

AN ORDINANCE 2018-05-17-0364

**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 0.132 acres out of NCB 835 from "FBZD SD HE RIO-2 AHOD" Form Based Zone Specialized District Historic Exceptional River Improvement Overlay Airport Hazard Overlay District to "FBZD T5-1 HE RIO-2 AHOD" Form Based Zone Transect 5-1 Historic Exceptional River Improvement Overlay Airport Hazard Overlay District.

**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 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.

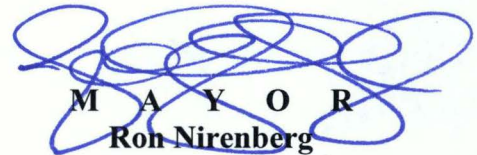
**SECTION 5.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and

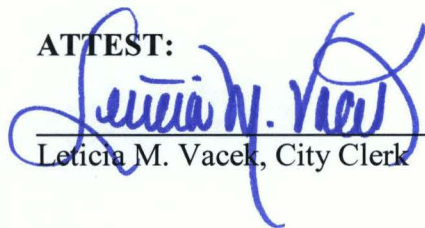
provided for in Section 35-491.

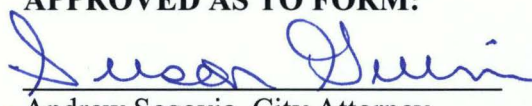
**SECTION 6.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 7.** This ordinance shall become effective May 27, 2018.

**PASSED AND APPROVED** this 17<sup>th</sup> day of May 2018.

  
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>	<b>Z-1 ( in consent vote: 25, Z-1, Z-2, Z-5, P-2, Z-7, Z-9, Z-10, Z-11, P-3, Z-12, Z-14, Z-15, Z-16, Z-18, Z-19, P-4, Z-20 )</b>						
<b>Date:</b>	05/17/2018						
<b>Time:</b>	02:12:54 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2018160 (Council District 1): Ordinance amending the Zoning District Boundary from "FBZ SD HE RIO-2 AHOD" Form Based Zone Specialized District Historic Exceptional River Improvement Overlay Airport Hazard Overlay District to "FBZ T5-1 HE RIO-2 AHOD" Form Based Zone Transect 5-1 Historic Exceptional River Improvement Overlay Airport Hazard Overlay District on 0.132 of an acre out of NCB 835, located at 1201 North Saint Mary's Street. Staff and Zoning Commission recommend Approval.						
<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			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				

SG/lj  
05/17/2018  
Item No. Z-1

# **EXHIBIT “A”**



Z2018160

**SouthCentral Surveyors of Texas**

1514 S. Presa, San Antonio, Texas, 78210  
PH: 210.534.6700 Fax: 210.534.9673

**FIELD NOTES FOR  
0.132 OF AN ACRE  
TRACT OF LAND**

December 18, 2007

Being a 0.132 of an acre tract of land, being a portion of Lot A2, Block 15, New City Block 835, the same land described in Deed to McKenna-Garris Investments, recorded in Volume 4103, Page 317, Real Property Records of Bexar County, Texas, and being more particularly described as follows:

**BEGINNING:** at a  $\frac{1}{2}$ " iron rod found, on the north right of way of N. St. Mary's, said iron rod being a southwesterly corner of Lot 9, Block 14, New City Block 849, Central Catholic and Providence High Schools Subdivision recorded in Volume 8000, Page 10, Deed and Plat Records of Bexar County, Texas, for the Southeast corner of this tract;

**THENCE:** S  $56^{\circ}43'56''$  W, along the north right of way of said N. St. Mary's, a distance of 68.69 feet to a lead plug, for the Southwest corner of this tract;


**THENCE:** N  $33^{\circ}41'10''$  W, along the east right of way of Brooklyn Ave., a distance of 112.11 feet to a  $\frac{1}{4}$ " iron rod set, being a westerly corner of said Central Catholic and Providence High Schools Subdivision, for the Northwest corner of this tract;

**THENCE:** N  $56^{\circ}26'16''$  E, a distance of 48.16 feet to a  $\frac{1}{2}$ " iron rod set, being an interior corner of said Central Catholic and Providence High Schools Subdivision, for the Northeast corner of this tract;

**THENCE:** S  $32^{\circ}41'41''$  E, a distance of 72.49 feet to a  $\frac{1}{2}$ " iron rod set, being an interior corner of said Central Catholic and Providence High Schools Subdivision, for an angle point of this tract;

**THENCE:** S  $62^{\circ}14'08''$  E, a distance of 45.57 feet to the **POINT OF BEGINNING** and containing 0.132 acres tract of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas

  
Peter A. Aguirre, R.P.L.S.  
Registration No. 5464  
Job 7-4029-049

A drawing of even job number and date was also prepared



EXH. "A"

