

ORDINANCE 2021-05-20-0385

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 13.102 acres out of NCB 16567 from "C-3 MLOD-3 MLR-2 AHOD" General Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 CD MLOD-3 MLR-2 AHOD" General Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service or Storage and "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service or Storage.

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

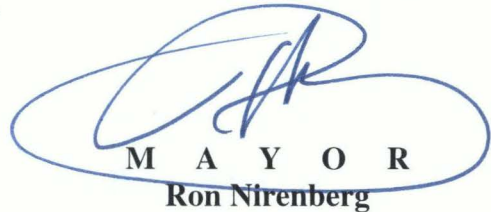
for all purposes.

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 30, 2021.


PASSED AND APPROVED this 20th day of May, 2021.


M A Y O R
Ron Nirenberg

ATTEST:


Tina J. Flores, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council

May 20, 2021

Item: Z-7

Enactment Number:

File Number: 21-3614

2021-05-20-0385

ZONING CASE Z-2021-10700047 CD (Council District 2): Ordinance amending Zoning District Boundary from "C-3 MLOD-3 MLR-2 AHOD" General Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 CD MLOD-3 MLR-2 AHOD" General Commercial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service or Storage and "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service or Storage on 13.102 acres out of NCB 16567, located at 9702 Interstate 10 East. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment PA-2021-11600011)

Councilmember John Courage made a motion to approve. Councilmember Rebecca Viagran 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
05/20/2021
Item No. Z-7

Exhibit “A”



SOUTH TEXAS ENGINEERING, INC.

4606 CENTERVIEW DRIVE, SUITE 110
SAN ANTONIO, TEXAS 78228-1798
TEL (210) 736-2646
FAX (210) 736-2359

Z2021-10700047 CD

PROPERTY DESCRIPTION
OF

STATE OF TEXAS
COUNTY OF BEXAR

A 3.535 ACRE (154,406 SQUARE FEET) TRACT OF LAND AS DESCRIBED BY DEED RECORDED IN VOLUME 1843, PAGE 109, DEED RECORDS, BEXAR COUNTY, TEXAS AND BEING OUT OF A 13.098 ACRE TRACT AS DESCRIBED BY DEED FROM CLARENCE E. LUMLEY AND WIFE, DONNA E. LUMLEY TO DOUG BENNETT, DATED APRIL 10, 1968 AND RECORDED IN VOLUME 5947, PAGE 600, DEED RECORDS, BEXAR COUNTY, TEXAS; SAID 3.535 ACRE TRACT ALSO BEING OUT OF THE LUKE BUST SURVEY NO. 37, ABSTRACT NO. 45, N.C.B. 16567, SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: AT A 1" IRON PIPE FOUND IN THE SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 EAST, SAID POINT BEING A COMMON CORNER OF THE ABOVE REFERENCED 3.535 ACRE TRACT AND A 9.567 ACRE TRACT AS DESCRIBED BY DEED RECORDED IN VOLUME 4739, PAGE 411, DEED RECORDS, BEXAR COUNTY, TEXAS AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: N73°05'00"E., A DISTANCE OF 73.20 FEET ALONG THE SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 EAST TO A CONCRETE MONUMENT FOUND FOR AN ANGLE POINT IN THE HEREIN DESCRIBED TRACT;

THENCE: CONTINUING ALONG THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 10 EAST, N79°22'00"E., A DISTANCE OF 276.00 FEET TO AN IRON PIN FOUND FOR THE NORTHWEST CORNER OF THE BEFORE MENTIONED 13.098 ACRE TRACT AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: DEPARTING THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 10 EAST, S15°30'35"W., A DISTANCE OF 951.00 FEET ALONG THE WEST LINE OF SAID 13.098 ACRE TRACT TO AN IRON PIN FOUND FOR THE SOUTHEAST OF THE HEREIN DESCRIBED TRACT;

THENCE: N74°22'00"W., A DISTANCE OF 110.00 FEET ALONG THE SOUTH LINE OF THE BEFORE MENTIONED 13.098 ACRE TRACT TO A CHAIN LINK FENCE POST FOUND IN THE EAST LINE OF THE ABOVE REFERENCED 9.567 ACRE TRACT FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: N10°51'15"E., A DISTANCE OF 556.47 FEET ALONG SAID 9.567 ACRE TRACT TO A 1" IRON PIPE FOUND FOR AN ANGLE POINT IN THE HEREIN DESCRIBED TRACT;

THENCE: N17°53'30"W., A DISTANCE OF 281.75 TO THE POINT OF BEGINNING AND CONTAINING 3.545 ACRE (154,406 SQUARE FEET) TRACT OF LAND.

