

ORDINANCE 2019-12-05-1006

**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 3.637 acres out of NCB 16612 from "C-2 MLOD-3 MLR-1 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-2 S MLOD-3 MLR-1 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Specific Use Authorization for a Car Wash.

**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 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 **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

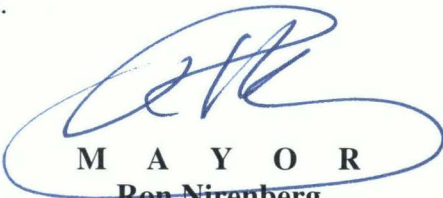
**SECTION 5.** All other provisions of Chapter 35 except those expressly amended by this

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 15, 2019.

**PASSED AND APPROVED** this 5<sup>th</sup> day of December, 2019.



**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**  
  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**  
  
for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	Z-8 ( in consent vote: Z-3, Z-4, Z-5, Z-8, P-2, Z-9, Z-10, P-3, Z-11, Z-13, P-4, Z-14, Z-15, Z-16, P-5, Z-17, Z-20, Z-21, P-7, Z-22, Z-24 )
<b>Date:</b>	12/05/2019
<b>Time:</b>	02:16:27 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING CASE Z-2019-10700222 S (Council District 2): Ordinance amending the Zoning District Boundary from "C-2 MLOD-3 MLR-1 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-2 S MLOD-3 MLR-1 AHOD" Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Specific Use Authorization for a Car Wash on 3.637 acres out of NCB 16612, generally located southwest of the intersection of Summer Fest Drive and North Foster Road. Staff and Zoning Commission recommend Approval.
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Jada Andrews-Sullivan	District 2		x				x
Rebecca Viagran	District 3		x			x	
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	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  
12/05/2019  
# Z-8

# EXHIBIT “A”



**Donnie Boerner Surveying Company L.P.**

228 Holiday Road ♦ Comfort, Texas 78013

Phone: 830-377-2492

FIRM NO. 10193963

Field Notes for a 158,415 Square Feet or 3.637 Acre Tract of Land

**Being** a 158,415 square feet or 3.637 acres of land out of the Francisco Cadena Survey No. 133, Abstract No. 134, New City Block 16612, in the City of San Antonio, Bexar County, Texas and being that certain 8.20 acre tract conveyed to GILX DEVELOPMENT, INC. by deed recorded in Volume 6672, Pages 901-906, Official Public Records, Bexar County, Texas, said 158,415 square feet or 3.637 acre tract being more particularly described by metes and bounds as follows:

**Beginning** at a ½" steel rod found in the south right-of-way line of Summer Fest Drive for the northern most northeast corner of the herein described tract, the northwest corner of Lot 78, Block 7, Sunrise Subdivision (Unit 15) recorded in Volume 9513, Page 163, Plat Records, Bexar County, Texas;

**Thence**, departing the south right-of-way line of Summer Fest Drive, with the west line of Lot 78, Block 7, Sunrise Subdivision (Unit 15), South 00 degrees 23 minutes 51 seconds East, a distance of 170.00 feet to a steel rod found with a pink plastic cap at the southwest corner of Lot 78, Block 7, Sunrise Subdivision (Unit 15);

**Thence**, with the south line of Lot 78, Block 7, Sunrise Subdivision (Unit 15), North 89 degrees 36 minutes 09 seconds East, a distance of 179.93 feet to a ½" steel rod found in the west right-of-way line of Foster Road and being the southeast corner of Lot 78, Block 7, Sunrise Subdivision (Unit 15), the eastern most northeast corner of the herein described tract;

**Thence**, with the west right-of-way line of Foster Road, South 00 degrees 29 minutes 51 seconds East, a distance of 395.13 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap for the southeast corner of the herein described tract, the northeast corner of Lot 80, Block 7, NCB 16612, Alamo United Methodist Church recorded in Volume 9543, Page 20, Plat Records, Bexar County, Texas;

**Thence**, departing the west right-of-way line of Foster Road, with the north line of Lot 80, Block 7, NCB 16612, Alamo United Methodist Church, South 89 degrees 31 minutes 23 seconds West, a distance of 434.70 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap at the northwest corner of Lot 80, Block 7, NCB 16612, Alamo United Methodist Church;

**Thence**, severing said 8.20 acre tract, the following three courses and distances,

North 00 degrees 23 minutes 51 seconds West, a distance of 210.38 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap for corner,

North 89 degrees 36 minutes 09 seconds East, a distance of 159.08 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap for corner,

and, North 00 degrees 23 minutes 51 seconds West, a distance of 355.18 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap in the south right-of-way line of Summer Fest Drive, the north line of said 8.20 acre tract for the northwest corner of the herein described tract;

Exhibit "A"

**Thence**, with the south right-of-way line of Summer Fest Drive, the north line of said 8.20 acre tract, North 89 degrees 29 minutes 59 seconds East, a distance of 95.00 feet to the **Place of Beginning** and containing 158,415 square feet of 3.637 acres of land.