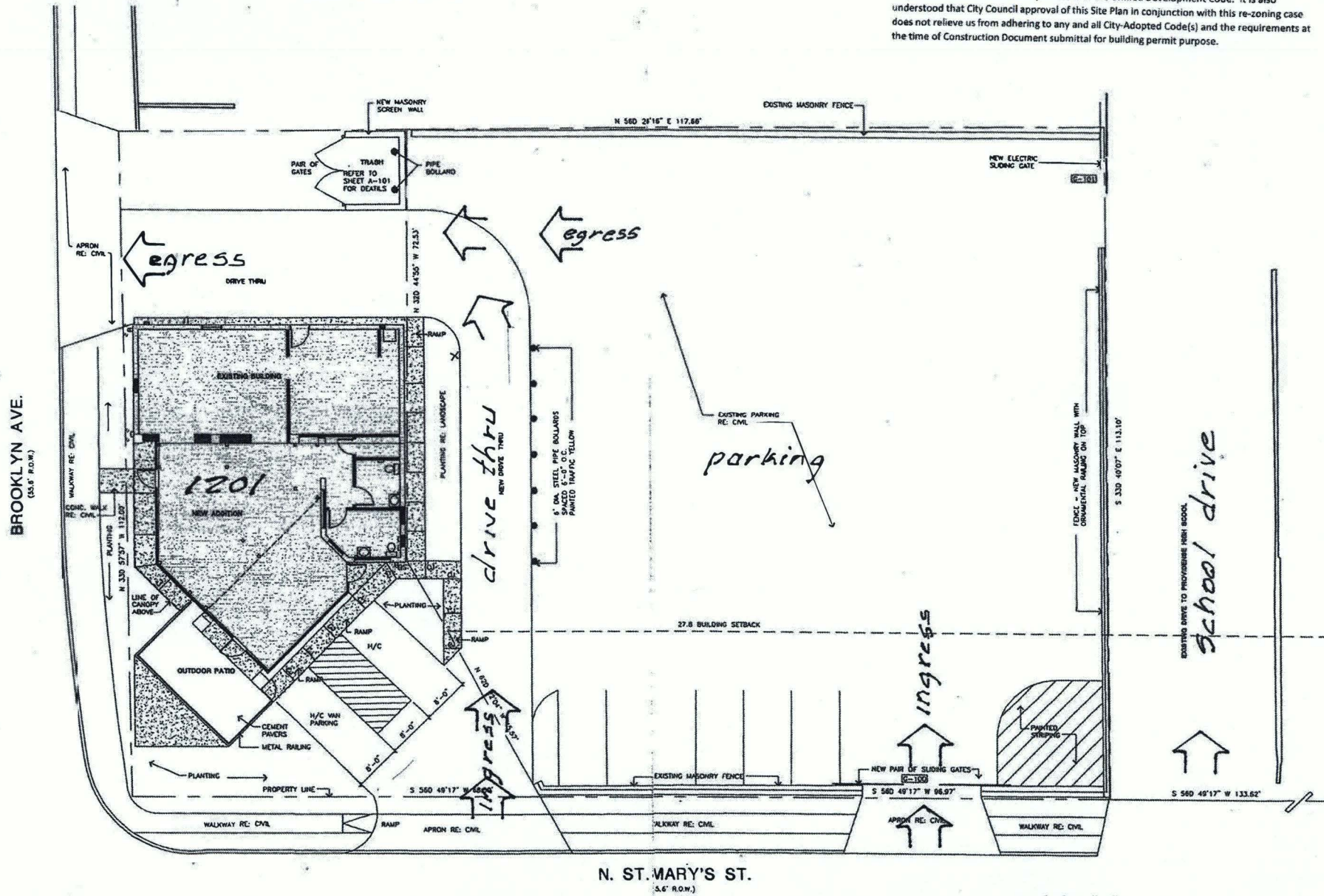
Exhibit "A"

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# **EXHIBIT “B”**

Z2018160

I Benito Polendo, as an agent of the property Owner (Luis Oseguera Kernion), acknowledge that this Conceptual Site Plan is being submitted for the purpose of rezoning the above referenced property in accordance with the provisions of the Unified Development Code. It is also understood that City Council approval of this Site Plan in conjunction with this re-zoning case does not relieve us from adhering to any and all City-Adopted Code(s) and the requirements at the time of Construction Document submittal for building permit purpose.



# 1 SITE PLAN



Exhibit "B"

SHEET TITLE	
ST. MARY'S COFFEE SHOP	
1201 N. ST. MARY'S ST.	SAN ANT
DATE: 1/2/2018	REVISION:
DRAWN BY:	CHECKED BY: