

AN ORDINANCE 2015-06-18-0607

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 a tract of land out of Lot 11, Lot 12, and Lot 13, Block 24, NCB 534 from "D AHOD" Downtown Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "D" Downtown District and authorization for a Mobile Food Court.

SECTION 2. The standards for any "D" Downtown District use shall comply with the standards of the Downtown Design Guide.

SECTION 3. The standards for use as a mobile food court shall comply with the following standards:

- A. Awnings and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building's architecture.
- B. Buildings, colonnades and landscaping shall be utilized to define edges and create a sense of three-dimensional containment to urban spaces and plazas.
- C. Parking and security lights shall not provide spillover to neighboring residential properties.
- D. Ventilation intakes and exhausts shall be located to minimize adverse pedestrian impacts along the sidewalk.
- E. Site furniture shall be well designed to encourage their use, be able to withstand the elements, and situated in appropriate locations and shaded, clustered in groupings near site features such as fountains and in plazas.
- F. All fascia signage shall be integrated into the architecture.
- G. Signage material shall be weather proof and fade resistant.
- H. Signs shall use appropriate means of illumination such as: neon tubes, fiber optics, incandescent lamps, cathode ray tubes, shielded spotlights and wall wash fixtures.
- I. Asphalt is not permitted for public sidewalks.
- J. The following street furnishings are prohibited within the publicly owned portion of the right of way adjacent to streets or the River Walk:
 - 1) Vending machines
 - 2) Automatic teller machines

- 3) Pay phones
- 4) Photo booths
- 5) Automated machines such as, but not limited to, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights.
- 6) Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animals, cartoon or human figure. This does not apply to public art approved by the Public Art Board

SECTION 4. A description of the property is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 5. The City Council approves this Infill Development Zone 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.

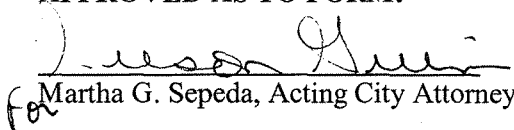
SECTION 8. This ordinance shall become effective June 28, 2015.

PASSED AND APPROVED this 18th day of June 2015.


M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	Z-4
Date:	06/18/2015
Time:	02:19:05 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2015190 (Council District 2): An Ordinance amending the Zoning District Boundary from "D AHOD" Downtown Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "D" Downtown District and a Mobile Food Court on Portion of Lot 11, Lot 12, and Lot 13, Block 24, NCB 534, located at 201 Burnet Street. Staff and Zoning Commission recommend Approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	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				

Exhibit "A"

22015190

METES AND BOUNDS

Being 0.283 acres of land, more or less, consisting of a portion of Lots 11, 12 and 13, Block 24, New City Block 534, in the City of San Antonio, Texas, being described as Lots 11, 12, and 13, Block 24, New City Block 534, SAVE & EXCEPT that portion conveyed to the State of Texas in Deed recorded in Volume 5923, Page 94 of the Deed Records of Bexar County, Texas and SAVE & EXCEPT that portion conveyed in Volume 12099, page 976, Real Property Records, Bexar County, Texas, said 0.283 acres being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the northeast corner of the Sisters of the Holy Spirit 2.406 acres (Volume 14919, Page 1347), same being on the South Right-of-Way line of Burnet (55.6 foot Right-of-Way) and the POINT OF COMMENCEMENT;

THENCE along the South Right-of-Way line of said Burnet, South 89 degrees 32 minutes 33 seconds West (called South 89 degrees 46 minutes 00 seconds West), a distance of 315.68 feet (called 314.7 feet) to a 1/2 inch iron rod found for the northwest corner of said Sisters 2.406 acres, same being at the intersection of the South Right-of-Way line of said Burnet and the East Right-of-Way of Live Oak;

THENCE crossing said Burnet, North 00 degrees 05 minutes 15 seconds West, a distance of 55.60 feet to a point on a concrete walk for the southwest corner of this 0.283 acres, same being the southwest corner of said Lot 11 and at the intersection of the North Right-of-Way of said Burnet and the East Right-of-Way of said Live Oak, same also being the POINT OF BEGINNING;

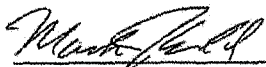
THENCE along the East Right-of-Way line of said Live Oak, North 00 degrees 15 minutes 26 seconds West (called North 00 degrees 02 minutes 00 seconds West, a distance of 140.28 feet to a 1/2 inch iron rod set for the northwest corner of this 0.283 acres, same being the intersection of the East Right-of-Way line of said Live Oak and the southwest Right-of-Way line of Brooklyn (80 foot Right-of-Way);

THENCE along the southwest Right-of-Way line of said Brooklyn, South 52 degrees 28 minutes 11 seconds East (called South 52 degrees 14 minutes 45 seconds East), a distance of 193.28 feet (called 193.29 feet) to a 1/2 inch iron rod set for the upper southeast corner of this 0.283 acres;

THENCE along a chamfer corner between the southwest Right-of-Way line of said Brooklyn and the North Right-of-Way line of said Burnet, South 00 degrees 15 minutes 26 seconds East (called South 00 degrees 02 minutes 00 seconds East), a distance of 21.32 feet to a 1/2 inch iron rod set for the lower southeast corner of this 0.283 acres, same being on the North Right-of-Way line of said Burnet;

THENCE along the North Right-of-Way line of said Burnet, South 89 degrees 32 minutes 33 seconds West (called South 89 degrees 46 minutes 00 seconds West), a distance of 152.75 feet to the POINT OF BEGINNING, and containing 0.283 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All iron rods set are 1/2 inch rebar. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.


Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
January 17, 2013



I, Michael A. Guerrero, Manager of Guerrero & Morales, 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 Code at the time of plan submittal for building permits.



SCALE: 1"=30'

LIVE OAK

Attachment B

BROOKLYN
(80' R.O.W.)

(S 52°14'45" E 193.29')
S 52°28'11" E 193.28'

ELECTRIC, TELEPHONE, GAS, ANCHOR, SERVICE, OVERHANG
UTILITY, AND TRANSFORMER EASEMENT

BACK OF CURB

BACK OF CURB

Address: 201 Burnet Street

SUBJECT TRACT
12,342 SQ. FT.
0.283 ACRES

Legal Description: Lots S IRR 140.28ft of 11, S 60ft of 12 and S 21.32ft of 13, Block 24, NCB 534
Current Use: Vacant ("D")
Proposed Use: Mobile Food Court ("IDZ" with uses permitted in "D" and a Mobile Food Court)

(N 00°02'00" W)
N 00°15'26" W 140.28'

BACK OF CURB

N 00°05'15" W
55.60'

S 89°32'33" W 152.75'
(S 89°46'00" W)

BACK OF CURB

BURNET
(55.6' R.O.W.)

ELECTRIC, TELEPHONE, GAS, ANCHOR, SERVICE, OVERHANG
UTILITY, AND TRANSFORMER EASEMENT

POINT OF COMMENCEMENT

C.M.

C.M.

SISTERS OF THE
HOLY SPIRIT
2.406 ACRES
VOL. 14919, PAGE 1347

S 89°32'33" W 315.68'
(S 89°46'00" W 314.7')

The following Downtown Design Guide Regulations will be incorporated into the design of the property:

- Awnings and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building's architecture
- Utilize buildings, colonnades and landscaping to define edges and create a sense of three-dimensional containment to urban spaces and plazas
- Parking and security lights shall not provide spillover to neighboring residential properties
- Ventilation intakes and exhausts shall be located to minimize adverse pedestrian impacts along the sidewalk
- Site furniture must be well designed to encourage their use, be able to withstand the elements, and situated in appropriate locations and shades, clustered in groups near site features like fountains and plazas, etc.
- All fascia signage shall be integrated into the architecture
- The signage material will be weather proof and fade resistant
- Signs shall use appropriate means of illumination. These include: neon tubes, fiber optics, incandescent lamps, cathode ray tubes, shielded spotlights and wall wash fixtures