

AN ORDINANCE 2006-05-18-0616

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 East 35 feet of the North 157 Feet of Lot 24 and the West 25 Feet of the North 157 Feet of Lot 25, Block 7, NCB 1959 from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a Specific Use Permit for a Daycare Center (Commercial or Nonprofit).

SECTION 2. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 3. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The Daycare Center shall not exceed 20 children.
- B. The residential integrity of the front yard, including the lawn, driveway and Sidewalk shall be maintained.
- C. Outdoor play areas and playground equipment shall be restricted to the rear yard only.

SECTION 4. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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 6. 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 7. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective May 28, 2006.

PASSED AND APPROVED this 18th day of May, 2006.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: Z-9.

Date: 05/18/06

Time: 06:27:29 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006053 S (District 7): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a Specific Use for a Daycare Center (Commercial or Nonprofit) on the East 35 Feet of the North 157 Feet of Lot 24 and the West 25 Feet of the North 157 Feet of Lot 25, Block 7, NCB 1959, 1710 W. Magnolia Avenue as requested by Anthony and Xochipil Monita, Applicant, for Anthony and Xochipil Monita, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
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	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			

Z2006053

ALLEY

SCALE 1/2" IN = 10' FT.

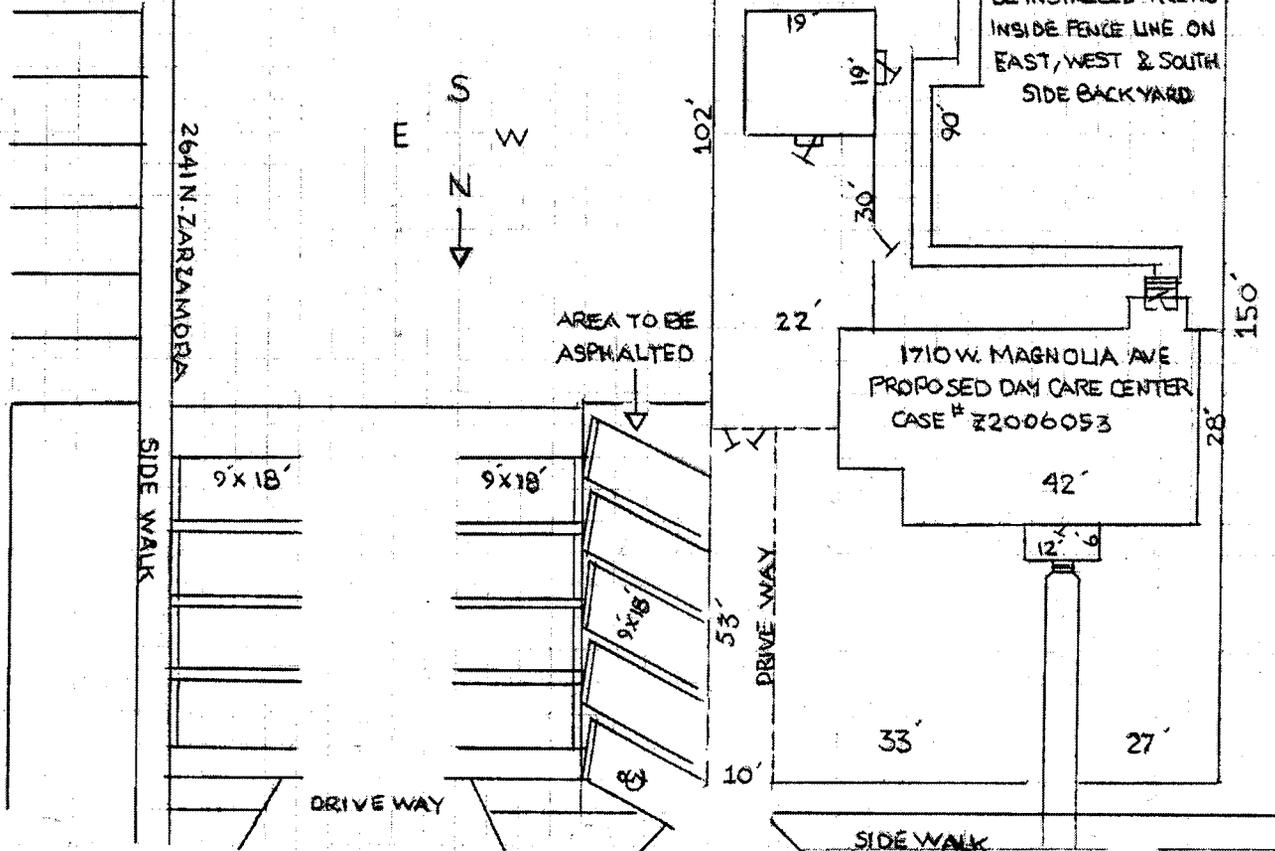


EXHIBIT A

To Ordinance No. _____
Passed on May 18, 2006

CASE NO: Z2006053 S

Staff and Zoning Commission Recommendation - City Council

proposing additional parking on the commercial property immediately to the east to satisfy the parking requirements and has received permission to do so. This additional parking is reflected on the applicant's site plan.

Woodlawn Elementary School, zoned R-6, is directly across the street from the subject property and encompasses the entirety of the north side of Magnolia between Zarzamora and Elmendorf. The lot to the east, which is on the corner, is zoned C-2 NA and has both a tax office and a commercial day care use. The lots to the west are all zoned R-6 and have single family residences as do those to the south on W. Mistletoe. Along Zarzamora, there are several lots with existing office and commercial zoning districts. Some of the lots zoned C-2 converted from the original "F" and later B-2 zoning districts and some have zoning districts that were applied in the late 1960's and early 1970's.

