

**AN ORDINANCE 2015-12-17-1082**

**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 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 Lots 1, 2, and 3, Block 5, NCB 12875, SAVE AND EXCEPT that portion conveyed to the State of Texas, from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for a Construction Contractor Facility.

**SECTION 2.** A description of the property recorded in Volume 4521, page 120, Deed Records of Bexar County, Texas, which is saved and excepted in Section 1 above, is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** 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 4.** The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The property shall not be used for parking/storage or maintenance of tractor-trailers (18 wheelers).
- B. The property shall not be used for the storage of toxic materials, garbage, or fuel/oil as a primary use.
- C. A minimum 10 ft landscape buffer shall be installed on the northern and eastern property lines as shown on the zoning site plan.
- D. Vehicles shall be prohibited from turning right (east) onto Eastgate Road from the subject property.
- E. Outdoor light fixtures installed after the effective date of this zoning ordinance on the subject property shall direct light downward and away from single-family residential areas.
- F. Vehicle back-up alarms shall be prohibited between the hours of 10:00p.m. and 6:00 a.m..
- G. The property owner shall repair and maintain the existing 6ft wood fence along the southern property line.
- H. A Type B buffer yard along the east property line is required Per Section 35-510
- I. A Type A buffer yard along the north property line.
- J. No outdoor speakers.
- K. Exterior lighting should be downward facing and directed away from adjacent residential properties.

**SECTION 5.** The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

**SECTION 6.** 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.

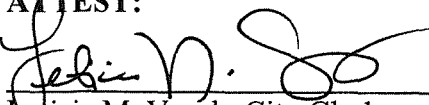
**SECTION 7.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 8.** This ordinance shall become effective December 27, 2015.

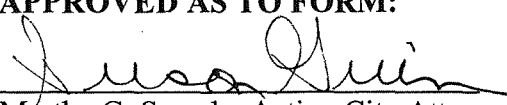
**PASSED AND APPROVED** this 17<sup>th</sup> day of December, 2015.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Martha G. Sepeda, Acting City Attorney

<b>Agenda Item:</b>	<b>Z-5</b>
<b>Date:</b>	12/17/2015
<b>Time:</b>	02:21:43 PM
<b>Vote Type:</b>	Motion to Appr w Cond
<b>Description:</b>	ZONING CASE # Z2015191 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for a Construction Contractor Facility on Lots 1, 2, & 3, Block 5, NCB 12875, located at 9310 Northeast Loop 410. Staff recommends Approval and Zoning Commission recommends Approval with Conditions.
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

330  
15-11-5

322006  
DEED

CONTROLLED ACCESS HIGHWAY FACILITY

STATE OF TEXAS

County of Bexar

WHEREAS, the State Highway Commission has been authorized under House Bill 179, Acts of the 55th Legislature, Regular Session, 1957, to purchase land and such other property rights deemed necessary for the purposes of facilitating the construction, maintenance and operation of Controlled Access Highways; and,

WHEREAS, the purchase of the hereinafter described premises has been deemed necessary by the State Highway Commission for the purposes of facilitating the construction, maintenance and operation of a Controlled Access Highway facility;

KNOW ALL MEN BY THESE PRESENTS:

That LUCILLE CARTER, a widow feme sole,

of the County of Bexar, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of TWENTY-FIVE (\$25.00) DOLLARS, to Grantors in hand paid by the State of Texas, acting by and through the State Highway Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day sold, and do by these presents grant, bargain, sell and convey unto the State of Texas, all that certain tract or parcel of land, situate in the County of Bexar, State of Texas, and being more particularly described as follows, to-wit:

0.010 of an acre of land, more or less, in New City Block 12877, in the City of San Antonio, same being out of and a part of Lot 3, Block 10, Eastgate Subdivision, a subdivision of a portion of the Julian Diaz Survey No. 133½, Abstract No. 190, County Block 5097, in Bexar County, Texas, according to a plat of said subdivision of record in Volume 2575 at Page 248 of the Deed and Plat Records of Bexar County, Texas, which 0.010 of an acre of land, more or less, is more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said Lot 3, Block 10, New City Block 12877, in the City of San Antonio, said point being the intersection of the division line between Lots 2 and 3 with the East line of Westview Drive;

THENCE, NORTH 89° 57' 45" East, a distance of 7.51 feet along the division line between Lots 2 and 3 to a point for a corner on the proposed East right of way line of Interstate 410 Loop;

THENCE, SOUTH 04° 42' 05" East, a distance of 46.15 feet along said proposed East right of way line of Interstate 410 Loop to a point for a corner on the division line between Lots 3 and 4;

THENCE, SOUTH 89° 57' 45" West, a distance of 11.26 feet along the division line between Lots 3 and 4 to the Southwest corner of said Lot 3 on the East line of Westview Drive;

THENCE, NORTH 09° 02' 15" West, a distance of 46.00 feet along the West line of Lot 3 and the East line of Westview Drive to the point of BEGINNING.

The Grantors reserve all of the oil, gas and sulphur, in and under said land, but waive all rights of ingress and egress for the purpose of exploring, developing, mining or drilling for the same; however, nothing in this reservation shall affect the title and rights of the State to take and use, without additional compensation, all other minerals and materials thereon, therein or thereunder.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said State of

Vol 4521 Page 121

Texas and its assigns, forever. And the Grantors, whether one or more, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, to warrant and forever defend all and singular the said premises, unto the said State of Texas, and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

It is expressly understood that nothing contained herein shall be a limitation of any type on the fee-simple title conveyed by this instrument.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 21st day of September, 19 60.

