

AN ORDINANCE 2006-02-09-0197

**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:**

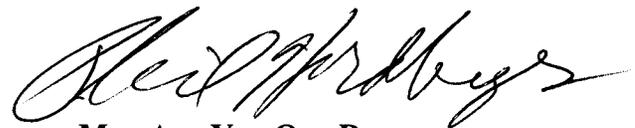
**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 5 and the West 14.6 feet of Lot 6, NCB 7347, and Lot 113, Block 17, NCB 3460 from "R-4" Residential Single-Family District to "C-2" 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.

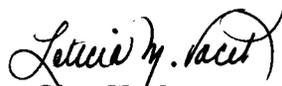
**SECTION 3.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 4.** This ordinance shall become effective on February 19, 2006.

**PASSED AND APPROVED** this 9<sup>th</sup> day of February, 2006.



**M A Y O R  
PHIL HARDBERGER**

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
For City Attorney

# Agenda Voting Results

**Name:** Z-1.

**Date:** 02/09/06

**Time:** 01:59:45 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2005299 (District 5): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "C-2" Commercial District on Lot 5 and the West 14.6 feet of Lot 6, NCB 7347 and Lot 113, Block 17, NCB 3460, 943 West Theo Avenue, 1126 and 1128 Prado Street as requested by Brown, P.C., Applicant, for Pablo and Guadalupe Mora, and Francisco P. and Mary Herrera, Owner(s). Staff and Zoning Commission recommend approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6	Not present			
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: Z2005299

## Staff and Zoning Commission Recommendation - City Council

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**Date:** February 09, 2006

**Zoning Commission Meeting Date:** January 17, 2006

**Council District:** 5

**Ferguson Map:** 650, A-2

**Applicant:**

**Owner:**

Brown, P.C.

Pablo and Guadalupe Mora, and Francisco P. and Mary Hererra

**Zoning Request:** From "R-4" Residential Single-Family District to "C-2" Commercial District  
Lot 5 and west 14.6 feet of Lot 6, NCB 7347 and Lot 113, Block 17, NCB 3460

**Property Location:** 943 West Theo Avenue 1126 Prado Street and 1128 Prado Street  
227.85 feet east of Nogalitos Street between West Theo Avenue and Prado Street

**Proposal:** To expand the Walgreens Drugstore (New Drive-Thru)

**Neighborhood Association:** Palm Heights Neighborhood Association

**Neighborhood Plan:** Nogalitos/S. Zarzamora Community Plan

### Traffic Impact Analysis

A traffic impact analysis is not required. The tract is currently zoned C-3 and R-4. The current site currently is developed with a Walgreen Drug Store. Current traffic generated is approximately 104 vehicles per hour in the afternoon. The property is proposed to be zoned all C-3. Several existing buildings will be demolished, and the Walgreen store will be enlarged approximately 2,300 square feet with a drive thru pharmacy. The proposed new store would generate approximately 127 maximum vehicle trips per hour, an increase of 23 trips per hour. Nogalitos and Theo Avenue are both four lane roadways and capable of handling the limited additional traffic.

The TIA Division recommends support of re-zoning.

### Staff Recommendation:

Inconsistent

The Nogalitos/S. Zarzamora Community Plan recommends Medium-Density Residential land use. The applicant's zoning request is currently inconsistent with the Community Plan, however, a Plan Amendment has been submitted to staff and forwarded to the Planning Commission for recommendation on January 11, 2006 (Recommended Approval). Staff supports the request.

Approval contingent on Plan Amendment.

he subject property is located between West Theo Avenue and Prado Street. Currently there are single-family dwellings located on the subject properties. The applicant is proposing a new drive-thru to the existing Walgreens Drugstore located at the northeast corner of Nogalitos Street and West Theo Avenue. The surrounding properties to the east and south are primarily developed as single-family dwellings and the properties to the west and north are used for commercial purposes. The expansion of the Walgreens Drugstore will improve and meet the daily needs of the community. Based on the site plan Lot 20 will provide additional parking and new receiving area.

The UDC allows the installation of a solid fence at least six feet in height along rear property lines in lieu of the landscape buffer. Residential uses should be appropriately buffered from adjacent commercial uses through landscaping, screening and lighting controls.

# CASE NO: Z2005299

## Staff and Zoning Commission Recommendation - City Council

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Zoning Commission Recommendation:

Approval

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

**Z2005299**

**ZONING CASE NO. Z2005299** – January 17, 2005

Applicant: Brown, P. C.

Zoning Request: “R-4” Residential Single Family District to “C-2” Commercial District.

Daniel Ortiz, 112 E. Pecan, representing the owner, stated the purpose of this request is to construct a drive thru for the pharmacy for the existing Walgreen’s. He stated he has met with the neighborhood association who are in support.

**FAVOR**

Francisco Herrera, 1128 Pardo, stated is in support of this project.

Staff stated there were 35 notices mailed out to the surrounding property owners, 0 returned in opposition and 7 returned in favor. Staff has also received an email from Palm Heights Neighborhood Association and the Planning Team expressing their support.

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 Rodriguez and seconded by Commissioner Avila to find inconsistency with the neighborhood plan.

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

**NAYS: None**

**THE MOTION CARRIED**

**COMMISSION ACTION**

The motion was made by Commissioner Rodriguez and seconded by Commissioner Robbins to recommend approval contingent on Plan Amendment.

**Z2005299**

1. Property is located on Lot 5 and west 146.6 feet of Lot 6, NCB 7347 and Lot 113, Block 17, NCB 3460 at 943 West Theo Avenue and 1128 Prado Street.
2. There were 35 notices mailed, 0 returned in opposition and 7 in favor.
3. Staff recommends approval contingent on Plan Amendment.

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

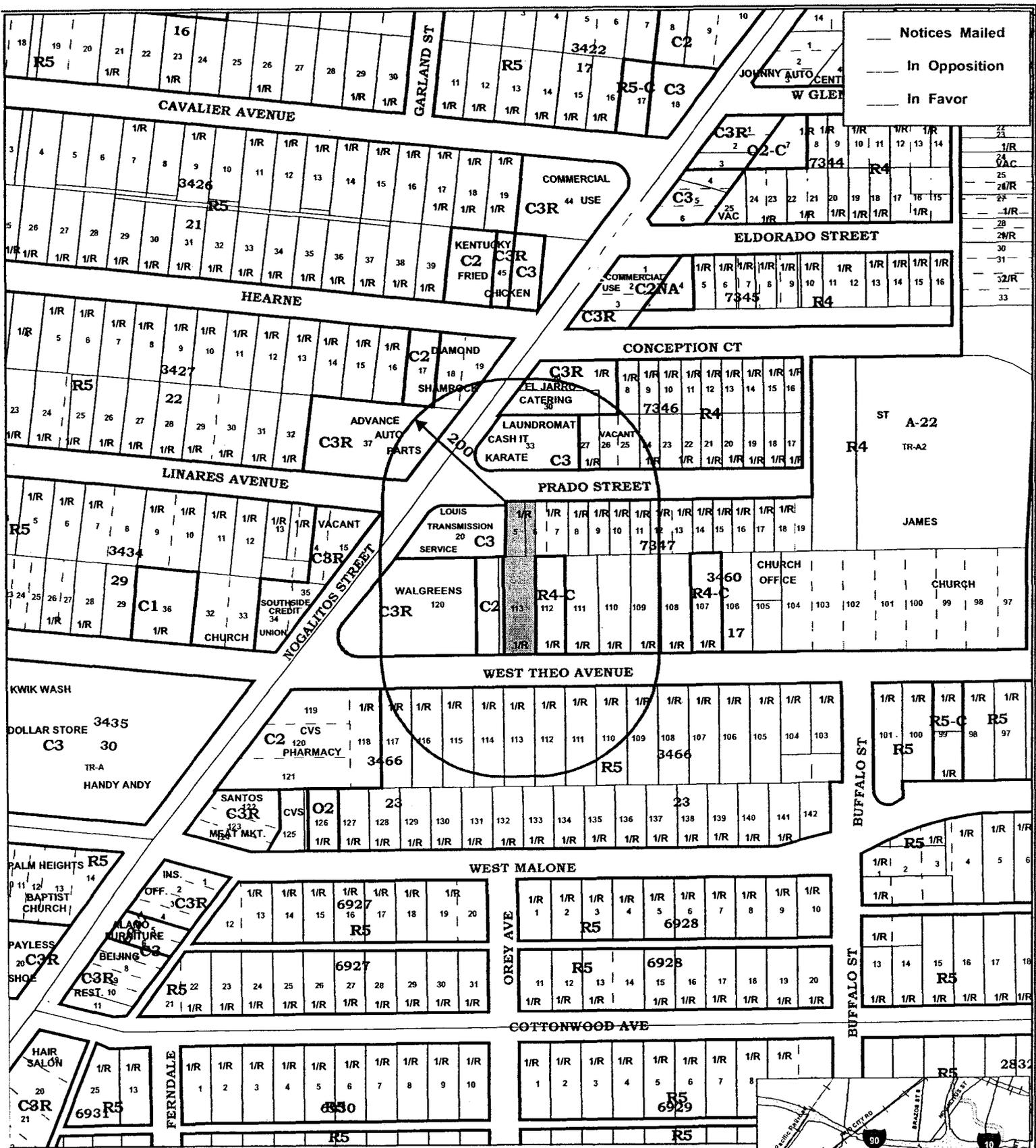
**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

\_\_\_ Notices Mailed  
 \_\_\_ In Opposition  
 \_\_\_ In Favor



# ZONING CASE: Z2005-299

City Council District No. 5  
 Requested Zoning Change  
 From "R-4" To "C-2"  
 Date: February 9, 2006  
 Scale: 1" = 200'

■ Subject Property  
 ○ 200' Notification