Zoning Commission Recommendation:

Approval with conditions.

CASE MANAGER : Matthew Taylor 207.5876

VOTE

FOR	8
AGAINST	0
ABSTAIN	1
RECUSAL	0

Z2006053 S

ZONING CASE NO. Z2006053 S - March 21, 2006

Applicant: Anthony & Xochipil Monita

Zoning Request: "R-6" Residential Single Family District to "R-6" S Residential Single Family District with a Specific Use for a Group Home Day Care.

Anthony Monita, 1710 W. Magnolia, stated they walked the neighborhood to inform the residents, existing business owners and the school of their zoning request and collected a petition with 40 signatures expressing their support. He also contacted Jefferson Neighborhood Association and presented his proposal and is in support as well. He stated there were a few neighbors that raised concerns with parking, hours of operation and the ages of the children that would attend the daycare. He stated they would not need additional parking for employees, as they would only have one employee aside from himself and his wife. The second concern was hours of operation would be from 7 am to 6 pm. and the last concern was the age group, which would be from 1 year to possible 11 years old. He further stated there would not be any changes to the home, as their intent is to keep the residential character.

OPPOSE

Graciela Garcia, 1726 W. Magnolia Ave., stated she resides 3 homes away from the subject property. She expressed concerns with the traffic in the morning and afternoon. She stated there is an elementary school nearby which means from 7 am to 9 am and from 2 pm to 4 pm this street becomes a one-way street, which she feels, would cause traffic congestions for the parents dropping off their children at school and the parents dropping the children off at the day care.

Lupe Martinez, 1722 W. Magnolia Ave., stated she would also like to express the same concerns as Mrs. Garcia. She further stated there are 2 or 3 other day care centers in the neighborhood and does not another day care in the neighborhood.

REBUTTAL

Anthony Monita, 1710 W. Magnolia, stated he agrees that there is traffic congestion in the neighborhood however he does not feel his day care would incur more traffic as the children would be dropped off at different times. As stated earlier, he would only have 1 employee aside from himself and his wife so there would not be need for additional parking. He stated he has agreed to install a privacy fence to the abutting residential neighbors.

Z2006053 S

Staff stated there were 18 notices mailed out to the surrounding property owners, 3 returned in opposition and 2 returned in favor and Jefferson Neighborhood Association is in favor. Staff has also mailed out 28 notices to the Near Northwest Planning Team. The applicant has submitted a petition with 40 signatures in support to staff.

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 Sherrill and seconded by Commissioner Robbins to recommend a continuance until April 18, 2006.

1. Property is located on the east 35 feet of the north 157 feet of Lot 24 and the west 25 feet of the north 157 feet of Lot 25, Block 7, NCB 1959 at 1710 W. Magnolia Avenue.
2. There were 18 notices mailed, 3 returned in opposition and 2 in favor.
3. Staff recommends denial.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,
Wright, Gray**

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2006053 S – April 18, 2006

Applicant: Anthony & Xochipil Monita

Zoning Request: “R-6” Residential Single Family District to “R-6” S Residential Single Family District with Specific Use for a Daycare Center (Commercial or Nonprofit).

Anthony Monita, 1710 W. Magnolia, owner, stated he is proposing to operate a day care center on the subject property. He stated he is aware of staff recommendation of “R-6” S with a maximum of 12 children and is in agreement.

Staff stated there were 18 notices mailed out to the surrounding property owners, 4 returned in opposition and 3 returned in favor and Jefferson Neighborhood Association is in favor. Staff has also mailed out 28 notices to the Planning Team.

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.

Z2006053 S

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner Martinez to recommend approval "R-6" S Residential Single Family District with Specific Use for a Daycare Center with the following conditions:

- a. The Daycare Center shall not exceed 20 children.
 - b. Maintain the residential integrity of the front yare, including the lawn, driveway and sidewalk.
 - c. Restrict outdoor play areas and playground equipment to the rear yard only.
1. Property is located on the east 35 feet of the north 157 feet of Lot 24 and the west 25 feet of the north 157 feet of Lot 25, Block 7, NCB 1959 at 1710 W. Magnolia.
 2. There were 18 notices mailed, 4 returned in opposition and 3 in favor.
 3. Staff recommends denial of "R-6" S for a Daycare Center. Staff supports "R-6" S for a Group Home Day Care with a maximum of 12 children.

AYES: Avila, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling, Gray

NAYS: Rodriguez

ABSTAIN: Robbins

THE MOTION CARRIED

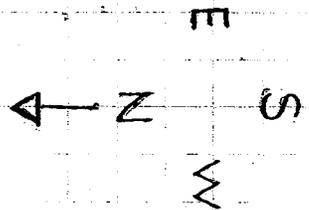
RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Z2006053

VALLEY

SCALE 1/2" = 10' FT



2641 N. ZARZAMORA

SIDE WALK

9'x18'

9'x18'

DRIVE WAY

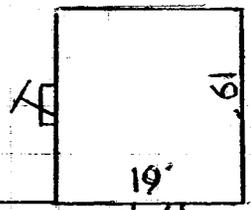
AREA TO BE ASPHALTED

102'

DRIVE WAY

53'

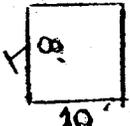
10'



30'

90'

60'



PRIVACY FENCE TO BE INSTALLED ALONG INSIDE FENCE LINE ON EAST, WEST & SOUTH SIDE BACK YARD.

