

AN ORDINANCE 2017-09-21-0741

**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 2.342 acres out of NCB 16153 from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with Specific Use Authorization for a Construction Contractor Facility with Outdoor Storage and Screening.

**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. Incorporate high-quality building materials into façade the building. Minimize or eliminate the use of metal siding; however chain-link with mesh screening shall be permitted as a fencing material.
- B. Outside storage, service areas, mechanical equipment, and dumpsters should be screened

from the view of the public right-of-way through the use of landscaping and approved fencing, to include chain-link with mesh screening.

- C. Install heavy landscaping to minimize view of parking and storage areas, reduce amount of impervious ground cover, and enhance the public realm - particularly along the Naco-Perrin Boulevard and Burt Drive corridors.
- D. All signage should be designed to reduce clutter and contribute to a cohesive site.

**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 October 1, 2017.

**PASSED AND APPROVED** this 21<sup>st</sup> day of September 2017.

  
**M A Y O R**  
Ron Nirenberg

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

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

<b>Agenda Item:</b>	<b>Z-14 ( in consent vote: P-5, Z-14 )</b>						
<b>Date:</b>	09/21/2017						
<b>Time:</b>	03:49:32 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	ZONING CASE # Z2017205 (Council District 10): An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with Specific Use Authorization for a Construction Contractor Facility on 2.342 acres out of NCB 16153, located at 4030 Naco-Perrin Boulevard. Staff and Zoning Commission recommend Approval with Conditions, pending Plan Amendment. (Associated Plan Amendment 17062)						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				x
Clayton H. Perry	District 10		x			x	

SG/lj  
09/21/2017  
Item No. Z-14

# Exhibit “A”



**FILED BY  
PRESIDIO TITLE**

Presidio Title GF#101580

**SPECIAL WARRANTY DEED**

**Date:** November 8, 2005

**Grantor:** NACO-PERRIN INVESTMENT VENTURE, a Texas Joint Venture

**Grantor's Mailing Address:** 7373 Broadway, Suite 101  
San Antonio, Texas 78209

**Grantee:** HALLARD A. CANNON

**Grantee's Mailing Address:** 35 E. SOUTHGATE AVE.  
556, UT 84115-3529

**Consideration:** Cash and other good and valuable consideration, the receipt of which is acknowledged.

**Property (including any improvements):**

2.342 acres of land out of Lot 1, Block 6, New City Block 16153, Perrin Plaza Subdivision Unit 1, according to plat thereof recorded in Volume 7100, Page 61-61, Deed and Plat Records of Bexar County, Texas, said 2.342 acre tract being more particularly described in Exhibit "A", attached hereto and made a part hereof.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:** All and singular any liens described herein, ad valorem taxes for the current and all subsequent years, zoning ordinances, utility district assessments and standby fees, if any, applicable to and enforceable against the Property, and all valid utility easements created by the dedication deed or plat of the subdivision in which the Property is located, covenants and restrictions common to the platted subdivision in which the Property is located, maintenance assessment liens, if any, applicable to and enforceable against the Property as shown by the records of the County Clerk of the County in which said real property is located, and any statutory water rights, or the rights or interests of the State of Texas or the public generally in any waters, tidelands, beaches and streams being situated in proximity to the Property.

**GRANTEE ACCEPTS THE PROPERTY AS IS AND WITH ALL FAULTS. GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS, WARRANTIES, OR COVENANTS OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, WITH RESPECT TO THE SQUARE FOOTAGE**

OF THE PROPERTY; THE QUALITY OR CONDITION OF THE PROPERTY CONVEYED TO GRANTEE; THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; COMPLIANCE BY GRANTOR AND/OR THE PROPERTY WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY; OR THE HABITABILITY, MERCHANTABILITY, OR FITNESS OF THE PROPERTY FOR A PARTICULAR PURPOSE. GRANTOR HAS NOT, DOES NOT, AND WILL NOT MAKE ANY REPRESENTATIONS OR WARRANTIES AS TO COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS INCLUDING BUT NOT LIMITED TO THOSE PERTAINING TO THE USE, HANDLING, GENERATING, TREATING, STORING, OR DISPOSING OF HAZARDOUS WASTE, HAZARDOUS SUBSTANCES, PETROLEUM PRODUCT STORAGE TANKS, OR ASBESTOS. THIS PROVISION SHALL SURVIVE DELIVERY OF THIS DEED. GRANTEE ACCEPTS THE PROPERTY IN ITS PRESENT "AS IS - WHERE IS" CONDITION, WITH ALL FAULTS. THESE WARRANTY DISCLAIMERS SHALL NOT DIMINISH ANY LIMITED AND/OR SPECIAL WARRANTIES OF TITLE MADE BY GRANTOR IN THIS DEED, IF ANY.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

Counterparts: This Deed may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

**[COUNTERPART SIGNATURE PAGES TO FOLLOW]**



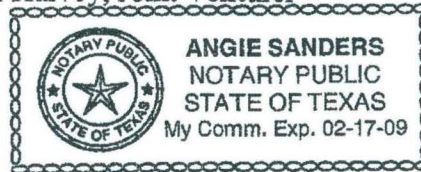
SIGNATURE PAGE TO SPECIAL WARRANTY DEED

NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture

By: Peggy K. Harvey  
Peggy K. Harvey, Joint Venturer

STATE OF TEXAS §

COUNTY OF Tarrant §



This instrument was acknowledged before me this 4 day of November, 2005, by  
Peggy K. Harvey, as Joint Venturer of NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture, on its behalf.

Angie Sanders  
Notary Public, State of Texas  
My Commission Expires: 2/17/09

SIGNATURE PAGE TO SPECIAL WARRANTY DEED

NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture

By:

  
Edward K. Kopplow, Joint Venturer

STATE OF TEXAS

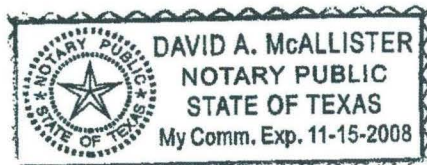
§

§

COUNTY OF BEXAR

§

This instrument was acknowledged before me this 3<sup>rd</sup> day of November, 2005, by Edward K. Kopplow, as Joint Venturer of NACO-PERRIN INVESTMENT VENTURE, a Texas Joint Venture, on its behalf.




  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

Exhibit "A"



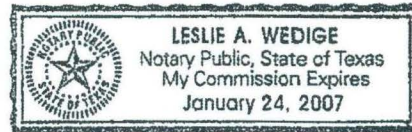
SIGNATURE PAGE TO SPECIAL WARRANTY DEED

NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture

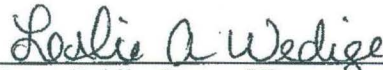
By:

  
John A. Oberman, Joint Venturer

STATE OF TEXAS       §  
                                 §  
COUNTY OF BEXAR   §



This instrument was acknowledged before me this 3rd day of November, 2005, by John A. Oberman, as Joint Venturer of NACO-PERRIN INVESTMENT VENTURE, a Texas Joint Venture, on its behalf.

  
Notary Public, State of Texas  
My Commission Expires: 1-24-07

SIGNATURE PAGE TO SPECIAL WARRANTY DEED

NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture

By:

  
Jay H. McDonald, Joint Venturer

STATE OF CALIFORNIA §

COUNTY OF

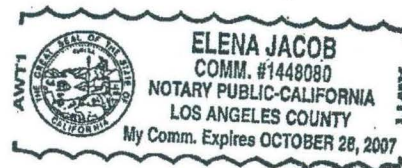
Los Angeles §

This instrument was acknowledged before me this 7<sup>th</sup> day of November, 2005, by Jay H. McDonald, as Joint Venturer of NACO-PERRIN INVESTMENT VENTURE, a Texas Joint Venture, on its behalf.

  
Notary Public, State of California

My Commission Expires:


Oct. 28<sup>th</sup> 07



SIGNATURE PAGE TO SPECIAL WARRANTY DEED

NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture


By:

  
Michael Znilek, as Co-Independent Executor of The  
Estate of Carol Znilek, Deceased, Joint Venturer

~~District of Columbia~~  
~~STATE OF VIRGINIA~~

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_ day of November, 2005, by  
Michael Znilek, as Co-Independent Executor of The Estate of Carol Znilek, Deceased, as Joint  
Venturer of NACO-PERRIN INVESTMENT VENTURE, a Texas Joint Venture, on their  
behalf.

  
Notary Public, State of Virginia

My Commission Expires: 10-31-2009

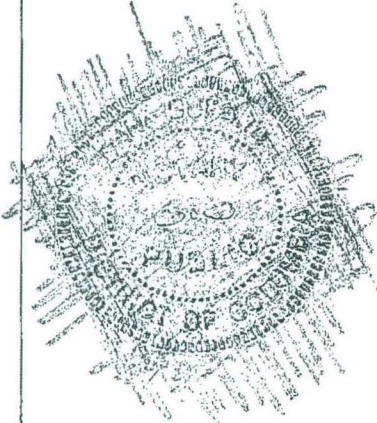


Exhibit "A"



SIGNATURE PAGE TO SPECIAL WARRANTY DEED

NACO-PERRIN INVESTMENT VENTURE, a Texas  
Joint Venture

By: Pearl Z. Shapiro  
Pearl Z. Shapiro, as Co-Independent Executrix of  
The Estate of Carol Znilek, Deceased, Joint  
Venturer Shapiro

STATE OF VA §

COUNTY OF Fairfax §

This instrument was acknowledged before me this \_\_\_\_ day of November, 2005, by  
Pearl Z. Shapiro, as Co-Independent Executrix of The Estate of Carol Znilek, Deceased, as Joint  
Venturer of NACO-PERRIN INVESTMENT VENTURE, a Texas Joint Venture, on their  
behalf.

Maryam Verno  
Notary Public, State of VA  
My Commission Expires: 08-31-2008

AFTER RECORDING, RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Embossed Hereon is My  
Commonwealth of Virginia Notary Public Seal  
My Commission Expires August 31, 2008  
MARYAM VERNO

1

BEING 2.342 acres of land out of Lot 1, Block 6, New City Block 16153, PERRIN PLAZA SUBDIVISION UNIT 1, recorded in Volume 7100, Pages 61-62, Deed and Plat Records of Bexar County, Texas, said 2.342 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found on the East right-of-way line of Burt Drive, said iron pin being the Southwest corner of said Lot 1, Block 6, New City Block 16153 and the herein described tract;

THENCE North 2 degrees 46'10" West 276.35 feet along the West right-of-way line of Burt Drive to the point of curvature of a curve whose radius point bears North 87 degrees 13'50" East 25.00 feet and whose interior angle is 86 degrees 22'02";

THENCE in a Northeasterly direction along the arc of said curve go 37.68 feet to the point of reverse curvature of a curve whose radius point bears North 6 degrees 24'08" West 843.00 feet and whose interior angle is 10 degrees 25'44", said point being on the Southeast right-of-way line of Naco-Perrin Boulevard;

THENCE in a Northeasterly direction along the arc of said curve and Southeast right-of-way line of Naco-Perrin Boulevard, go 153.44 feet to a point for corner;

THENCE South 23 degrees 23'22" East 148.84 feet to a point for corner;

THENCE North 66 degrees 36'38" East 205.33 feet to a point on the Southwest right-of-way line or Roszell Drive for corner;

THENCE South 31 degrees 25'52" East 31.51 feet along the Southwest right-of-way line of said Roszell Drive to the point of curvature of a curve whose radius point bears South 58 degrees 34'08" West 486.90 feet and whose interior angle is 14 degrees 07'01";

THENCE in a Southeasterly direction along the arc of said curve and Southwest right-of-way of Roszell Drive go 119.97 feet to a point on the arc of a curve whose radius point bears North 29 degrees 11'22" West 1143.00 feet and whose interior angle is 24 degrees 54'58"; said point being the Southeast corner of the herein described tract;

THENCE in a Southwesterly direction along the arc of said curve go 497.05 feet to the point of beginning and containing 2.343 acres of land, 102029.321 square feet.

EXHIBIT "A"

Doc# 20050261949  
# Pages 10  
11/09/2005 09:58:41 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK  
  
Fees 48.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
11/09/2005 09:58:41 AM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerry Rickhoff*



