

ORDINANCE 2021-04-15-0251

**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 11, NCB 11690 from "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for a Daycare to "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services).

**SECTION 2.** 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 3.** The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**SECTION 4.** 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 5.** 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

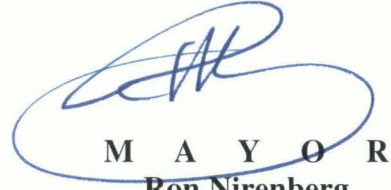
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04/15/2021  
# Z-4

CASE NO. Z-2021-10700008 CD


inspection.

**SECTION 6.** This ordinance shall become effective April 25, 2021.

**PASSED AND APPROVED** this 15<sup>th</sup> day of April, 2021.

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
for Tina J. Flores, City Clerk

**APPROVED AS TO FORM:**

  
for Andrew Segovia, City Attorney



# City of San Antonio

City Council

April 15, 2021

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**Item: Z-4**

**File Number: 21-2490**

**Enactment Number:**

**2021-04-15-0251**

ZONING CASE Z-2021-10700008 CD (Council District 1): Ordinance amending the Zoning District Boundary from "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for a Daycare to "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services) on Lot 11, NCB 11690, located at 3838 West Avenue and 3900 West Avenue. Staff and Zoning Commission recommend Approval.

Councilmember Shirley Gonzales made a motion to approve. Councilmember John Courage seconded the motion. The motion passed by the following vote:

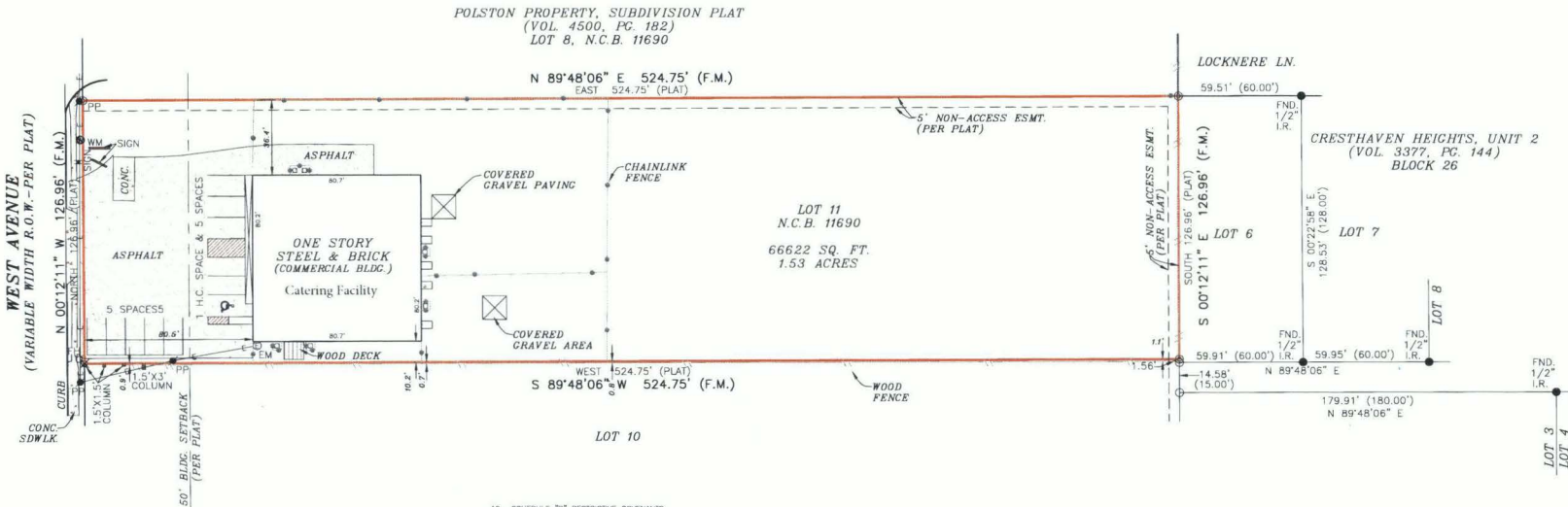
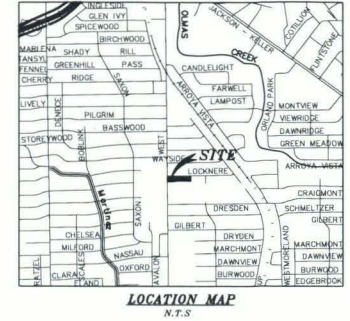
**Aye:** 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

SG  
04/15/2021  
Item No. Z-4

# Exhibit “A”

Requesting a change from RM-4 CD (conditional use for a daycare) to RM-4 CD (conditional use for a caterers and catering shop)

Z-2021-10700008 CD



10. SCHEDULE "B" RESTRICTIVE COVENANTS.  
 C. TERMS, CONDITIONS, AND STIPULATIONS CONTAINED IN THAT CERTAIN HISTORIC DESIGNATION, VERIFIED CERTIFICATE, RECORDED IN VOLUME 16817, PAGE 1987, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.  
 E. EASEMENTS, DEDICATIONS, BUILDING LINES AND ALL OTHER MATTERS SHOWN OR STATED ON THE PLAT OF GRAHAM L. BURRIS PROPERTY SUBDIVISION, RECORDED IN/UNDER VOLUME 6900, PAGE(S) 127, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS. (AS SHOWN HEREON)  
 F. A BUILDING SETBACK LINE, 50 FEET IN WIDTH, ADJACENT AND PARALLEL TO THE FRONT BOUNDARY LINE OF THE LAND AS STATED AND SHOWN ON THE SUBDIVISION PLAT RECORDED IN/UNDER VOLUME 6900, PAGE(S) 127, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS. (AS SHOWN HEREON)  
 G. A NON-ACCESS EASEMENT, 5 FEET IN WIDTH, ADJACENT AND PARALLEL TO THE SIDE AND REAR BOUNDARY LINE OF THE LAND AS STATED AND SHOWN ON THE SUBDIVISION PLAT RECORDED IN/UNDER VOLUME 6900, PAGE(S) 127, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS. (AS SHOWN HEREON)  
 FENCE ENCRACHES LOT 10.

**LEGEND**

- These standard symbols will be found in the drawing.
- BOUNDARY LINE
  - - - EASEMENT LINE
  - - - BUILDING SETBACK LINE
  - - - CHAINLINK FENCE
  - - - WOOD FENCE
  - - - OVERHEAD ELECTRIC
  - - - SET IRON ROD
  - CALCULATED POINT
  - FOUND IRON ROD
  - ⊗ SET "X" ON COLUMN
  - ⊙ WATER METER
  - ⊕ ELECTRIC METER
  - ⊖ POWER POLE
  - ⊕ FIRE HYDRANT
  - ▲ SIGN
  - ▲ RECORDED ON PLAT (F.M.)
  - FIELD MEASURED

I, Cody Lockwood, 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.

Exhibit "A"

**PARKING SPACE SUMMARY**

TOTAL NUMBER OF HANDICAP SPACES:	01 SPACE
TOTAL NUMBER OF PARKING SPACES:	10 SPACES
TOTAL NUMBER OF SPACES:	11 SPACES

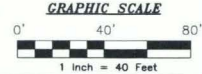
At date of this survey, the property is in FEMA designated 100 Year Zone X, as verified by FEMA map Panel No: 48029C 0245 C effective date of SEPTEMBER 29, 2010. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

I, **JOSE ANTONIO TREVIÑO**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **KEY TITLE GROUP** and **TOBIN CITY PARTNERS, LLC** that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of assessments or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 683.10).  
 Borrower/Owner: **TOBIN CITY PARTNERS, LLC**  
 Address: **3838 WEST AVENUE** OFF. No. **KTCANSA-20-1708**  
**Legal Description of the Land:** Lot 11, New City Block 11690, GRAHAM L. BURRIS PROPERTY SUBDIVISION, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 6900, Page 127 of the Deed and Plat Records of Bexar County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN VOLUME 6900, PAGE 127, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

PROPERTY PHOTOGRAPH:

**AMERISURVEYORS, LLC**  
 1700 North Loop East, Suite 7023  
 Houston, Texas 77028  
 Phone: (281) 979-3999 Fax: (281) 979-3999



**FINAL "AS-BUILT" SURVEY**

JOB NO.:	2020071674	NO.:		REVISION:	DATE:
DATE:	08/27/20				
DRAWN BY:	JAT/RO				
APPROVED BY:	JAT				

**JOSE ANTONIO TREVIÑO, R.P.L.S.**  
 Registered Professional Land Surveyor  
 Registration No. 5552