1710 W. MAGNOLIA AVE.
PROPOSED DAY CARE CENTER
CASE # Z2006053

42'

150'

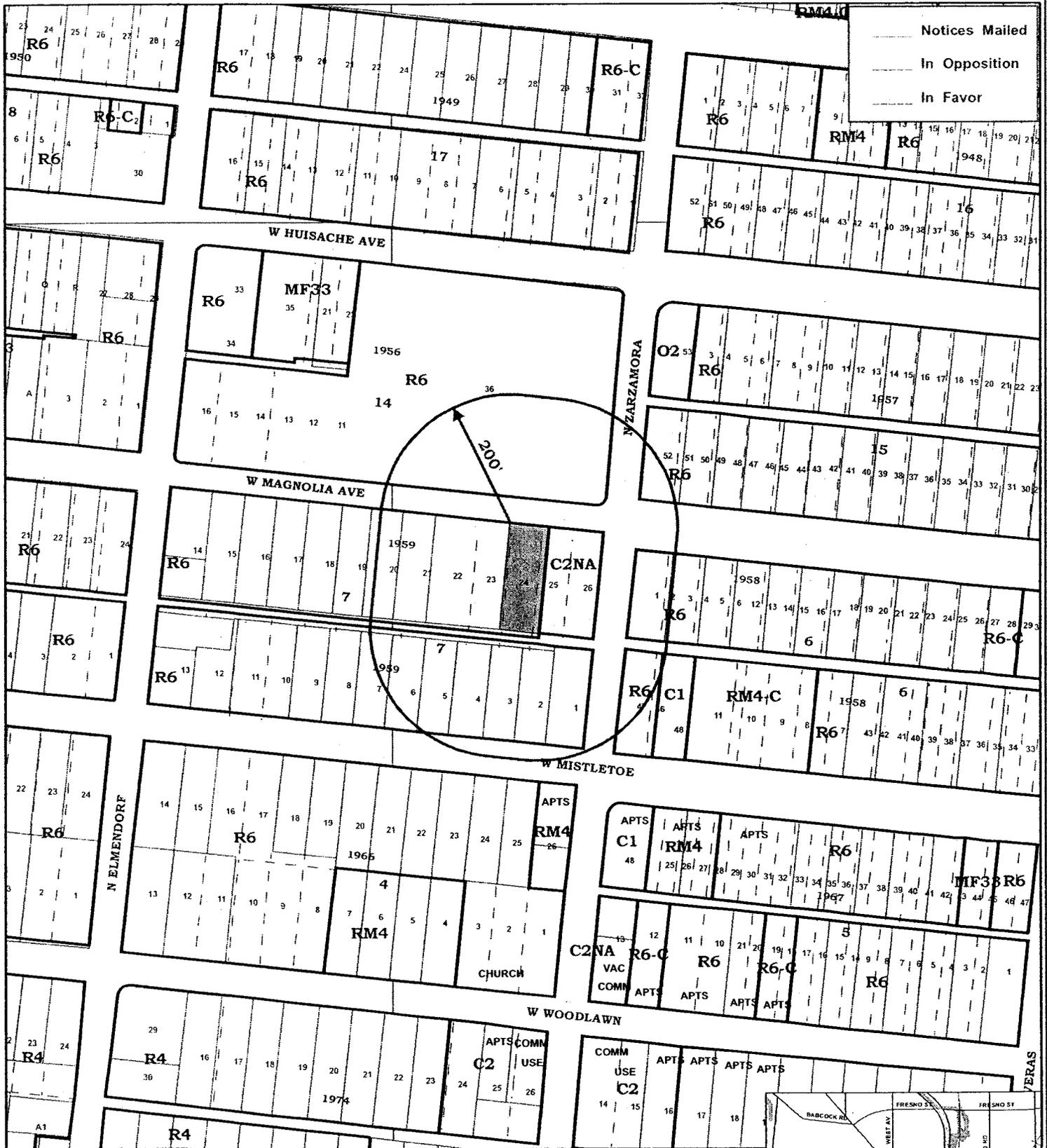
28'

33'

27'

12' x 9'

CITY OF SEASIDE



Notices Mailed
 In Opposition
 In Favor

ZONING CASE: Z2006-053 S

City Council District No. 7
 Requested Zoning Change
 From "R-6" To "R-6 S"
 Date: May 18, 2006
 Scale: 1" = 200'

[Shaded Box] Subject Property
 [Circle] 200' Notification

