

AN ORDINANCE 2019-04-18-0338

**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 0.478 acres out of NCB 617 from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "IDZ-2 AHOD" Medium Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Bar and/or Tavern without cover charge 3 or more days per week.

**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 approves this Infill Development Zone 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 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 inspection.

**SECTION 6.** This ordinance shall become effective April 28, 2019.


**PASSED AND APPROVED** this 18<sup>th</sup> day of April, 2019.

  
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-5 ( in consent vote: P-1, Z-3, Z-4, Z-5, Z-6, Z-8, Z-9, Z-11 )</b>						
<b>Date:</b>	04/18/2019						
<b>Time:</b>	02:15:51 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z-2019-10700019 (Council District 2): Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "IDZ-2 AHOD" Medium Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Bar and/or Tavern without cover charge 3 or more days per week on 0.478 acres out of NCB 617, located at 419 South Hackberry 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	
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”**



## METES AND BOUNDS

Being 0.048 acres of land, more or less, out of Lot 27, Block 20, New City Block 617, situated in the City of San Antonio, Bexar County, Texas, and being the same property described in General Warranty Deed recorded in Document No. 20190000221 of the Official Public Records of Bexar County, Texas, said 0.048 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found for the northwest corner of this 0.048 acres, same being the northeast corner of Lot 26, and on the South Right-of-Way line of Dashiell Street, same also being the **POINT OF BEGINNING**;

**THENCE** along the South Right-of-Way line of said Dashiell Street, North 90 degrees 00 minutes 00 seconds East (assumed bearing), a distance of 46.29 feet to a set mag nail for the northeast corner of this 0.048 acres, same being at the intersection of the South Right-of-Way line of said Dashiell Street and the West Right-of-Way line of S. Hackberry Street;

**THENCE** along the South Right-of-Way line of said S. Hackberry Street, South 00 degrees 00 minutes 00 seconds East, a distance of 45.00 feet to a set "x" on a concrete curb for the southeast corner of this 0.048 acres, same being the northeast corner of the Business Consultant, Inc. tract (Volume 14941, Page 905);

**THENCE** along the line common to this 0.048 acres and said Business Consultant, Inc. tract, North 90 degrees 00 minutes 00 seconds West, a distance of 46.29 to a point for the southwest corner of this 0.048 acres, same being the northwest corner of and said Business Consultant, Inc. tract, same being on the East line of said Lot 26;

**THENCE** along the line common to this 0.048 acres and said Lot 26, North 00 degrees 00 minutes 00 seconds West, a distance of 45.00 feet to the **POINT OF BEGINNING**, and containing 0.048 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. 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  
December 17, 2018



Exhibit "A"

# **EXHIBIT “B”**

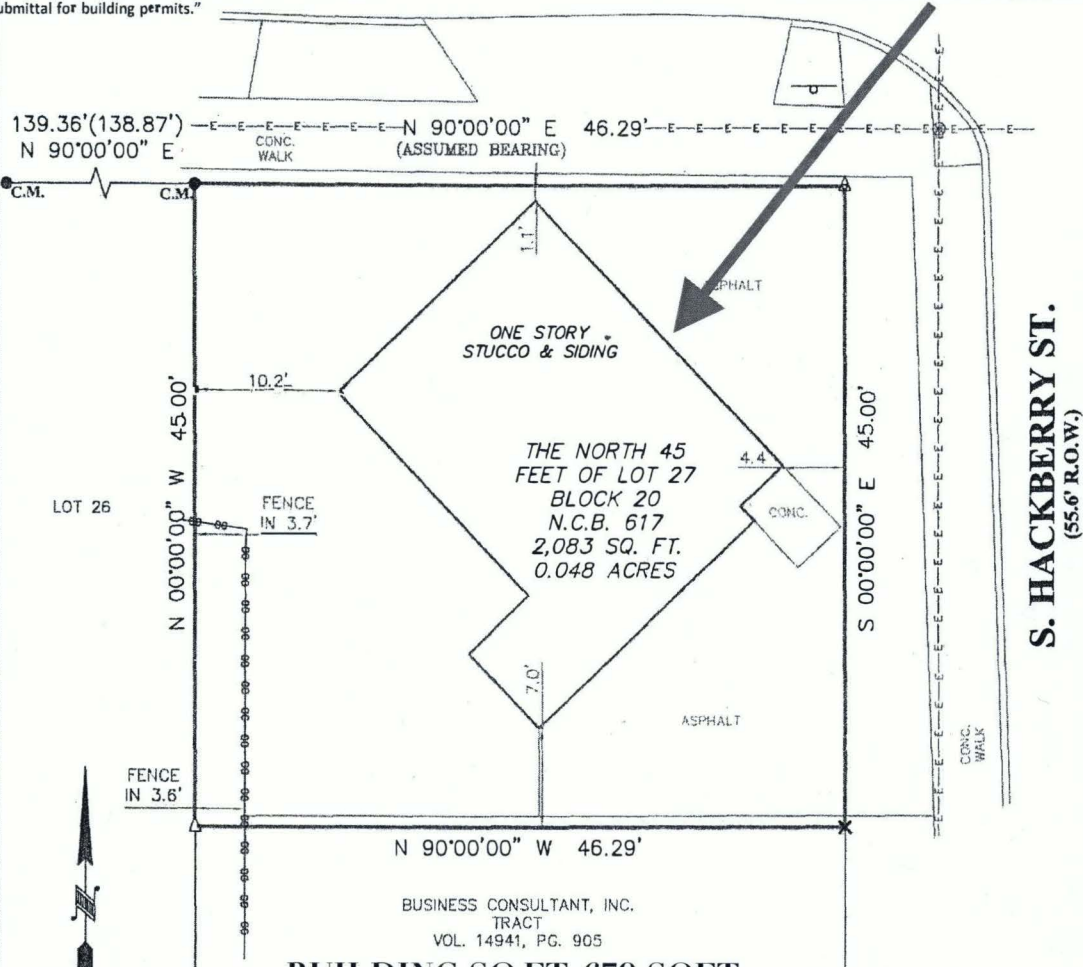


Michael A. Perez, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted Code at the time of plan submittal for building permits."

**DASHIELL ST.**  
(50' R.O.W.)

**Z-2019-10700019**

**INGRESS/EGRESS**



**S. HACKBERRY ST.**  
(55.6' R.O.W.)

BUSINESS CONSULTANT, INC.  
TRACT  
VOL. 14941, PG. 905

**BUILDING SQ.FT: 679 SQFT**

**COMMERCIAL USES FOR:**

**ICEHOUSE/BAR/TAVERN & FOOD**

**Exhibit "B"**

SCALE: 1"=10'

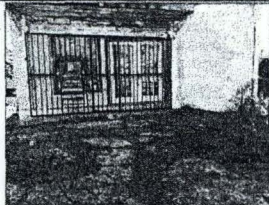
NOTE:  
NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE:  
THE BEARINGS SHOWN HEREON ARE ASSUMED.

THIS SURVEY IS  
ACKNOWLEDGED AND  
IS ACCEPTED:

12/21/18  
12/21/18  
ACP

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 450222, Panel No. 0415 S, which is Dated 05/29/2010. By acting from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://msa.fema.gov/portal>.



**Property Address: 419 S. HACKBERRY ST.**

**Property Description:** THE NORTH 45 FEET OF LOT 27, BLOCK 20, NEW CITY BLOCK 617, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; THE PROPERTY HEREBY CONVEYED HAVING A FRONTAGE ON THE WEST LINE OF SOUTH HACKBERRY STREET OF 45 FEET, A DEPTH BETWEEN PARALLEL LINES ALONG SOUTH LINE OF DASHIELL STREET OF 46.29 FEET TO THE EAST LINE OF LOT 26, IN THE SAME NEW CITY BLOCK 617, SAID PROPERTY BEING KNOWN AS 419 SOUTH HACKBERRY STREET, AND BEING THE SAME PROPERTY CONVEYED BY SOUTHERN-HENKE ICE & STORAGE CO. TO C.W. LANDER BY DEED DATED March 11, 1946, OF RECORD IN VOLUME 2203, PAGE 504, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

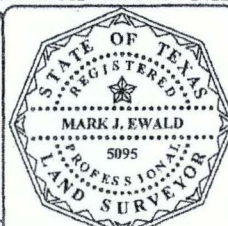
**Owner: MICHAEL PEREZ AND ANGELA CHARRY PEREZ**

FIRM REGISTRATION NO.  
1011700

**Westar Alamo**

LAND SURVEYORS, LLC.  
P.O. BOX 1645 BOERNE, TEXAS 78006  
PHONE (210) 372-9500 FAX (210) 372-9999

- LEGEND**
- ▲ - CALCULATED POINT
  - - FND 1/2" IRON ROD
  - ( ) - RECORD INFORMATION
  - B.S. - BUILDING SETBACK
  - C.M. - CONTROLLING MONUMENT
  - ✕ - SET "X" ON CONC. CURB
  - SET MAG NAIL
  - OVERHEAD ELECTRIC
  - POWER POLE
  - SIGN
  - CHAIN LINK FENCE



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD  
Registered Professional Land Surveyor  
Texas Registration No. 5095

G.F. NO. 18- 387746-AH JOB NO. 186723

DRAWN BY: JB  
TITLE COMPANY: CAPITAL TITLE

DATE: 12/17/2018