

AN ORDINANCE 2019-01-17-0061

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 4.877 acres out of NCB 12162 and NCB 12163 from "C-2 MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District to "C-2 CD MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District with 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 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.

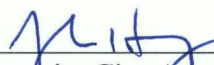
SECTION 7. This ordinance shall become effective January 27, 2019.

PASSED AND APPROVED this 17th day of January 2019.


M A Y O R
Ron Nirenberg

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney
For

Agenda Item:	Z-16 (in consent vote: Z-2, Z-3, Z-4, Z-5, P-1, Z-6, Z-7, Z-8, Z-9, Z-12, P-3, Z-14, P-4, Z-15, Z-16, Z-18, Z-19, P-5, Z-20, P-6, Z-21, Z-27, P-9, Z-28, Z-29, Z-30, Z-32, Z-33, Z-34, Z-35, Z-37, Z-38, Z-39, P-10, Z-40, Z-41, Z-44, Z-45, Z-46, Z-47, P-11, Z-49, Z-50, Z-51)						
Date:	01/17/2019						
Time:	02:22:27 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z-2018-900026 CD (Council District 2): Ordinance amending the Zoning District Boundary from "C-2 MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District to "C-2 CD MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales (Full Service) on 4.877 acres out of NCB 12162 and NCB 12163, located at 2135 Austin Highway. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Art A. Hall	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				

EXHIBIT “A”

Z-2018-900026 CD

SURVEYOR'S CERTIFICATION

To: Anthony Properties Management, Inc., a Texas corporation and/or its assigns, Palm Harbor Homes, Inc., a Texas corporation, A.P. Realty, Inc. ("Lender"), First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standards and Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005. Pursuant to the accuracy standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Texas, the relative positional accuracy of this survey does not exceed that which is specified therein.

Date: February 12, 2009

Raymond V. Glasscock
 Raymond V. Glasscock
 Registered Professional Land Surveyor
 Registration No. 6012

The property surveyed and shown hereon is the same property as described in First American Title Insurance Company title commitment no. 06R33278 CH3, effective January 21, 2009, issued January 20, 2009.

SITE

LOCATION PLAN

NOTES

1. SURVEY MERIDIAN FROM PREVIOUS PROPERTY SURVEYS.
2. BEARINGS DERIVED FROM PREVIOUS SURVEYS FOR PRIOR DEEDS.
3. THE SITE HAS ACCESS TO AUSTIN HIGHWAY, WHICH RIGHT-OF-WAY LINE EXTENDS TO THE PROPERTY LINE AT THE POINT OF BEGINNING INDICATED HEREON.
4. ALL DIMENSIONS ARE IN ALTA/ACSM REQUIREMENT DIMENSIONS.
5. THIS PLAN HAS BEEN PREPARED FOR TITLE PURPOSES ONLY.
6. TOTAL LOT AREA = 210,473.21 SQUARE FEET (4.872 ACRES).
7. THERE IS NO EVIDENCE OF ANY CHANGES IN STREET RIGHT-OF-WAY LINES. NOR ARE ANY SUCH RIGHT-OF-WAY CHANGES PROPOSED AT THIS TIME.
8. ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS UNLESS OTHERWISE SHOWN.

RECORD LEGAL DESCRIPTION

Being a tract of land containing a 0.76 acre known as Tract "F", N.C.D., 1968, City of San Antonio, Bexar County, Texas, being out of the San Antonio Subdivision Survey No. 131 and being part of the land conveyed by Warranty Deed to said land by said dated September 11, 1974, and recorded in the said records of Bexar County, Texas in Volume 587, Page 324, and being more particularly described by survey and course as follows to-wit:

B. B. 0.51 for the southwest corner of this tract being N. 40°10' N. 43.0 feet from the original southwest corner of said tract recorded in Volume 587, Page 324.

Thence N. 40°10' 00" E. at 152.3 feet to an iron pin set on line for reference, a total distance of 560.0 feet to a point in Salado Creek for the northwest corner of this tract.

Thence with said Salado Creek, N. 36°53'00" E. a distance of 435.77 feet to a point in said Salado Creek for the north most corner of this tract of land.

Thence N. 89°50'00" E. at 203.06 feet to an iron pin for reference, a total distance of 553.86 feet to an iron pin for an interior angle point to the north most property line of this tract of land.

Thence N. 49°10' 37" E. a distance of 125.37 feet to an iron pin for the northeast west corner of this tract of land.

