

AN ORDINANCE 2018-12-06-0982

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 0.379 acres out of NCB 10943 from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "C-3NA CD AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for Food and Dairy Products Processing, Packaging and Storage, and "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Non-Commercial Parking Lot on 0.190 out of NCB 10943; and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Food Products – Processing on 0.189 acres out of NCB 10943.

SECTION 2. A description of the property is attached as **Exhibit "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 approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** 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.

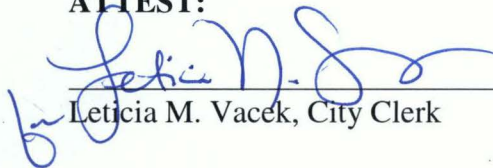
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective December 16, 2018.


PASSED AND APPROVED this 6th day of December 2018.


M A Y O R
for Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Andrew Segovia, City Attorney

Agenda Item:	Z-12 (in consent vote: Z-2, Z-4, P-1, Z-5, Z-6, Z-7, Z-8, P-2, Z-9, P-5, Z-12, Z-13, P-6, Z-14, Z-15, Z-16, P-7, Z-19, Z-20, Z-21, P-8, Z-22, P-9, Z-23)						
Date:	12/06/2018						
Time:	02:18:11 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2018351 CD (Council District 3): Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "C-3NA CD AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for Food and Dairy Products Processing, Packaging and Storage, and "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Non-Commercial Parking Lot on 0.190 acres out of NCB 10943 and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Food Products - Processing on 0.189 out of NCB 10943, located at 1007 and 1031 Hot Wells Boulevard. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 18108)						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

SG/lj
12/06/2018
Item No. Z-12

EXHIBIT "A"

METES & BOUNDS DESCRIPTION

72018251

OF A 0.19 ACRE TRACT OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING THE EAST FIFTY-FIVE FEET (55') OF THE WEST ONE-HUNDRED-TWENTY FEET (120') OF THE SOUTH ONE-HUNDRED-FIFTY FEET (150') OF LOT 4., BLOCK 8, NEW CITY BLOCK 10943, ARDENWOOD, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 368, PAGE 150, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS CONVEYED FROM ESTEVAN L. RUIZ AND SOFIA RUIZ TO FLAVOR RIGHT FOODS SOUTHWEST, INC. (A.K.A. INSTANTWHIP TEXAS, INC.) BY GENERAL WARRANTY DEED RECORDED IN VOLUME 11707, PAGE 1807, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a found 1/2" iron rod at the intersection of the easterly R.O.W. line of Pyle Street and the southerly R.O.W. line of Hot Wells Boulevard, (a 100' Public R.O.W.);

THENCE along and with the southerly R.O.W. line of said Hot Wells Boulevard, North 89°38'12" West, a distance of 120.49 feet to a point of reference;

THENCE leaving said R.O.W., crossing said Hot Wells Boulevard, North 00°21'48" East, at a distance of 99.26 feet passing a found 1" pinch pipe, a total distance of 100.00 feet to a Point of Reference for the southeast corner and **POINT OF BEGINNING** of the herein described tract, the southwest corner of Lot 19, Block 8, N.C.B. 10943, Ardenwood Subdivision, as recorded in Vol. 9550, Pg. 117, Deed and Plat Records of Bexar County, Texas this day surveyed;

THENCE along and with the northerly R.O.W. line of said Hot Wells Boulevard, South 89°38'12" West, a distance of 54.89 feet (called South 89°42'43" West, a distance of 55.00 feet) to a Point of Reference from which a found 1/2" iron rod bears South 00°21'48" East, a distance of 0.83 feet for the southwest corner of the herein described tract, the southeast corner of a called 0.2238 acre tract known as the west 65' of the South 150' of Lot 4, as conveyed to the Temple of God Full Gospel Church in Vol. 13593, Pg. 1767, Real Property Records of Bexar County, Texas;

THENCE along and with the east boundary line of said Temple of God Tract, North 00°21'48" West, a distance of 149.70 feet (called North 00°17'17" West, a distance of 150.00 feet) to a set 1/2" iron rod at fence corner for the northwest corner of the herein described tract, a point in the south boundary line of Lot 6, Block 8, N.C.B. 10943, Ardenwood Addition, as recorded in Vol. 2575, Pg. 182, Deed and Plat Records of Bexar County, Texas, from which a found 1/2" iron rod marking the common corner of Lot 6 and Lot 5 bears North 05°38'28" West, a distance of 150.33 feet;

THENCE along and with said boundary, North 89°38'12" East, a distance of 54.89 feet (called North 89°42'43" East, a distance of 55.00 feet) to a set 1/2" iron rod for the northeast corner of the herein described tract, the northwest corner of said Lot 19, Block 8;

THENCE along and with the west boundary line of said Lot 19, Block 8, South 00°21'48" East, a distance of 149.70 feet (called South 00°17'17" East, a distance of 150.00 feet) to the **POINT OF BEGINNING** and containing 0.19 acres, more or less.