Lucille Carter  
LUCILLE CARTER

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,  
County of Bexar

Before me, \_\_\_\_\_, a notary public in and for said County and State, on this day personally appeared LUCILLE CARTER

\_\_\_\_\_, known to me (xxxxxx) to be the person

whose name \_\_\_\_\_ is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 21st day of SEPTEMBER 19 60.

LLOYD M. HOLEKAMP  
Notary Public, Bexar County, Texas

Notary Public in and for Bexar County, Texas

Form D-15-11

STATE OF TEXAS  
COUNTY OF BEXAR

I, LUCILLE CARTER, being duly sworn upon oath depose and say that I am single and unmarried at the present time.

SUBSCRIBED AND SWORN to before me, on this 21st day of September, 19 60

Lloyd M. Holekamp  
Notary Public, Bexar County, Texas

Filed for record \_\_\_\_\_  
Recorded \_\_\_\_\_  
FRED HUNTRESS, County Clerk, Bexar County, Texas.  
By \_\_\_\_\_ Deputy

322007

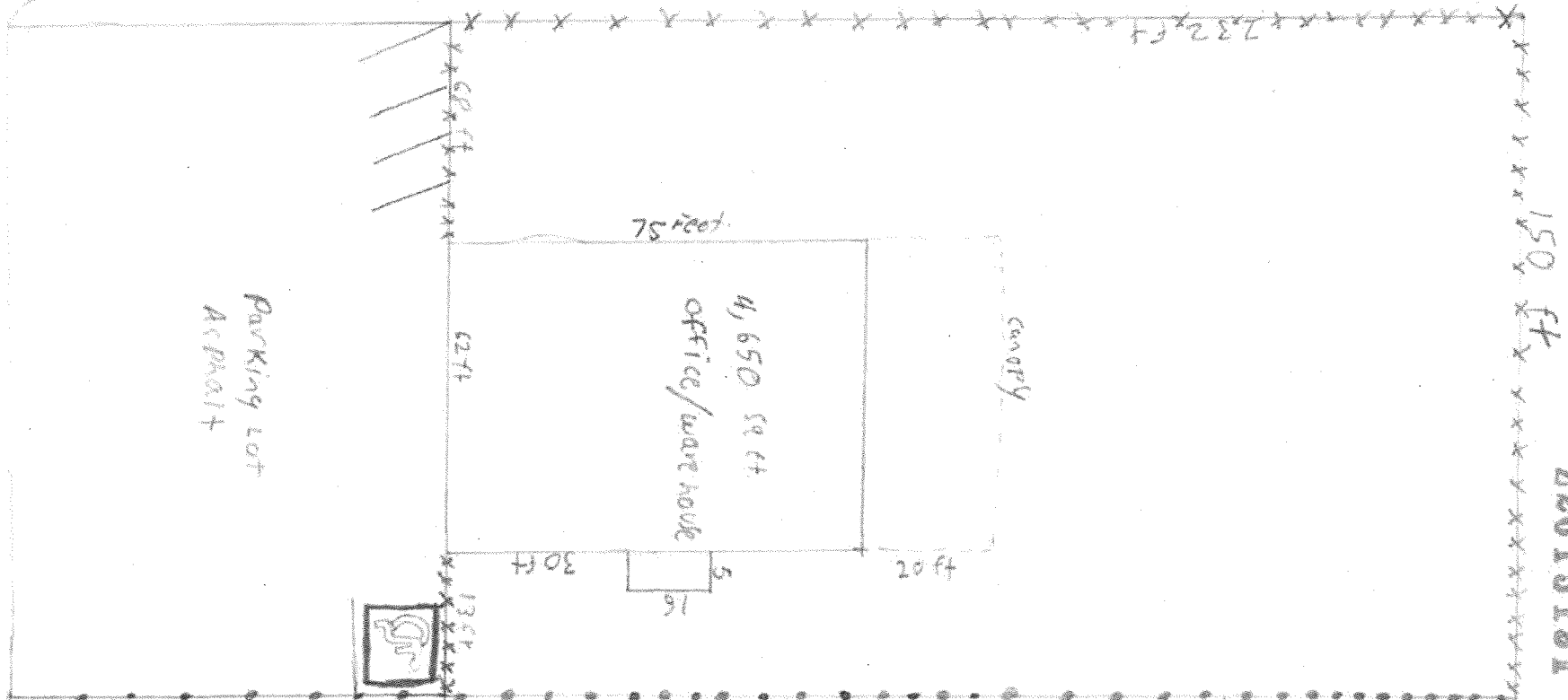
CORRECTION QUITCLAIM DEED

STATE OF TEXAS  
COUNTY OF BEXAR

KNOW ALL MEN BY THESE PRESENTS that we, LOUIE R. CARTER and wife,

East gate st.

1-410 Access Rd



22015191

●●●●●● 6' wooden Fence  
 \*\*\*\* 6' cyclone Fence

I, Ruben Martinez, 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 the City Council approval of site plan in conjunction with a rezoning case does no relieve me from adherence to any/all City-adopted codes at the time of plan submittal for building permits.