Thence S. 40°50' 00" E. a distance of 175.8 feet to an iron pin on the northeast line of Austin Highway for the southeast corner of this tract of land.

Thence with the northeast line of Austin Highway S. 49°10' 37" E. 48.50 feet to the point of beginning and containing a 0.76 acre of land more or less, and being more particularly bounded and described as follows.

AS-SURVEYED LEGAL DESCRIPTION

431 One Certain 194 of parcel of ground situated in the City of San Antonio, County of Bexar, State of Texas, bounded and described as follows: Beginning at a point located on the north right-of-way line of Austin Highway, said point being visible south sixty degrees three minutes and twenty-four seconds west (S 60°53'24" W) a distance of four hundred fourteen and seventy-nine hundredths feet (113.79') from a point located at the intersection of the projected centerline of Lank Drive with the centerline of aforementioned Austin Highway, thence from the place of beginning, north forty degrees three minutes and no seconds west (N 40°53'00" W) for a distance of two hundred sixty-four and no hundredths feet (264.00') to a point, thence through a portion of Salado Creek, north thirty-five degrees fifty-three minutes and four seconds east (N 35°53'04" E) for a distance of four hundred thirty-five and seventy-eight hundredths feet (435.78') to a point, thence north eighty-nine degrees five minutes and no seconds east (N 89°50'00" E) for a distance of one hundred thirty-three and one hundredths feet (133.01') to a point, thence north forty-nine degrees ten minutes and thirty-seven seconds east (N 49°10'37" E) for a distance of one hundred twenty-five and thirty-seven hundredths feet (125.37') to a point, thence south thirty degrees thirty minutes and no seconds east (S 30°30'00" E) for a distance of one hundred seventy-five and no hundredths feet (175.80') to a point, thence along the aforementioned north right-of-way line of Austin Highway, south forty-nine degrees two minutes and no seconds west (S 49°10'37" W) for a distance of forty-eight and five hundredths feet (48.50') to the place of beginning.

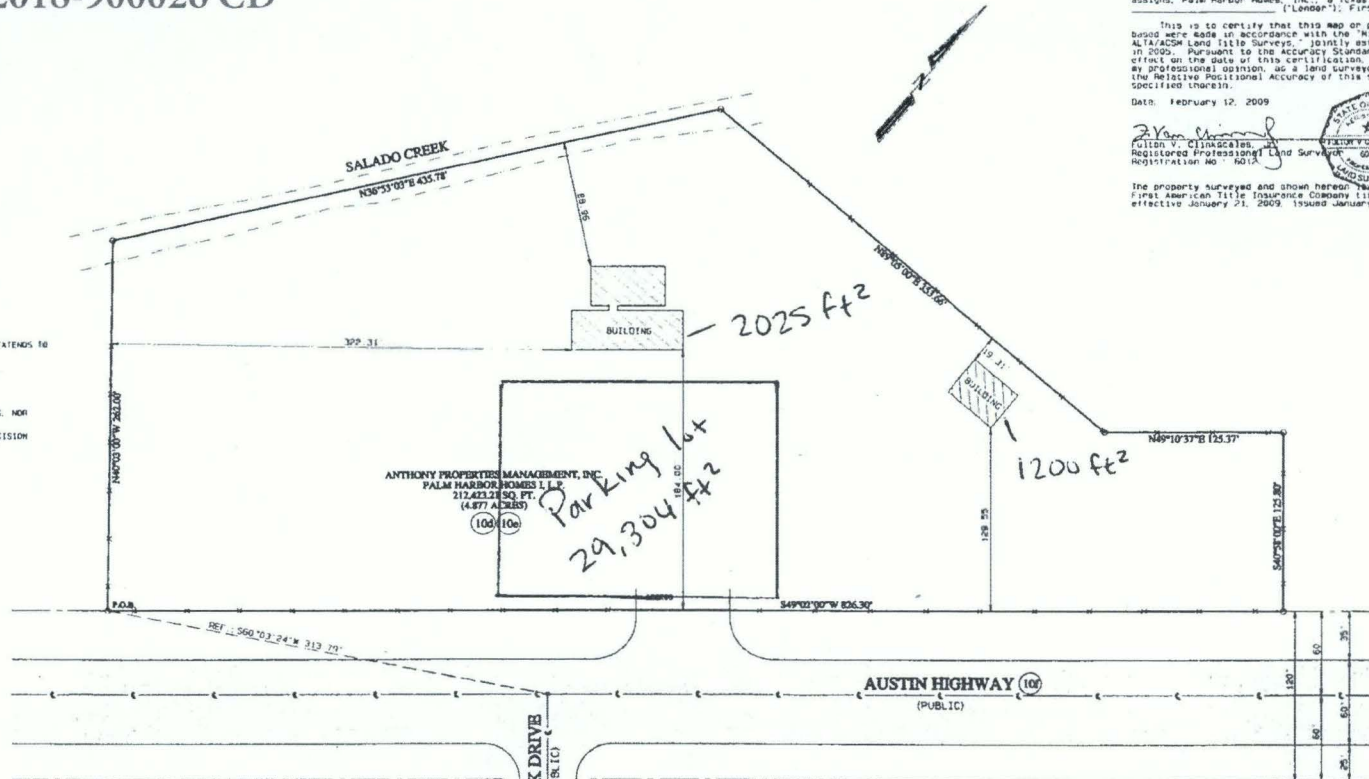
Containing 210,473.21 Square Feet (4.872 Acres).

ANTHONY PROPERTIES MANAGEMENT, INC.
 PALM HARBOR HOMES I, L.P.
 CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

APPLICABLE EXCEPTIONS SHOWN ON FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 06R33278 CH3 - SCHEDULE B
 EFFECTIVE JANUARY 21, 2009, ISSUED JANUARY 20, 2009

- (100) Rights of parties in possession and rights of tenants under any unrecorded leases or rental agreements. Shown in nature.
- (101) All visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by law declared in nature.
- (102) Rights, if any, of third parties with respect to any portion of the subject property lying within the boundaries of a public or private road. Plotted.

The property surveyed and shown hereon is the same property as described in First American Title Insurance Company title commitment no. 06R33278 CH3, effective January 21, 2009, issued January 20, 2009.



- LEGEND**
- Corner Monument (Iron Pin except if noted)
 - Post
 - Fence
 - Overhead Electric Wire
 - Paved Area
 - Corner Area
 - Building Area
 - Centerline
 - Reference Course & Distance
 - Point of Beginning



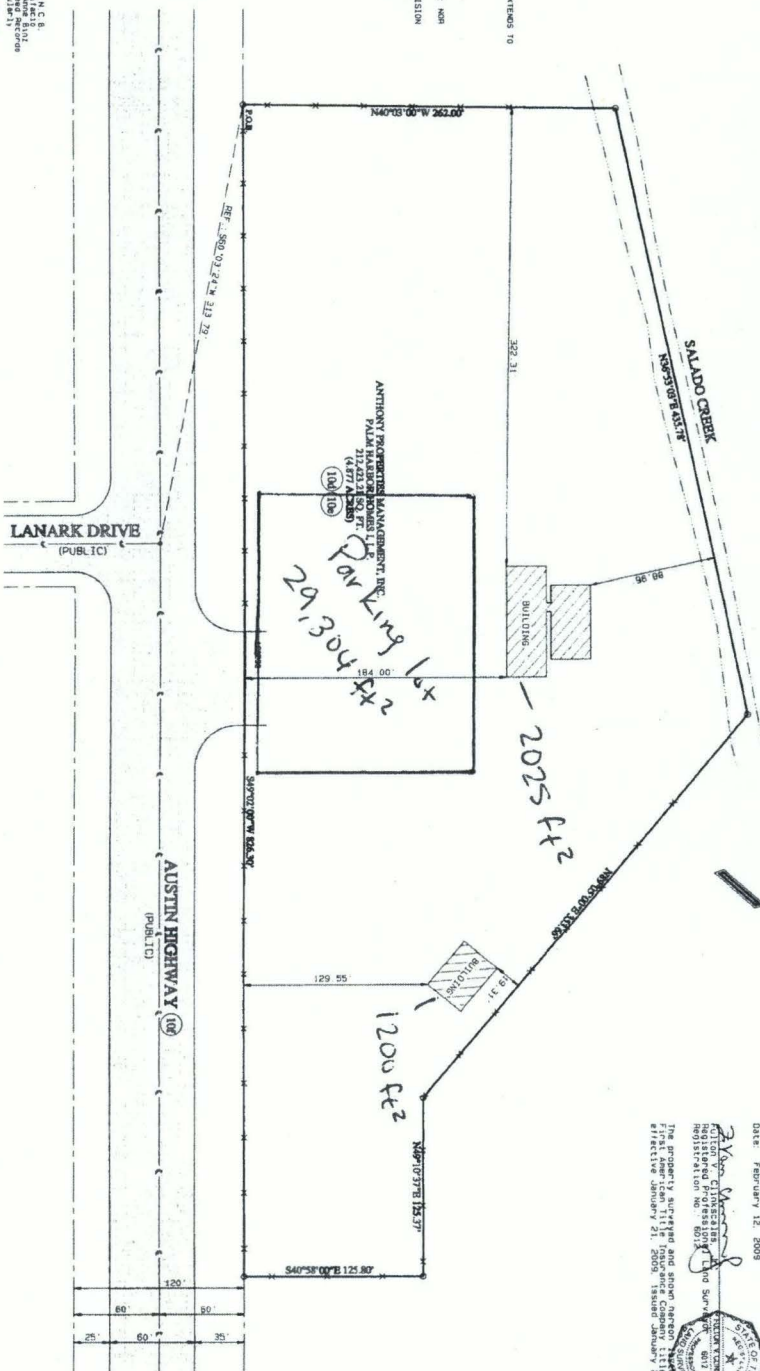
I, Brian Shiu Vice President of Development at Anthony Properties, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval 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.