72018331

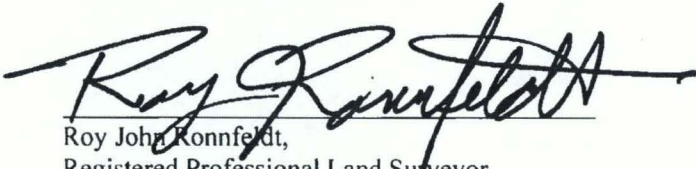
BASIS OF BEARING: TEXAS SOUTH CENTRAL NAD 83

STATE OF TEXAS §

August 29, 2012

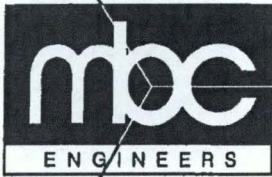
COUNTY OF BEXAR §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Roy John Ronnfeldt,
Registered Professional Land Surveyor
Registration No. 3520





MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302

TBPE Firm Registration #784 | TBPLS Firm Registration #10011700 | SBE Certified #214046463
www.mbcengineers.com

Portion of 1031 Hot Wells

METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING EXHIBIT

22018351

BEING A 0.189 ACRE (8,237 SQUARE FEET +/-) TRACT OF LAND OUT OF LOT 19, BLOCK 8, NEW CITY BLOCK 10943, ARDENWOOD SUBDIVISION, SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 9550, PAGE 117, OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-Inch Iron Rod with cap "AMERISURVEYORS" Found on the North Right-of-Way line of Hot Wells Boulevard and marking the Southeast corner of a Tract know as Tract 2, as described in Special Warranty deed recorded in Volume 15773, Page 1351, of the Official Public records of Bexar County, Texas, and marking the Southwest corner said Lot 19, Block 8, N.C.B. 10943, and a 1/2-Inch Iron Rod with cap "AMERISURVEYORS" Found marking the Southwest corner of said Tract 2, bears N 89°37'30" E a distance of 54.91 feet;

THENCE N 00°27'00" W a distance of 149.76 feet departing the North Right-of-Way line of said Hot Wells Boulevard along and with the East line of said Tract 2, to a Mag Nail Found, and marking the Northeast corner of said Tract 2, and the Northwest corner of said Lot 19, Block 8, New City Block 10943, and a 1/2-Inch Iron Rod with cap "AMERISURVEYORS" Found marking the Northwest corner of said Tract 2, bears N 89°24'07" E a distance of 54.83 feet;

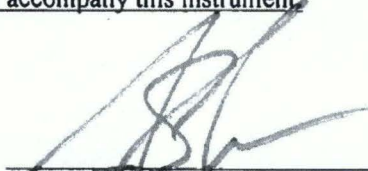
THENCE N 89°37'30" E a distance of 55.00 feet along and with the North line of said Lot 19, Block 8, New City Block 10943 to a point;

THENCE S 00°27'00" E a distance of 149.76 feet departing the North line of said Lot 19, Block 8, New City Block 10943, to a point on the North Right-of-Way line of said Hot Wells Boulevard, and a Mag Nail Found marking the Southwest corner of said Lot 19, Block 8, New City Block 10943, bears S 89°33'00" W a distance of 276.01 feet;

THENCE S 89°33'00" W a distance of 55.00 feet, along with the North Right-of-Way line of said Hot Wells Boulevard to the **POINT OF BEGINNING** and containing 0.189 Acres of land, (8,237 SQUARE FEET +/-) more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc. under the direct supervision of Joel Christian Johnson, R.P.L.S.;

Note: A Zoning Exhibit that is made a part hereof and shall accompany this instrument




Joel Christian Johnson, R.P.L.S. No.5578
TBPLS FIRM REGISTRATION #10011700

32189-1468
September 21, 2018

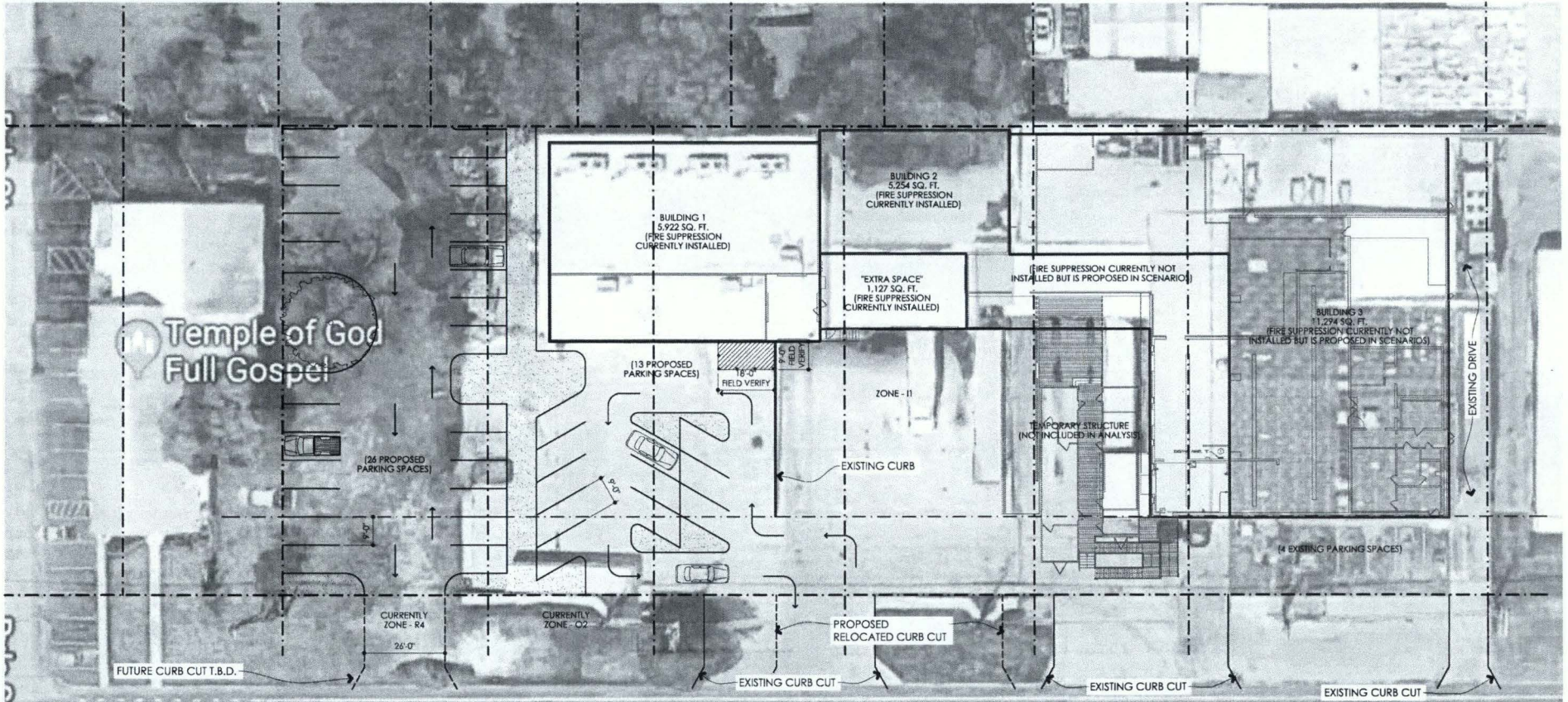
SG/lj
12/06/2018
Item No. Z-12

EXHIBIT “B”

Property: 1007 & a portion of 1031 Hot Wells Blvd
 Current Zoning: R-4 AHOD & O-2 AHOD
 Proposed Zoning: R-4 CD AHOD with conditional use for noncommercial parking lot & C-2 CD AHOD with a conditional use for food and food products processing
 Acreage: 0.379 (0.19 for 1007 Hot Wells & 0.189 for portion of 1031 Hot Wells Blvd)
 Plan: Highland Hills Community Current Land Use Designation: Low-Density Residential
 Proposed Land Use Designation: Community Commercial
 Neighborhood Association: Hot Wells

Z2018351 CD

Exhibit "B"



1 OVERALL SITE PLAN
 SCALE: 1/8" = 1'-0"



1 4 3 8 5 P R E S A S T
 S A N A N T O N I O , T E X A S 7 8 2 1 0
 2 1 0 . 3 2 0 2 1 8 2
 W W W . S O L S T U D I O A R C H I T E C T S . U S

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"I, Greg W. Kowalski, Manager of Capitol Concessions Realty, LLC, 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."



SANDWICH FACTORY

1013 HOT WELLS BLVD
 DATE: 15 OCTOBER 2018