

AN ORDINANCE 101896

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 7.193 acres out of NCB 12685 from "RM-4" Residential Mixed District to "C-3" General Commercial District.

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. 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.

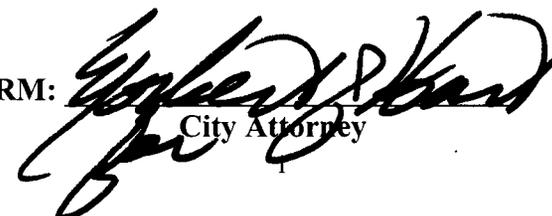
SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective on December 25, 2005.

PASSED AND APPROVED this 15<sup>th</sup> day of December, 2005.

  
M A Y O R

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

# Agenda Voting Results

**Name:** Z-8.

**Date:** 12/15/05

**Time:** 04:29:02 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2005246 S (District 4): An Ordinance changing the zoning boundary from "RM-4" Residential Mixed District to "C-3" General Commercial District on 7.193 acres out of NCB 12685, 8700 block of Interstate Highway 35 South near the intersection with State Highway 16 as requested by Albert W. Van Cleave, III, Applicant, for TAJI, Ltd., A Texas Limited Partnership, Owner(s). Staff's recommendation was for approval and Zoning Commission has recommended approval of "C-3 R" Restrictive General Commercial District.

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		

METES AND BOUNDS DESCRIPTION  
FOR  
ZONING PARCEL(RM4)  
OF 7.193 ACRES OUT OF  
LOT 11 BLOCK 32  
NEW CITY BLOCK 12685  
LOMA ALTA SUBDIVISION UNIT 4A

**Z2005246**

**Z2005246**

Being a 7.193 portion out of a certain 10.994 acre tract of land same being Lot 11 Block 32 New City Block 12685, LOMA ALTA SUBDIVISION, UNIT 4A recorded in Volume 9400, Page 154, of the Deed and Plat Records of Bexar County, Texas, and conveyed to Marcus Crassus Land Ltd, by Deed recorded in Volume 7481, Page 146 of the Real Property Records of Bexar County, Texas, said 7.1963 acres being more particularly described by metes and bounds as follows;

Beginning at a 1/2 inch iron rod found in the south right-of-way of Interstate Highway 35 (150 feet wide), being the northeast corner of said Lot 11, N.C.B. 12685, the northwest corner of a certain 10,528 acre tract of land conveyed in part to John M. Schaefer and described in deed recorded in Volume 4985, Page 1090 of Real Property Records of Bexar County, Texas and the PLACE OF BEGINNING hereof;

Thence S 00° 04' 44"E, a distance of 914.14 feet to an iron rod found in the north line of a 42 foot wide drainage right-of-way as shown on the plat of Fountain Park South Unit One, and recorded in Volume 5970, Page 91 of the Deed and Plat Records of Bexar County, Texas;

Thence S 89° 56' 41" W, a distance of 262.67 feet to an angle point from which an iron rod found at the southeast corner of Parcel Number 9383 City of San Antonio being Tract 1, N.C.B. 11211, as recorded in Volume 2737 Page 104 of Real Property Records of Bexar County, Texas bears S 89° 56' 41" W, a distance of 375.00 feet;

Thence crossing said Lot 11, N 18° 24' 37" W, a distance of 720.01 feet to a point in the said south right-of-way of Interstate Highway 35 for the northwest corner hereof from which and iron rod found for the northwest corner of said Lot 11 and the northeast corner of Lot 7 Block 32 N.C.B.12685, conveyed to Southway Ford Inc. and recorded in Volume 10588, Page 2350 of the Real Property Records of Bexar County, Texas bears S 64° 40' 58" W, a distance of 175.00 feet ;

Thence N 64° 40' 58" E, a distance of 675.74 feet with the south right-of-way of said Interstate Highway 35 to the PLACE OF BEGINNING, containing 7.193 acres of land more or less.

September 13, 2005

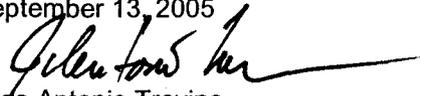
  
Jose Antonio Trevino  
Registered Professional Land Surveyor  
No: 5552



EXHIBIT A

To Ordinance No. \_\_\_\_\_  
Passed and Approved on  
December 15, 2005

# CASE NO: Z2005246

## Staff and Zoning Commission Recommendation - City Council

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**Date:** December 15, 2005

**Zoning Commission Meeting Date:** November 01, 2005

**Council District:** 4

**Ferguson Map:** 681 C1

**Appeal:**

**Applicant:** Owner

Albert W. Van Cleave, III

TAJI, Ltd., A Texas Limited Partnership

**Zoning Request:** From "RM-4" Residential Mixed District to "C-3R" Restrictive Commercial District

7.193 acres out of NCB 12685

**Property Location:** 8700 block of Interstate Highway 35 South near the intersection with State Highway 16

**Proposal:** To operate a new automobile dealership with service department

**Neighborhood Association:** South Southwest Neighborhood Association

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required

**Staff Recommendation:**

Approval

The requested zoning and proposed use is compatible with the current zoning and existing uses in the immediate area along Interstate Highway 35. The balance of the property, approximately 3.8 acres, already has a "C-3R MAOZ-2" zoning designation and the "C-3" district is appropriate for the proposed use. In terms of surrounding land uses, there are other major automobile-oriented facilities in the vicinity, and commercial land uses of a regional nature are preferable to residential uses along freeways.

The portion of the subject property considered here was rezoned from "B-2" and "B-3" to "R-2" in 1983 in anticipation of developing the Loma Alta Unit 4A subdivision. However, this property, like the properties to the east, was never developed for residential use. Following the adoption of the 2001 Unified Development Code, the "R-2" district was converted to the "RM-4" Mixed Residential zoning district, which allows a variety of single and multi-family housing types with a potential density of more than 70 units. The subject property is located to the east of and just outside the "MAOZ-2" Military Airport Overlay Zone.

The applicant is requesting the "C-3" zoning district to consolidate the general commercial district zoning of the property and to develop the property as an automobile dealership and service center. This designation is consistent with the zoning of the balance of the property and the parcels to the west and one of the parcels to the north across Interstate Highway 35, the others currently having "C-2NA C" and "I-1" designations. There is a 40 foot drainage channel separating the subject property and the "R-6" subdivision to the south that provides a buffer.

# CASE NO: Z2005246

## Staff and Zoning Commission Recommendation - City Council

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**Zoning Commission Recommendation:**

Approval

**CASE MANAGER :** Matthew Taylor 207-5876

**VOTE**

**FOR** 10

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

Z2005246

**ZONING CASE NO. Z2005246** -- November 1, 2005

Applicant: Albert W. Van Cleave, III

Zoning Request: "RM-4" Residential Mixed District to "C-3R" Restrictive Commercial District.

Albert Van Cleave, 1520 W. Hildebrand, representing the owner, stated that they propose to operate a new automobile dealership with service department. He stated that he would be amenable to a "C-3R".

Staff stated there were 29 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor and no response from the South Southwest 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.

#### **COMMISSION ACTION**

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

1. Property is located on 7.193 acres out of NCB 12685 at the 8700 Block of Interstate Highway 35 South near the intersection of State Highway 16.
2. There were 19 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

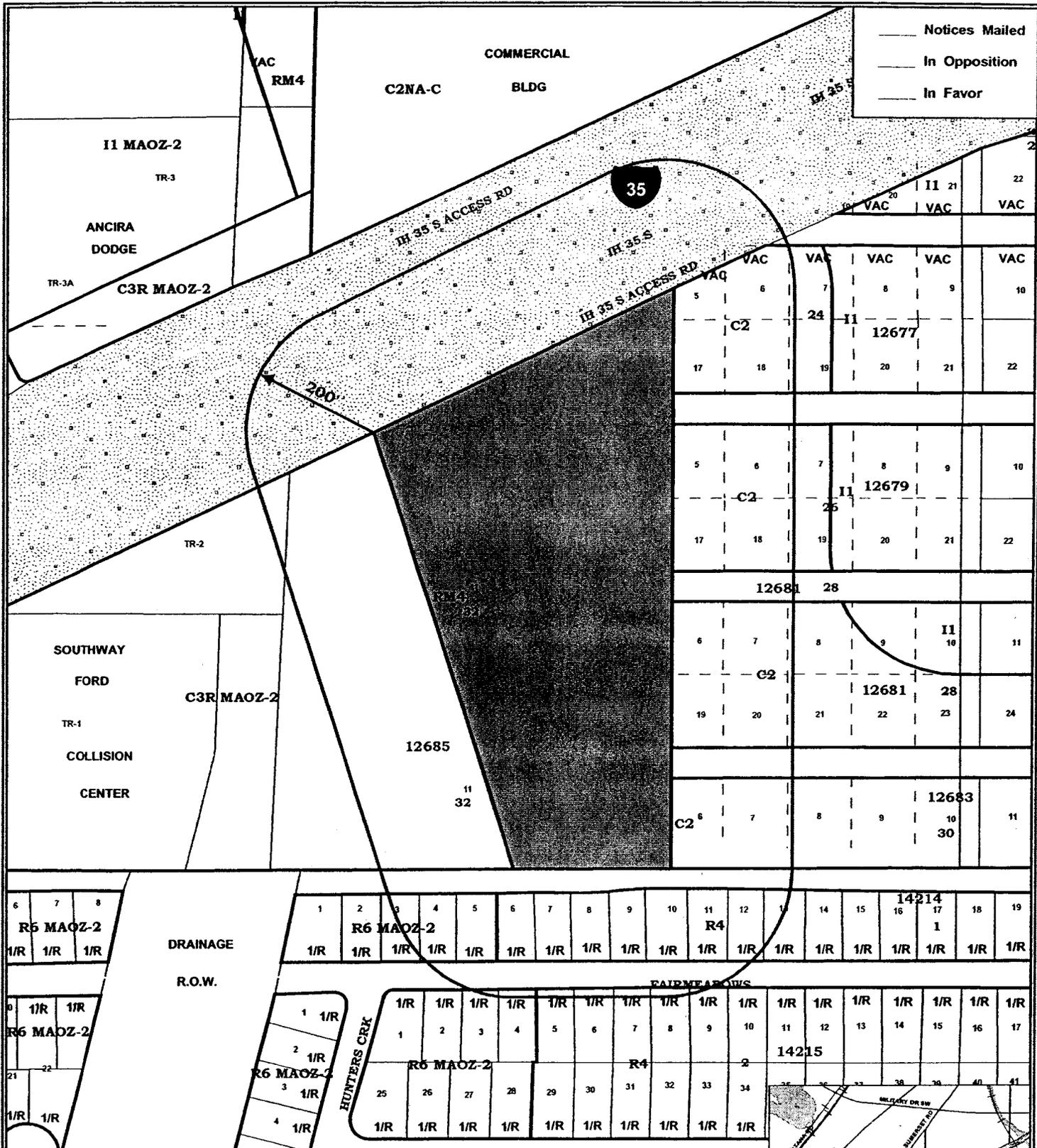
**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Sherrill, McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED.**

#### **RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.



# ZONING CASE: Z2005-246

City Council District No. 4  
 Requested Zoning Change  
 From "RM-4" To "C-3R"  
 Date: December 15, 2005  
 Scale: 1" = 200'

- Subject Property
- 200' Notification