ANTHONY PROPERTIES MANAGEMENT, INC. PALM HARBOR HOMES I, L.P. 2133 Austin Highway San Antonio, TX		412 West Market Street P.O. Box 287 Pottsville, PA 17801 Telephone: (717) 622-2878 Fax: (717) 622-1118 www.nationwidelandstandardservices.com	
Nationwide LAND SERVICES, LLC		DATE: 2/12/09 SCALE: 1" = 40'	
Situates in the City of San Antonio Bexar County, TX		DWN BY: CMB CHKD BY: ALJ	
Boundary Survey		DRAWING NO. AP-106	

Exhibit "A"

EXHIBIT “B”

1. SAFETY: MEDICAL RECORD PROVIDES SUPPORTIVE SERVICES.
2. READING: MEDICAL RECORD PROVIDES SUPPORT FOR ALLIED DEPTS.
3. THE SITE HAS ACCESS TO ASCII FORMAT, WHICH POINT-TO-POINT LINE EXTENDS TO THE EQUIPMENT USED AT THE POINT OF ACCESS (PULSED MEDIAN).
4. ALL DIMENSIONS ARE IN ALTA/CHN REQUIREMENT DIMENSIONS.
5. THIS PLAN HAS BEEN PREPARED FOR TITLE PURPOSES ONLY.
6. TOTAL LOT AREA = 212.4321 SQUARE FEET (14.87 ACRES)
7. HEIGHT AND PITCH: 212.4321 SQUARE FEET (14.87 ACRES)
8. ALL FIELD REQUIREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/CHN SPECIFICATIONS (DENSE OVERLAPMENT SHOWN)

[illegible][illegible]

ANTHONY PROPERTIES MANAGEMENT, INC.
CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS
EXEMPTIONS

APPLICABLE EXEMPTION NUMBER AND FEDERAL AGENCY TITLE: INSURANCE COMPANY
EFFECTIVE JANUARY 21, 2009 TO JANUARY 20, 2009

(12) Rights of possession, management and control of the property in nature of
lease or rental agreement. Blanket in nature.

(13) Rights of possession, management and control of the property in nature of
lease or rental agreement, of water and all accompanying easements or
rights in nature. Blanket in nature.

(14) Rights in nature of other parties with respect to any portion of the land and not
blanket in nature.

Exhibit "B"



LEGEND

○ - CORNER MEASUREMENT
- - - - - (NON P.V. EXCEPT IF NOTED)
B - P.P.
X - OVERHEAD ELECTRIC WIRE
E - PEAVD AREA
- - - - - CONCRETE AREA
- - - - - BUILDING AREA
- - - - - CATERING
- - - - - REFERENCE COURSE & DISTANCE

ANTHONY PROPERTIES MANAGEMENT, INC.	
PALM HARBOR HOMES L.L.P.	
2135 Austin Highway San Antonio, TX	
A12 West Main Street Martinez, CA 94553 Phone: (925) 938-3019 Fax: (925) 932-1118 www.a12properties.com	
DATE: 2/12/09	TIME: BY: M/J
SCALE: 1" = 40'	DATE BY: M/J
Shtake Hatch City of San Antonio	
BRANDING: NO	
Banding Survey	
AP-106	