Note: Basis of bearing was established from the State Plane Coordinate System North American datum of 1983, Texas South Central Zone.



A handwritten signature in black ink, appearing to read "D. Boerner".

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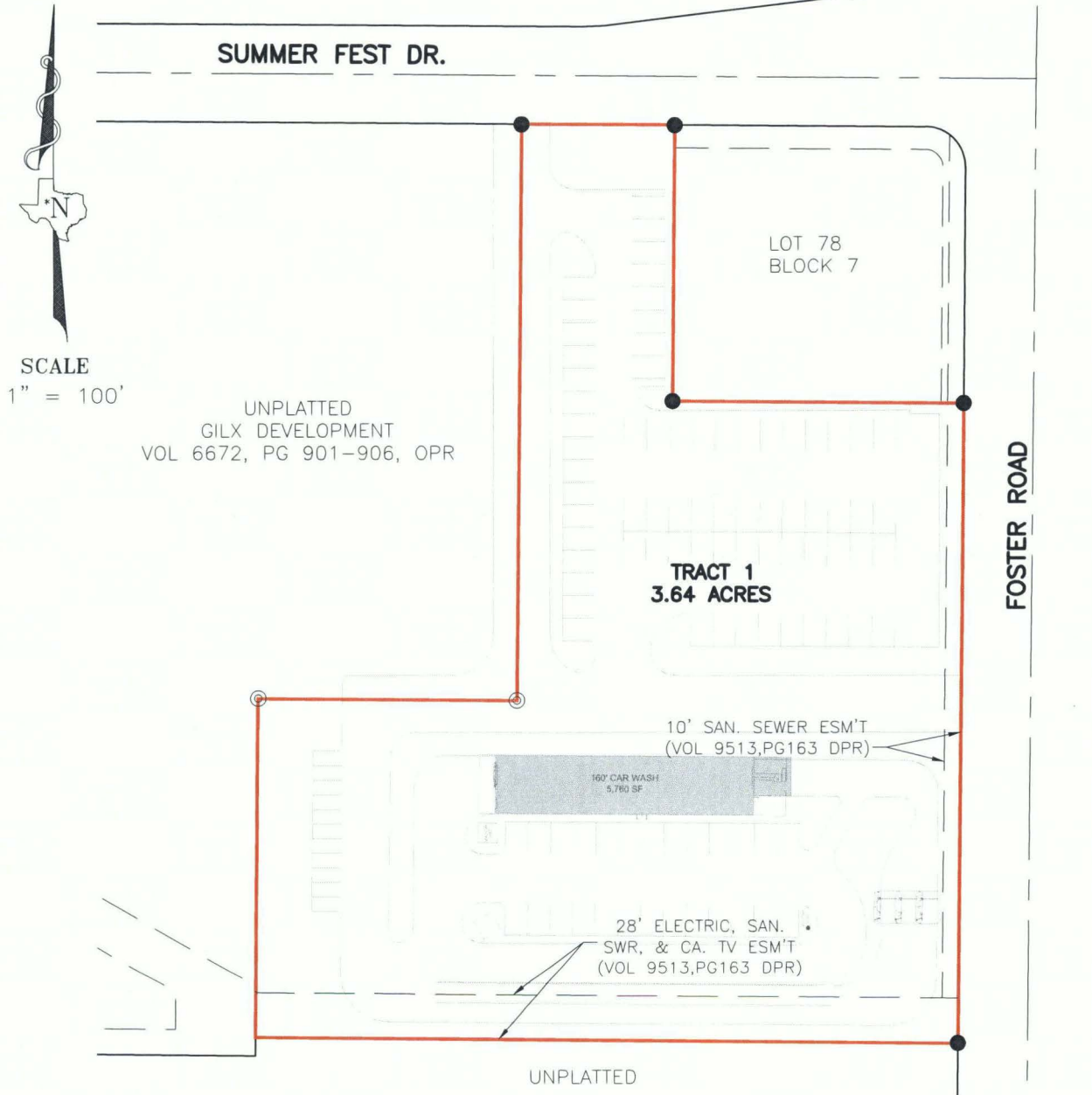
Donald Dean Boerner  
Registered Professional Land Surveyor No. 5207

SG/lj  
12/05/2019  
# Z-8

# **EXHIBIT “B”**

# ZONING CASE Z-2019-10700222 S

**FROM: C-2**  
**TO: C-2 WITH SPECIFIC USE FOR A CAR WASH**



**LEGAL DESCRIPTION**

3.66 ACRE TRACT OF LAND, OUT OF THE FRANCISCO CADENA SURVEY NO. 133, ABSTRACT NO. 134, NCB 16612, BEXAR COUNTY, TEXAS ACCORDING TO THE DEED THEREOF RECORDED IN VOLUME 6672, PAGES 901-906, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

"I, R.J. Gilbert, Gilx Development, 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 Cityadopted Codes at the time of plan submittal for building permits.

**PROPOSED CAR WASH ON FOSTER**  
**SITE PLAN EXHIBIT FOR SPECIFIC USE PERMIT**



Exhibit "B"