

AN ORDINANCE 101307.

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:

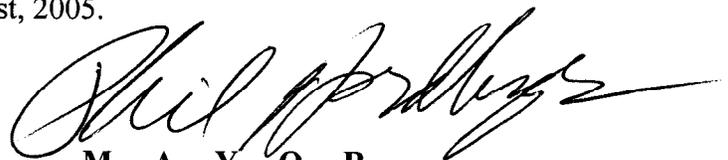
SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of the East 25 Feet of Lot 11, Lot 12, and the West 24.7 feet of Lot 13, NCB 6859 from "C-3" General Commercial District to (HS) "C-3" Historic Significant General Commercial District.

SECTION 2. 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 3. The Director of Planning 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.

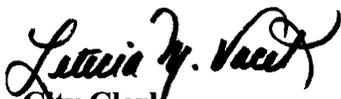
SECTION 4. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective September 4, 2005.

PASSED AND APPROVED this 25th day of August, 2005.



M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: Z-4

Date: 08/25/05

Time: 03:34:50 PM

Vote Type: Multiple selection

Description: Z-4. ZONING CASE #Z2005131 (District 1): An Ordinance changing the zoning district boundary on the East 25 Feet of Lot 11, Lot 12, and the West 24.7 feet of Lot 13, NCB 6859, to designate "HS" Historic Significant, 339 and 349 West Josephine Street, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for The Josephine Theatrical Company, Inc., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		X		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

CASE NO: Z2005131

Staff and Zoning Commission Recommendation - City Council

Date: August 25, 2005

Zoning Commission Meeting Date: June 21, 2005

Council District: 1

Ferguson Map: 616 F2

Applicant:

City of San Antonio, Historic
Preservation Officer

Owner:

The Josephine Theatrical Company, Inc.

Zoning Request: To designate property "HS" Historic, Significant
East 25 Feet of Lot 11, Lot 12, and the West 24.7 feet of Lot 13, NCB 6859

Property Location: 339 and 349 West Josephine Street

Just North of intersection of West Josephine Street and North St Mary's

Proposal: To designate property "HS" Historic, Significant

Neighborhood Association: Tobin Hill Neighborhood Association and Tobin Hill Residents Association

Neighborhood Plan: Tobin Hill Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Consistent

The Tobin Hill Neighborhood Plan is currently only a guide in community decision-making and is not current enough to be utilized in findings of consistency by the Zoning Commission pursuant to the Unified Development Code. The Tobin Hill Neighborhood Plan was adopted by City Council in 1987, prior to the initiation of the Community Building and Neighborhood Planning process. However, the Plan encourages the identification, retention and restoration of historically and architecturally designated significant and exceptional structures.

Approval

The applicant is requesting a designation as Historic Significant for the property. The proposed zoning request does not alter the base zoning. On April 20, 2005, the Historic Design and Review Commission (HDRC) recommended a finding of historic significance for this property. The property owner initiated the historic designation process.

The building meets the following Unified Development Code criteria for designation as a City of San Antonio landmark:

(1) Its value as a visible reminder of the cultural heritage of the community (35-607(b)(1)). The Josephine Theater has been a community gathering spot for many years.

(2) Its architectural character as a particularly fine example of a commercial structure (35-607(b)(6)). The building is a good example of 1940s theater architecture.

(3) Buildings that have come to represent a part of San Antonio's cultural heritage for at least twenty-five years (35-607(c)(2)(a)). The theater building was constructed in 1946, making it 59 years old in 2005.

(4) Institutions that provide evidence of cultural history of San Antonio as well as stores and businesses (35-607(c)(2)(c)). Markets and commercial structures which are important to the cultural life of San Antonio (35-607(c)(2)(d)). The Josephine Theater opened in 1947 and has been an institution to generations of San Antonians.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Rudy Nino, Jr. 207-8389

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005131

ZONING CASE NO. Z2005131 – June 21, 2005

Applicant: City of San Antonio, Historic Preservation Office

Zoning Request: To designate property Historic Significance

Ann McGlone, Historic Preservation Officer, stated the owner initiated this case. She stated the owner presented their proposal to the Historic Design and Review Commission on April 20, 2005 and was approved for finding of historic significance for this property. She further stated this structure meets the criteria for designation by the Unified Development Code.

Staff stated there were 19 notices mailed out to the surrounding property owners, 2 returned in opposition and 5 returned in favor and Tobin Hill Residents Association is in favor and no response from Tobin Hill Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

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

(A verbal vote was taken)

AYES: Martinez, Robbins, Rodriguez, Kissling, Dutmer, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Kissling and seconded by Commissioner Robbins to recommend approval.

Z2005131

1. Property is located on east 25 feet of Lot 11 and 12 and the west 24.7 feet of Lot 13, NCB 6859 at 339 and 349 West Josephine Street.
2. There were 19 notices mailed, 2 returned in opposition and 5 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Dutmer, Sherrill, McAden, Avila,
Stribling, Peel**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.