic Sales on Lot 12, Block 21, NCB 17971, save and except .030 acres out of NCB 17971, 6700 Block of John Marshall Road as requested by Jerry Arredondo, Applicant for Ruben Yanez, Jr, Owner. 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			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				



Zoning Case Notification Plan

Case Z2008135

Council District 7

Scale: 1" approx. = 150'

Subject Property Legal Description(s): Lots 12, esc SE 5 feet - NCB 17971 - Block 021

Legend

- Subject Property (0.7810 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(4/01/2008)

Z2008135

ZONING CASE NUMBER Z2008135 (Council District 7) – April 15, 2008

The request of Jerry Arredondo, Applicant, for Ruben Yanez, Jr., Owner(s), for a change in zoning from “R-6” Residential Single-Family District to “C-2NA” Commercial, Nonalcoholic Sales District on Lot 12, Block 21, NCB 17971, save and except .030 acres out of NCB 17971, 6700 Block of John Marshall Road. Staff recommends approval.

Jerry Arredondo, representative, stated he would like to request a two-week continuance.

Staff stated there were 26 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor. Staff mailed 11 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Martinez to recommend a continuance until May 6, 2008.

**AYES: Sherrill, Robbins, J. Valadez, Westheimer, Gadberry, Myers, Wright,
Martinez, Gray**

NAY: None

THE MOTION CARRIED

ZONING CASE NUMBER Z2008135 (Council District 7) – April 15, 2008

The request of Jerry Arredondo, Applicant, for Ruben Yanez, Jr., Owner(s), for a change in zoning from “R-6” Residential Single-Family District to “C-2NA” Commercial, Nonalcoholic Sales District on Lot 12, Block 21, NCB 17971, save and except 0.030 acres out of NCB 17971, 6700 Block of John Marshall Road. Staff recommends approval.

Jerry Arredondo, representative, proposing a retail center.

The following citizen(s) appeared to speak:

Ruben Yanez, owner, spoke in support.

Kay Phipps, Huebner/Leon Creek Planning Team Member, spoke in opposition.

Staff stated there were 26 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor. Staff mailed 11 notices to the Planning Team.

Z2008135

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

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

(A verbal vote was taken)

**AYES: Sherrill, Robbins, J. Valadez, Westheimer, Gadberry, Myers, Wright,
Martinez**

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Gadberry and seconded by Commissioner Martinez to recommend approval including an 8 foot fence on the northwest side next to the residences and with the intention of the homeowners and the developer/applicant meeting on deed restrictions prior to City Council.

**AYES: Sherrill, Robbins, J. Valadez, Westheimer, Gadberry, Myers, Wright,
Martinez**

NAY: None

THE MOTION CARRIED

County: Bexar
 Control: 1478-01-007
 Highway: F. M. 1517
 Project Limits: From State Highway 16
 To Huebner Road

Field Notes for Parcel 28 - 13782

0.030 of one acre of land, more or less, same being out of and a part of Lot 12, Block 21 of the John Marshall Subdivision Unit 6 out of the M. G. De Los Santos Survey No. 82, Abstract No. 664, New City Block No. 17971, in Bexar County, Texas, in the City of San Antonio, which Lot 12, Block 21 of the John Marshall Subdivision Unit 6 was conveyed to Ray Ellison Homes, Inc. by Plat dated June 13, 1980 of record in Volume 8900, Page 112, Deed and Plat Records of Bexar County, Texas, which 0.030 of one acre of land, more or less, is more particularly described by metes and bounds as follows:

BEGINNING at a point in the existing northwest right of way line of F. M. 1517, which point is the most southwesterly point of the existing northwest cut-back radius to John Marshall;

THENCE SOUTH 34 deg 47' 09" West, a distance of 195.00 feet along the existing northwest right of way line of F. M. 1517 to the southwest corner of said Lot 12, Block 21 of the John Marshall Subdivision Unit 6;

THENCE NORTH 55 deg 12' 51" West, a distance of 5.00 feet along the southwest line of said Lot 12, Block 21 of the John Marshall Subdivision Unit 6 to a point for a corner, which point is South 55 deg 12' 51" East, a distance of 168.30 feet along the southwest line of said Lot 12, Block 21 from the northwest corner of same, and which point is left, 50.00 feet from and at a right angle to the centerline of F. M. 1517 at Station 128+39.66;

THENCE along the proposed northwest right of way line of F. M. 1517 as follows:

NORTH 34 deg 47' 09" East, a distance of 130.00 feet to an angle point, which point is left 50.00 feet from and at a right angle to the centerline of F. M. 1517 at station 130+19.66 and;

NORTH 10 deg 12' 51" West, a distance of 35.36 feet to a point for a corner in the existing southwest right of way line of John Marshall and the northeast line of said Lot 12, Block 21 of the John Marshall Subdivision Unit 6, which point is South 55 deg 12' 51" East, a distance of 60.00 feet along the existing southwest right of way line of John Marshall and the northeast line of said Lot 12, Block 21 from a point on a circular curve of said lines, and which point is left 75.00 feet from and at a right angle to the centerline of F. M. 1517 at Station 130+44.66;

THENCE along the existing southwest right of way line of John Marshall and northeast line of said Lot 12, Block 21 of the John Marshall Subdivision Unit 6 and northwest cut-back radius as follows:

SOUTH 55 deg 12' 51" East, a distance of 20.00 feet to a point on a circular curve and;

Southeasterly, a distance of 15.71 feet along the arc of a circular curve to the right, the radius of which is 10.00 feet, and which has a chord length of 14.14 feet and chord bearing of South 10 deg 12' 51" East to the point of BEGINNING and containing an area of 0.030 of one acre of land, more or less.

VOLS 4 6 8 BARE 1 3 7



AFFIDAVIT OF PUBLICATION

(COUNTY OF BEXAR)
(STATE OF TEXAS)

I, Lynette Nelson do solemnly swear that the notice was published 1 time(s) in the following publication(s):

Daily Commercial Recorder

AN ORDINANCE 2008-06-05-0508

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: Lot 12, Block 21, NCB 17971, save and except .030 acres out of NCB 17971 TO WIT: From "R-6" Residential Single-Family District to "C-2 NA" Commercial District, Nonalcoholic Sales. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

A free weekly newspaper of general circulation published at San Antonio, Bexar County, Texas on the following dates:

June 9, 2008

Lynette Nelson

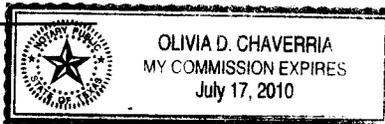
Lynette Nelson

Subscribed and sworn before me, this

8th day of December, 2008

Olivia D. Chaverria

NOTARY PUBLIC SIGNATURE



Olivia D. Chaverria

Notary Public Printed/Typed Name

My Commission Expires: 07/17/2010



**CITY OF SAN ANTONIO
Request for Council Action**

Agenda Item # Z-13
Council Meeting Date: 6/5/2008
RFCAMemo Tracking No: R-3296

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 7

SUBJECT:
Zoning Case Z2008135

SUMMARY:
From "R-6" Residential Single-Family District to "C-2 NA" Commercial District, Nonalcoholic Sales.

BACKGROUND INFORMATION:
Zoning Commission Meeting Date: May 06, 2008

Applicant: Jerry Arredondo
Owner: Ruben Yanez, Jr.

Property Location: 6700 Block of John Marshall Road

Lot 12, Block 21, NCB 17971, save and except .030 acres out of NCB 17971

Southwest corner of John Marshall and Eckhert Road

Proposal: To Allow a Retail Center

Neighborhood Association: None

Neighborhood Plan: Huebner/Leon Creek Community 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-6" Residential Single Family District zoning, restricting future land use to single family detached dwellings at a maximum of 7 units per acre.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (8-0) recommend approval with a recommendation for an 8-foot fence along the property line that abuts existing residential zoning districts and land uses.

The subject property was annexed in 1952, totals approximately 0.7810 acres and is currently undeveloped. The subject property was zoned to R-6, which was approved by the City Council on September 27, 2001 (Ordinance #94634.)

"R-6" Residential Single-Family District zoning exists to the west of the subject property and to the north across John Marshall. Property to the east across Eckhert Road is outside the city limits (Leon Valley) and property to the south is zoned "C-3 NA CD" General Commercial, Nonalcoholic Sales District with a conditional use for a mini-storage facility. Land uses immediately adjacent to the proposed development consist of single-family homes to the west of the subject property and to the north across John Marshall. John Marshall High School is to the east across Eckhert Road and there is a mini-storage facility to the south.

The applicant is requesting a zoning change to allow for a commercial/ retail development on the subject property. The request is consistent with the Huebner/Leon Creek Community Plan. The Huebner/Leon Creek Community Plan designates the subject property as Community Commercial. Community Commercial land use allows offices, professional services, and retail uses that are accessible to bicyclists and pedestrians.

Commercial/ retail uses may provide beneficial services to the surrounding community and provide additional employment opportunities in this immediate area. Although the requested rezoning is an increase in intensity from R-6 to C-2 NA, staff believes that the existing R-6 zoning classification is not compatible with the character of Eckhert Road and that the subject property is unlikely to be developed for residential uses. There are multiple commercial uses and zoning along Eckhert Road between Bandera Road and John Marshall. The proposed C-2 NA Commercial, Nonalcoholic Sales District is consistent with the zoning and use pattern of the area and conforms to the general development pattern of Eckhert Road, a Secondary Arterial Type A.

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. Any proposed development located in a C-2 Commercial District and adjoining a zoning district zoned R-6 Residential Single-Family District, will require the applicant to install a type B buffer. Residents to the north front Sam Snead, thereby being mostly protected from potential negative impacts from a commercial use on the subject property.

ATTACHMENT(S):

File Description	File Name

Location Map	Z2008135.pdf
Zoning Commission Minutes	Z2008135.pdf
Voting Results	
Ordinance/Supplemental Documents	200806050508.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager