

AN ORDINANCE 2014 - 03 - 06 - 0130

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 Lot 24, NCB 10946, save and except that portion conveyed to the State of Texas in Volume 3807, Page 1806, Real Property Records, Bexar County, Texas from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash.

SECTION 2. A description of the save and except property 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 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 specific 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 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 **Attachment "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.

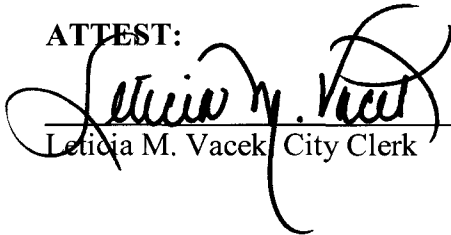
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective March 16, 2014.

PASSED AND APPROVED this 6th day of March 2014.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Robert F. Greenblum, City Attorney

| | |
|---------------------|---|
| Agenda Item: | Z-3 |
| Date: | 03/06/2014 |
| Time: | 02:38:04 PM |
| Vote Type: | Motion to Approve |
| Description: | ZONING CASE # Z2014045 S (District 3): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash on Lot 24, NCB 10946 save and except that portion conveyed to the State of Texas in Volume 3807, Page 108, Real Property Records, Bexar County, Texas located at A portion of 2355 Goliad Road. Staff and Zoning Commission recommend approval. |
| Result: | Passed |

| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
|-------------------|-------------|-------------|-----|-----|---------|--------|--------|
| Julián Castro | Mayor | | x | | | | |
| Diego Bernal | District 1 | | x | | | | |
| Ivy R. Taylor | District 2 | | x | | | | x |
| Rebecca Viagran | District 3 | | x | | | 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 | | | | |

Z2014045

Save & Except
Deed

1229871

State Department of Highways
and Public Transportation
Form D-15-12 (Partial Taking)
Page 1 of 6 Rev. 3-86

Interstate Highway 37
C.S.J. No. 0073-08-096
Parcel No. 36

DEED

Controlled Access Highway Facility

THE STATE OF TEXAS

COUNTY OF BEXAR

I
I
I

WHEREAS, the State Highway and Public Transportation Commission has been authorized under House Bill 179, Acts of the 55th Legislature, Regular Session, 1957 (Article 6674w-1, et seq., Vernon's Annotated Civil Statutes of Texas) 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 and Public Transportation Commission for the purposes of facilitating the construction, maintenance and operation of a Controlled Access Highway facility;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, The M & M Employees Pension Plan of Fort Worth, acting herein by and
through its duly authorized trustees

of the County of Tarrant, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of EIGHTY SEVEN THOUSAND SIX HUNDRED AND NO/100 Dollars (\$ 87,600.00) to Grantors in hand paid by the State of Texas, acting by and through the State Highway and Public Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land lying and being situated in the County of Bexar, State of Texas, more particularly described as follows, to wit:

(SEE ATTACHED)

09/15/86 72684 800293

\$15.00 Y 1

159

WML 3007 PAGE 1 806

[Handwritten signature and date 8-4-86]

ATTACHMENT A

Z2014045

Save & Except
Deed-Property
Description

Field Notes for Parcel No. 36

0.209 of an acre of land, more or less, same being out of and a part of Lot No. 24, New City Block No. 10,946, in the City of San Antonio, Bexar County, Texas, which Lot No. 24 was conveyed from Security Holding and Management Corporation to the M & M Employees Pension Plan of Fort Worth by a Deed dated September 29, 1967 of Record in Volume 5960, Page 163, Deed Records of Bexar County, Texas, said 0.209 of an acre of land, more or less, being more particularly described by metes and bounds as follows:

BEGINNING at a point for a corner, same being the point of intersection of the proposed east right of way line of Interstate Highway 37 with the existing east right of way line of Interstate Highway 37, said point being also South 72 25'27" West, a distance of 270.00 feet along said existing east right of way line from the point of intersection of said existing east right of way line with the division line between said Lot No. 24 and Lot No. 31, said point also being left 163.95 feet from and at a right angle to the centerline of Interstate Highway 37 Station 823+55.94;

- (1) THENCE NORTH 39 13'50" East, a distance of 64.41 feet along said proposed east right of way line to an angle point;
- (2) THENCE NORTH 0 46'09" West, a distance of 36.36 feet along said proposed east right of way line to a point for a corner, same being on said division line;
- (3) THENCE NORTH 89 05'30" East, a distance of 20.99 feet along said division line to a corner point, same being on the southwest line of Goliad Road;
- (4) THENCE SOUTH 37 37'04" East, a distance of 177.00 feet along said southwest line of Goliad Road to a corner point, same being on said existing east right of way line;
- (5) THENCE NORTH 72 25'27" West, a distance of 177.57 feet along said existing east right of way line to the point of BEGINNING.

ORIGINAL DIM

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Z2014045

Save & Except
Deed

State Department of Highways
and Public Transportation
Form D-15-11 (Partial Taking)
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SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the above-described property, to wit:

NONE

Grantors covenant and agree to remove the above-described improvements from said land by _____, 19_____, subject, however, to such extensions of time as may be granted by the State in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the State of Texas forever.

"And for the same consideration described above, and upon the same conditions, grantor does hereby bargain, sell and convey unto the State of Texas that portion of the following structure located on the remaining property out of which the above described premises were originally a portion, to wit:"

- A. One Single Story Commercial Structure (Brick Veneer).

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Z2014045

Same & Except
Deed - Access
Restrictions

State Department of Highways
and Public Transportation
Form D-15-11 (Partial Taking)
Page 4 of 6 Rev. 7-66

Grantors hereby acknowledge that their use of and access to the expressway lanes to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility as a Controlled Access Highway require that access from Grantor's remaining property to said highway facility shall be governed henceforth as indicated in Paragraphs (A) and/or (B) hereinbelow; and all abutter's rights, including rights of ingress and egress and the right of direct access to and from Grantor's remaining property to said Controlled Access Highway facility, which have accrued or might otherwise accrue to Grantors, their heirs, successors or assigns are hereby waived, released and relinquished insofar as they appertain to Paragraph (B) hereinbelow:

(A) Access to and from Grantor's remaining property will be permitted:

Access will not be permitted to the remainder abutting the foregoing field note description.

(B) Access to and from Grantor's remaining property will be denied:

Access will be denied along Call No. 1 and along Call No. 2.

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Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the State to take and use all other minerals and materials thereon, therein and thereunder.

Z2014045

Save & Except
Deed

State Department of Highways
and Public Transportation
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TO HAVE AND TO HOLD the above-described premises herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 9th day of May JUNE, 19 86.

The M & M Employees Pension Plan of
Fort Worth

BY: M. F. Martin Jr.

ACKNOWLEDGMENT

THE STATE OF TEXAS, }
COUNTY OF Tarrant

BEFORE ME, M. F. Martin Jr. 6/9/86, on this day personally appeared M. F. Martin Jr. known to me (or proved to me on the oath of _____, a credible witness,) to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 9th day of June, A.D. 19 86.



Jane Pettif
Notary Public, State of Texas

My Commission expires on the 5 day of Aug., 19 87.

ACKNOWLEDGMENT

THE STATE OF TEXAS, }
COUNTY OF _____

BEFORE ME, _____, on this day personally appeared _____ known to me (or proved to me on the oath of _____, a credible witness,) to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____, A.D. 19 _____.

Notary Public, State of Texas

My Commission expires on the _____ day of _____, 19 _____.

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THE STATE OF TEXAS,

COUNTY OF _____

CORPORATE ACKNOWLEDGMENT

BEFORE ME, _____
on this day personally appeared _____

known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said _____ a corporation, that he/she was duly authorized to perform the same by appropriate resolution of the board of directors of such corporation and that he/she executed the same in the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____, A.D. 19 _____

Notary Public, State of Texas

My Commission expires on the _____ day of _____, 19 _____

Parcel No. 36
County Bexar
Highway No. Interstate Highway 37
Control 73 Sec. 08 Job 096
Account or Federal No. _____
From: Fair Avenue
To: Loop 13

DEED

CONTROLLED ACCESS HIGHWAY FACILITY
The M & M Employees Pension Plan of
Fort Worth

Grantors

TO

GRANTEE THE STATE OF TEXAS
AUSTIN, TEXAS

Filed for Record

This _____ day of _____

A.D. 19 _____ at _____ o'clock _____ M.

Recorded

This _____ day of _____

A.D. 19 _____ in _____

County, Texas, Records of Deeds.

Book _____ Page _____

Other _____

County Clerk

By _____ Deputy.

Return To: State Department of Highways
and Public Transportation
P.O. Box 29929
San Antonio, Texas 78284

THE STATE OF TEXAS,
COUNTY OF _____

CERTIFICATE OF RECORDING

118139670387

72014045
Same & except
Deed

Z2014045

Same & Except
Deed

CERTIFICATE OF RESOLUTION

The undersigned do hereby certify that they are duly appointed trustees of "M & M Employee Pension Plan" trust, a plan and trust created June 30, 1966, that the following is a true and correct copy of a resolution duly adopted at a meeting of the board of trustees thereof, convened and held on the 9th day of June 1986 and that such resolution is now in full force and effect; unamended and unrepealed.

"Resolved, that M. F. Martin, trustee be impowered to sell and convey into the State of Texas all that certain tract or parcel of land lying and situated in the County of Bexar, State of Texas consisting of 0.209 of an acre of land being out of a part of Lot number 24, New City Block number 10946 in the City of San Antonio."

The undersigned further certifies that the following persons are the trustees of the trust on this date and that the signatures following are the true signatures of such trustees.

M. F. Martin
M. F. Martin

G. G. Martin
G. G. Martin

Gwendolyn Martin
Gwendolyn Martin

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Z2014045

Same & Except
Deed

RECORDS OF THE
COUNTY CLERK
COUNTY OF SAN DIEGO
SEP 15 1986
RECORDED
INDEXED
FILED
COUNTY CLERK
COUNTY OF SAN DIEGO

FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK
SAN DIEGO, CALIF.
1986 SEP 15 A 11:03

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CAR VE SKATE CENTER



NORTH

Requesting to change of zoning to "C-2 + S* Car Wash"

LOT 21

Total paved area including under the portable building = 13,504.0 sq ft.

6' CHAIN LINK FENCE

PORTABLE BUILDING Total = 336 sq ft.

ASPHALT PAVEMENT

2355 GOLIAD RD.

LOT 24 N.C.B. 10946 0.31 OF AN ACRE

4' CHAIN LINK FENCE

TEXAS DOT 0.209 OF AN ACRE

COMMERCIAL ACCESS DRIVEWAY @ 20'

CONCRETE SIDEWALKS @ 6'

COMMERCIAL ACCESS DRIVEWAY @ 20'

ASPHALT PAVEMENT

BACK

4' CHAIN LINK FENCE

REGULAR PARKING

HANDICAPPED PARKING

CEDAR ELM TREE

The following statement: I Gustavo Carbajal 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 plans submitted for building permits.

INTERSTATE HIGHWAY 37

SITE PLAN

SCALE: 1" = 20'-0"

| | | | |
|--------------------------|--------------|--------------------|--|
| 2355 GOLIAD RD. | | | |
| SCALE: AS NOTED | APPROVED BY: | DRAWN BY: CARBAJAL | |
| DATE: Jan 2001 | GUSTAVO C. | REVISION | |
| SAN ANTONIO, TEXAS 78223 | | | |
| 210 251-1294 | | | |