

AN ORDINANCE 2018-04-05-0248

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 0.8252 acres out of NCB 6777 from "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales (Full Service).

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 finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. Downward facing lighting.
- B. No outdoor amplification.
- C. Hours of operation Monday through Saturday from 8:00a.m. to 6:00p.m.

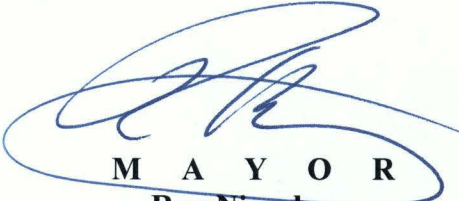
SECTION 5. The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

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 April 15, 2018.

PASSED AND APPROVED this 5th day of April 2018.




M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



For Andrew Segovia, City Attorney

| | | | | | | | |
|---------------------|---|--------------------|------------|------------|----------------|---------------|---------------|
| Agenda Item: | Z-22 (in consent vote: P-5, Z-22) | | | | | | |
| Date: | 04/05/2018 | | | | | | |
| Time: | 02:47:24 PM | | | | | | |
| Vote Type: | Motion to Appr w Cond | | | | | | |
| Description: | ZONING CASE # Z2018079 CD (Council District 5): An Ordinance amending the Zoning District Boundary from "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales (Full Service) on 0.8252 acres out of NCB 6777, located at 1102 Cupples Road. Staff and Zoning Commission recommend Approval, with Conditions. (Associated Plan Amendment 18021) | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Ron Nirenberg | Mayor | | x | | | | |
| Roberto C. Treviño | District 1 | | x | | | | |
| William Cruz Shaw | District 2 | | x | | | | |
| Rebecca Viagran | District 3 | | x | | | | x |
| Rey Saldaña | District 4 | | x | | | | |
| Shirley Gonzales | District 5 | | x | | | 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
04/05/2018
Item No. Z-22

Exhibit “A”

Z2018079 CD

METES AND BOUNDS

0.8252 Acres

Surveyed by TGD Surveying LLC

Being a 0.8252 Acre (35,944 Square Foot) Tract out of a remaining portion of Lots 1 and 2, Block 3, New City Block 6777, Western Heights Acres Subdivision, San Antonio, Bexar County, Texas, recorded in Volume 642, Page 313 of the Deed and Plat Records (D.P.R.) of Bexar County, Texas, all records cited herein being of Bexar County, Texas, being that same tract conveyed to The Jose Luis Gonzalez Living Trust by Special Warranty Deed recorded in Volume 14572, Page 1869, Official Public Records (O.P.R.), said 0.8252 Acre Tract being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, South Central Zone:

BEGINNING at a found ½" rebar on the south Right-of-Way (R.O.W.) line of W. Kirk Place, (59' R.O.W.) being the northwest corner of a remaining portion of Lot 2, of said subdivision, as conveyed to Maria Carmen D. Delgado by deed recorded in Volume 12251, Page 3, O.P.R., being the northeast corner of the tract herein described;

THENCE, leaving said R.O.W. line and along a common line with said remaining portion of Lot 2 the following two calls:

South 06° 22' 21" West, a distance of 117.00 feet (Southerly direction, 117.00 feet record) to a set ½" rebar with cap stamped "TGD SURVEYING" at the southwest corner of said remaining portion of Lot 2, being an interior corner of the tract herein described, and

South 83° 29' 22" East, a distance of 59.56 feet (Easterly direction, erroneously called 66.00 feet record) to a found ½" rebar on the west line of a tract called the North 202.1 feet of Lot 3 of said Western Heights Acres Subdivision, as conveyed to Esvin G. Barrientos by Warranty Deed recorded in Volume 15594, Page 1364, O.P.R., being the southeast corner of said remaining portion of Lot 2 and a corner of the tract herein described;

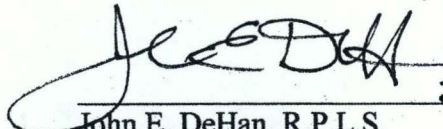
THENCE, South 06° 08' 02" West, a distance of 106.00 feet (Southerly direction, 107.73 feet record) partially along the common line with said North 202.1 feet of Lot 3, and then along the common line with a tract called the South 253.1 feet of Lot 3, of said Western Heights Acres in the Bexar Appraisal District Records, no recording information was found, to a set ½" rebar with cap stamped "TGD SURVEYING" being the northeast corner of Lot 32, Block 3, N.C.B. 6777, Castellano Subdivision, recorded in Volume 9400, Page 144, D.P.R. and the southeast corner of the tract herein described;

THENCE, leaving the common line with said South 253.1 feet and along the common line with said Lot 32, North 83° 42' 52" West, a distance of 192.11 feet (Westerly direction, 191.40 feet record) to a found ½" rebar on the east R.O.W. line of Cupples Rd (R.O.W. varies) at the northwest corner of said Lot 32, being the southwest corner of the tract herein described;

THENCE, along said R.O.W. line, North 06° 09' 16" East, a distance of 223.44 feet (Northerly direction, 223.79 feet record) to a set P.K. nail at the intersection with said south R.O.W. line of W. Kirk Pl, at the northwest corner of the tract herein described;

THENCE, along said W. Kirk Pl R.O.W. line, South 83° 37' 39" East, a distance of 132.97 feet (Easterly direction, 133.30 feet record) returning to the POINT OF BEGINNING, and containing 0.8252 Acres (35,944 square feet) of land more or less.

This survey was performed on the ground by men working under my supervision and completed on February 23, 2018.


2/23/18
John E. DeHan, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6042



Z2018079 CD

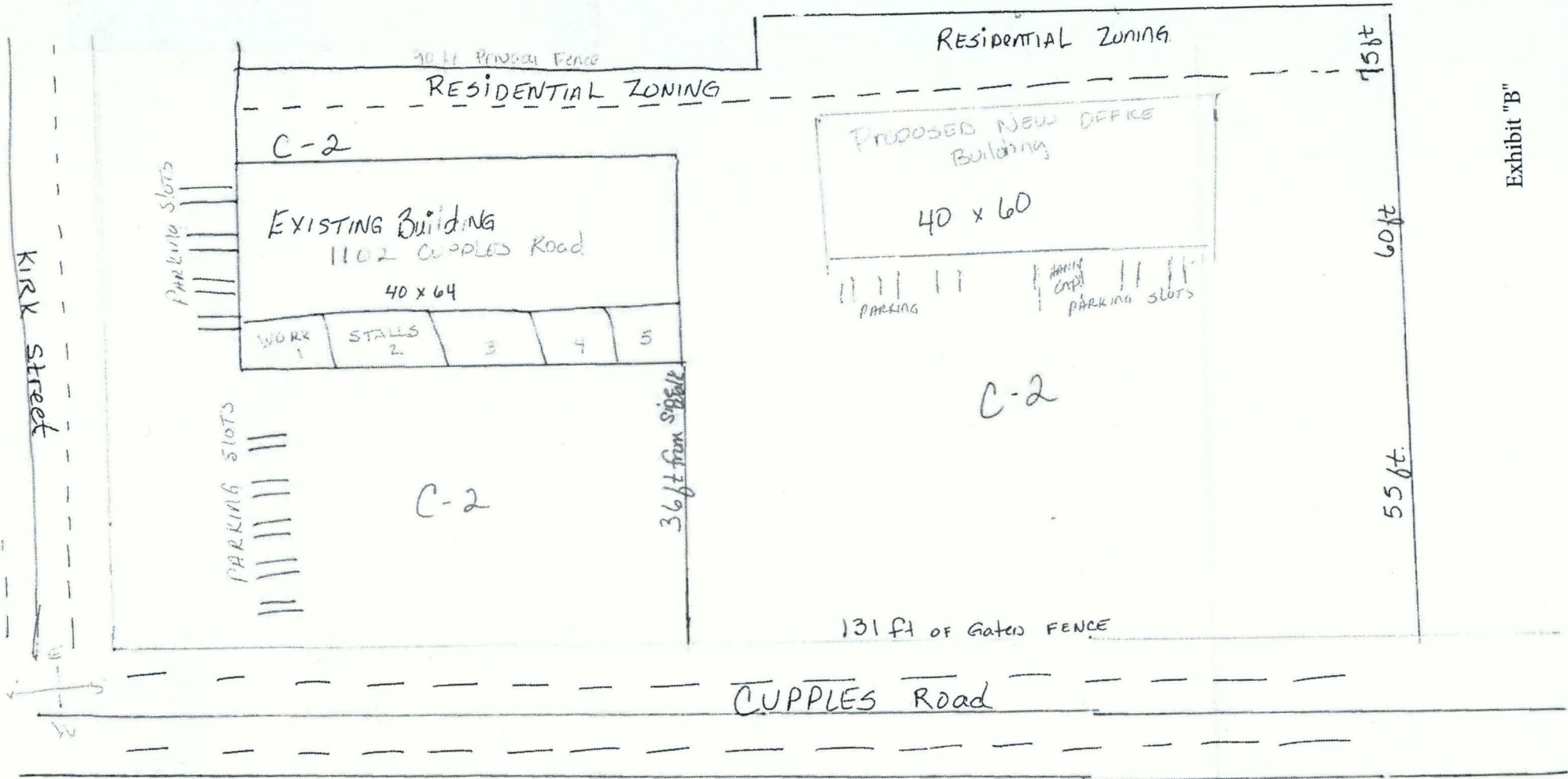


Exhibit "B"

Property 1102 Cupples Rd
 Legal Description lot 1 and 2, Block 3, NCB 6777
 Current zoning "C-2NA AHOD" and "R-6 AHOD"
 Requesting zoning "C-2 CD AHOD"
 Impervious cover _____
 Setbacks-Bufferly Acres-non required all base zoning is _____
 Required parking - 6 GFA for retail office
 _____ required for office
 _____ spaces provided, including spaces
 Site plan for 1102 Cupples Road
 Scale 1/4" to 50'

I, Jose Luis Gonzalez, the property owner, being represented by Patricia Villarreal, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the United Development Code. Additionally, I understand that City Council's approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any and all city adopted codes of the plan cited for building permits.