

AN ORDINANCE 2006 - 01 - 12 - 09

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 the south 75 feet of Lots 1 and 2, Block 23, NCB 7683 from "I-1" General Industrial District to "C-2" (CD - Wholesale Bakery) Commercial District with a Conditional Use for a Wholesale Bakery.

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. 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 immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

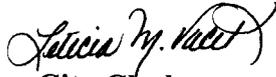
PASSED AND APPROVED this 12th day of January, 2006.



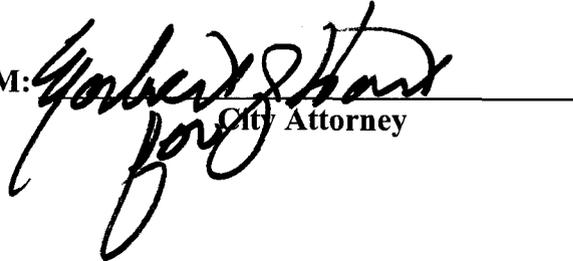
M A Y O R

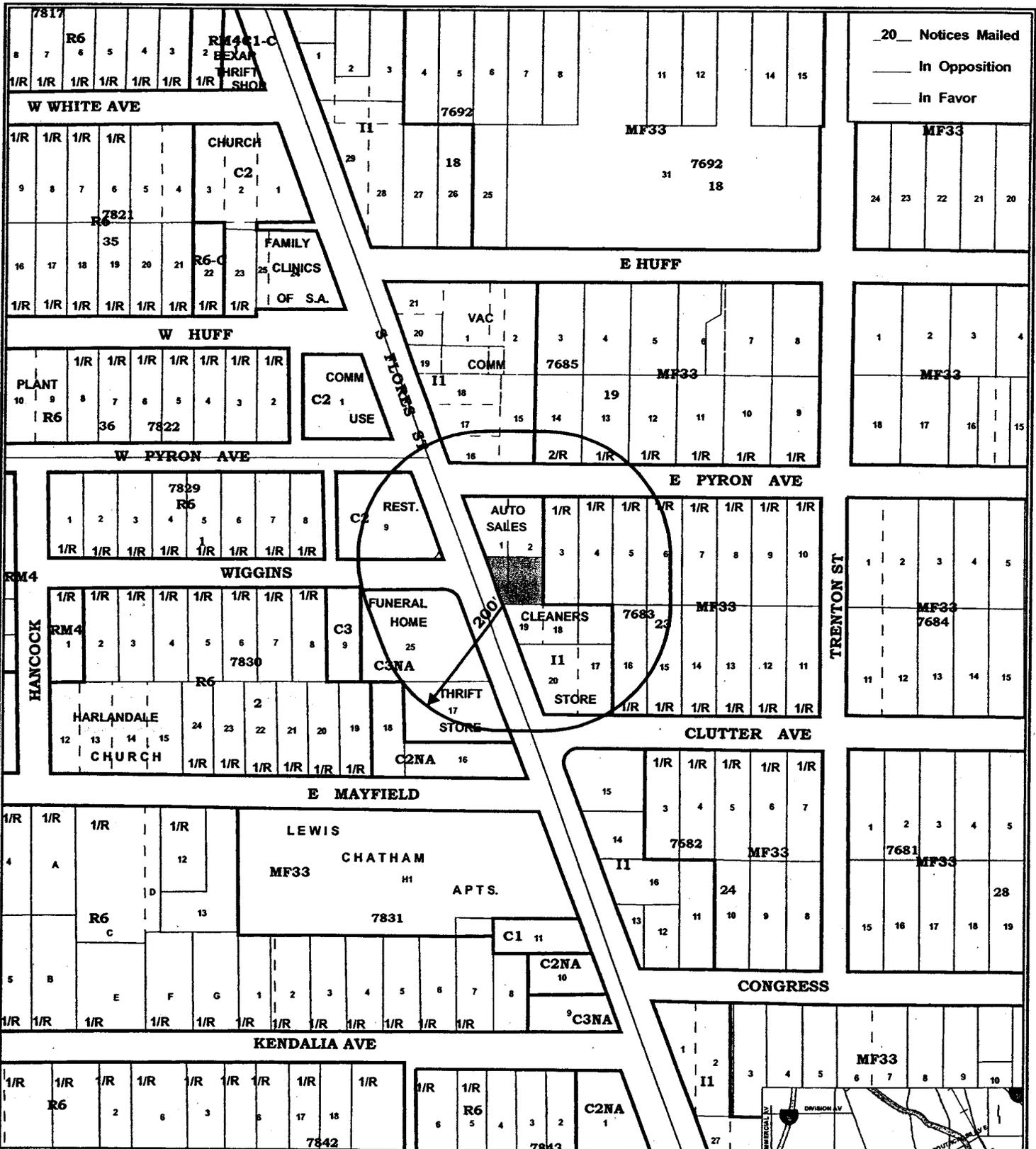
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney



20 Notices Mailed
 _____ In Opposition
 _____ In Favor

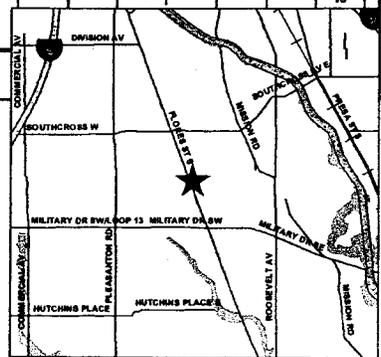
ZONING CASE: Z2005241 CD

City Council District No. 3
 Requested Zoning Change
 From "I-1" To "C-2 CD"
 Date: January 12, 2006
 Scale: 1" = 200'

 Subject Property
 200' Notification



C:Nov_1_2005



CASE NO: Z2005241 CD

Staff and Zoning Commission Recommendation - City Council

Date: January 12, 2006

Zoning Commission Meeting Date: November 15, 2005

Council District: 3

Ferguson Map: 650 E5

Appeal:

Applicant: Beatriz Talayero

Owner: Marcus Crassus Land, Ltd.

Zoning Request: From "I-1" General Industrial District to "C-2" (CD - Wholesale Bakery) Commercial District with a Conditional Use for a Wholesale Bakery

The south 75 feet of Lots 1 and 2, Block 23, NCB 7683

Property Location: 6208 and 6212 South Flores Street

Proposal: For a Wholesale Bakery

Neighborhood Association: Mission San Jose Neighborhood Appearance and Safety Committee

Neighborhood Plan: South Central San Antonio Community Plan

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Consistent

The "C2" Conditional District is consistent with the South Central San Antonio Community Plan. The land-use component of the plan calls for mixed-use at this location.

Approval

The subject property is occupied by an existing vacant commercial building along South Flores Street, a Secondary Arterial Type "B" Road. This proposal represents a down-zoning from "I-1" General Industrial District to "C-2" CD Commercial District with a Conditional Use for a Wholesale Bakery. Though a wholesale bakery is allowed in the "I-1" District, the applicant is proposing to operate a retail component as well. The retail component is not allowed in an industrial zoning district.

The "C-2" base zoning district allows commercial and office uses that are more intense than those in the "NC" Neighborhood Commercial District and "C-1" Commercial District. Additionally, the "C-1" district limits the individual maximum building size to 5,000 square feet. According to the Bexar County Appraisal District, the building on the subject property is 6,750 square feet in size.

The applicant amended their initial request of "C-3" CD General Commercial District with the same conditional use in order to ensure compatibility with the South Central San Antonio Community Plan.

The subject property was zoned "J" Commercial District prior to the conversion of zoning classifications upon adoption of the Unified Development Code in February of 2003. The conversion reclassified "J" Commercial District to the current "I-1".

The applicant has been made aware that the subject property has some deficiencies that must be addressed prior to issuance of a certificate of occupancy. One deficiency is the lack of an adequate number of parking spaces. The UDC requires 1 parking space per 300 square feet of floor area for a wholesale bakery, which

CASE NO: Z2005241 CD

Staff and Zoning Commission Recommendation - City Council

equates to a requirement of 11 parking spaces. However, the subject property only has approximately 6 parking spaces and 1 handicap space. The applicants have been advised that they will need to petition to the Board of Adjustment for a variance to allow the current number of spaces.

Additionally, the subject property is designed in such a way that only allows "head-in" parking. This means that customers will be required to reverse into the street in order to exit the parking lot; potentially creating a traffic hazard. However, the applicant will be allowed continue the practice of "head-in" parking being that there is an existing building and so long as they do not make improvements to the subject property in excess of 25% of the appraised value.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Rudy Nino, Jr. 207-8389

VOTE

| | |
|----------------|----|
| FOR | 11 |
| AGAINST | 0 |
| ABSTAIN | 0 |
| RECUSAL | 0 |

Z2005241 CD

ZONING CASE NO. Z2005241 – November 15, 2005

Applicant: Beatriz Talayero

Zoning Request: "I-1" General Industrial District to "C-2" (CD – Wholesale Bakery)
Commercial District with a Conditional Use for a Wholesale Bakery.

Beatriz Talayero, applicant, stated their intent is to operate a wholesale bakery on the subject property. She further stated she has been in contact with the surrounding neighbors who are in support of this zoning change.

Staff stated there were 20 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 returned in favor and no response from Mission San Jose Neighborhood Appearance and Safety Committee.

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 Farias and seconded by Commission Avila to find consistency with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Farias and seconded by Commissioner Avila for recommend approval.

1. Property is located south 75 feet of Lots 1 and 2, Block 23, NCB 7683 at 6208 and 6212 South Flores Street.
2. There were 17 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

Z2005241 CD

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

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.