

AN ORDINANCE 2014 - 11 - 06 - 0868

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 after notice and publication 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 44 feet of Lots 5 & 6, Block 48, NCB 1872 from "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "RM-4 CD NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for an Art Gallery.

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. The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 4. 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 5. 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 6. This ordinance shall become effective November 16, 2014.

PASSED AND APPROVED this 6th day of November 2014.



M A Y O R
Ivy R. Taylor

ATTEST:



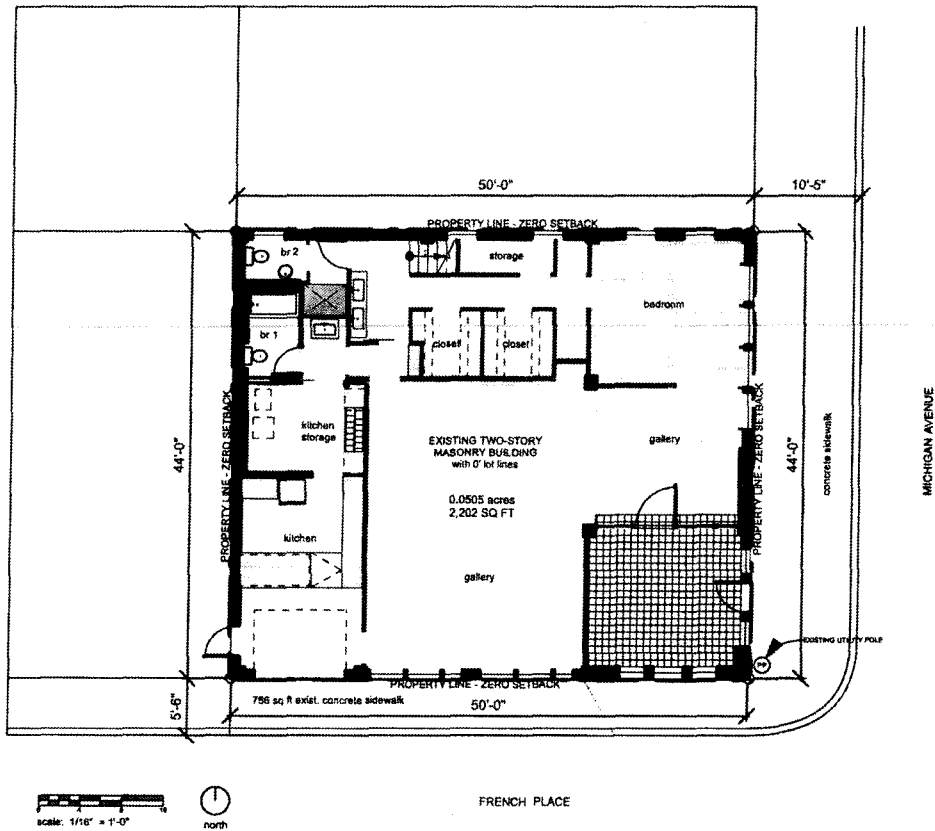
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Robert F. Greenblum, City Attorney

Agenda Item:	Z-3 (in consent vote: P-2, Z-3)						
Date:	11/06/2014						
Time:	04:06:15 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2014230 CD (District 1): An Ordinance amending the Zoning District Boundary from "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "RM-4 CD NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for an Art Gallery on the south 44 feet of Lots 5 & 6, Block 48, NCB 1872 located at 115 Michigan Avenue. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case 14005) (Continued from October 2, 2014)						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1				x		
Keith Toney	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				



PROPERTY INFORMATION:
 ADDRESS: 115 MICHIGAN AVE. SAN ANTONIO, TEXAS 78201
 CURRENT ZONING: RM4 NCD-5 AHOD
 REQUESTED REZONING: RM4 NCD-5 AHOD WITH CONDITIONAL USE AS AN ART GALLERY
 LEGAL DESCRIPTION: NCB 1872, BLOCK 48, SOUTH 44' OF LOTS 5 & 6
 ACREAGE: 0.0505 ACRES
 PROPOSED USE: ART GALLERY

1. SITE PLAN TABULATIONS
 - A. BUILDING AREA:
 BUILDING DIMENSIONS = 50'-0" X 44'-0"
 BUILDING AREA = 2,202 SQ. FT.
 - B. ERZD REQUIREMENTS:
 NO PORTION OF THE BUILDING IS LOCATED WITHIN THE ERZD
 - C. IMPERVIOUS COVER: 2,202 SQ. FT.
2. 115 MICHIGAN EXISTING AND PROPOSED SETBACKS:
 FRONT = 0'
 SIDE = 0'
 REAR = 0'
3. PARKING REQUIREMENTS:
 PROPOSED RETAIL ART GALLERY = 1 PER 300 GFA
 2,202 GFA / 300 = 7 REQUIRED PARKING SPACES
 PLUS 1 ACCESSIBLE SPACE IS REQUIRED
 NO PARKING SPACES WILL BE PROVIDED ON SITE.
4. BUFFER REQUIREMENTS:
 THE ADJACENT PROPERTIES HAVE SIMILAR ZONING DESIGNATIONS OF RM-4 NCD AND R-6 NCD. ACCORDING TO UDC SECTION 35-510, THERE ARE NO BUFFER REQUIREMENTS BETWEEN THESE ZONING DESIGNATIONS.
5. THE INTENDED USE OF THE BUILDING IS FOR AN ART GALLERY IMPROVEMENTS TO THE BUILDING WILL BE INTERNAL TO FUNCTION AS AN ART GALLERY BUSINESS.
6. I, JEFFREY DERSH, THE PROPERTY OWNER, ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF REZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE UNIFIED DEVELOPMENT CODE. ADDITIONALLY, I UNDERSTAND THAT CITY COUNCIL APPROVAL OF A SITE PLAN IN CONJUNCTION WITH A REZONING CASE DOES NOT RELIEVE ME FROM ADHERENCE TO ANY / ALL CITY-ADOPTED CODES AT THE TIME OF PLAN SUBMITTAL FOR BUILDING PERMITS.
7. I ACKNOWLEDGE THAT A COOPERATIVE PARKING PLAN / AGREEMENT OR VARIANCE WILL BE REQUIRED TO WAIVE / REDUCE PARKING REQUIREMENTS.
8. CURRENT SETBACK REQUIREMENTS WILL APPLY TO ANY NEW CONSTRUCTION.