Hardit Singh
HARDIT SINGH, R.P.L.S. #4600
JOB NO. 9405029-00
UPDATED NOVEMBER 9, 1998

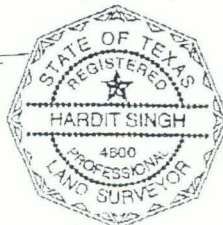


EXHIBIT "A"

VOL 9633 PG 1401

95- 0187327

SPECIAL WARRANTY DEED**STATE OF TEXAS }****KNOW ALL MEN BY THESE PRESENTS:****COUNTY OF BEXAR }**

That **BROADWAY NATIONAL BANK, Successor Trustee to NBC BANK, San Antonio, N.A., Trust Division, Trustee for BOBBIE N. BENNETT**, of the County of Bexar, and State of Texas, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)**, cash, and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have **GRANTED, SOLD and CONVEYED**, and by these presents do **GRANT, SELL AND CONVEY** unto **GEORGE S. NEVINS**, of the County of Bexar and State of Texas, all of the following described real property in Bexar County, Texas, to-wit:

Being 9.595 acres, more or less, out of Luke Bust Survey Number 37, Abstract Number 45, New City Block 16567, San Antonio, Bexar County, Texas, being more particularly described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes;

This conveyance is made subject to all and singular the restrictions, easements, conditions, covenants, assessments and mineral interests, if any, applicable to and enforceable against the above described property as shown by the records of said County;

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, his heirs and assigns, forever; and Grantor does hereby bind itself, its successors and/or assigns to **WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under Grantor, but not otherwise.

EXECUTED this 7th day of December, 1995.

**BROADWAY NATIONAL BANK, Successor
Trustee to NBC BANK, San Antonio, N.A.
Trust Division, Trustee for BOBBIE N.
BENNETT**

BY:

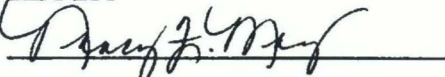
Title: *Asst. V. Pres.* **TRUST OFFICER**

Exhibit "A"

VOLUME 6617 PAGE 924

Mailing address of each grantee:

GEORGE S. NEVINS
3734 Walden Estates Drive
Montgomery, Texas 77356

STATE OF TEXAS }

COUNTY OF BEXAR }

This instrument was acknowledged before me on the ____ day of December, 1995, by .

Notary Public, State of Texas
Notary's printed name:

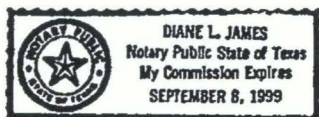
My commission expires:

(CORPORATE ACKNOWLEDGMENT)

STATE OF TEXAS }

COUNTY OF BEXAR }

This instrument was acknowledged before me on the 12 day of December, 1995
by Nancy F. May, ASST. V.P. & TRUST OFFICER
of BROADWAY NATIONAL BANK, Successor Trustee to NBC Bank, San Antonio, N.A. Trust
Division, Trustee for BOBBIE N. BENNETT.



Diane L. James
Notary Public, State of Texas
Notary's printed name:
DIANE L. James
My commission expires:
Sept. 8, 1999

AFTER RECORDING RETURN TO:

George S. Nevins
3734 Walden Estates Dr.
Montgomery, Texas
77356

PREPARED IN THE LAW OFFICE OF:

John F. Fuini, Jr.
Attorney At Law
1777 N.E. Loop 410, Suite 707
San Antonio, Texas 78217
Telephone (210) 828-5844
Telecopier (210) 828-5899

100-611-71 1990-925

FIELD NOTES

December 7, 1995

Being a 9.567 acre tract of land out of the Luke Bust Survey No. 37, Abstract No. 45, New City Block 16567, Bexar County, Texas, being the same 9.595 acre tract as described by deed recorded in Volume 4739, Page 411 of the Deed and Plat Records of Bexar County, Texas, said 9.567 acres of land being more particularly described as follows:

BEGINNING at an iron pipe found at the south R.O.W. line of Interstate Highway 10 East (IH 10 East) at the northerly common corner between a 3.545 acre tract of land as described by deed recorded in Volume 1843, Page 109 of the Deed and Plat Records of Bexar County, Texas, being North $73^{\circ}32'50''$ East, 73.19 feet to a Texas Highway Department monument, North $78^{\circ}15'27''$ East, 682.56 feet to a concrete monument found at the westerly cut-off corner at the intersection of the south R.O.W. line of said IH 10 East and the west R.O.W. line of Charles Anderson Loop 1604, said iron pipe being the most northerly corner of this tract;

THENCE, leaving the south R.O.W. line of said IH 10 East along the common line between said 3.545 acre tract and this tract as follows:

South, $17^{\circ}00'08''$ East, 281.29 feet partially along a fence line to a railroad spike found for a corner;

South, $11^{\circ}17'35''$ West, 558.41 feet along a fence to a fence post on the north line of a 57.914 acre tract of land known as Parcel P-22;

THENCE, North $73^{\circ}30'05''$ West, 575.68 feet along a fence along the common line between said Parcel P-22 and this tract to an iron pin found at the southerly common corner between a 3.2 acre tract of land known as Parcel P-25 and this tract;

THENCE, North $06^{\circ}15'39''$ West, 469.76 feet along the common line of said Parcel P-25 and this tract to an iron pin found on the south R.O.W. line of said IH 10 for a corner;

THENCE, North $73^{\circ}32'50''$ East, 657.22 feet along the south R.O.W. line of said IH 10 East to the **POINT OF BEGINNING** and containing 9.567 acres of land, more or less.

Gaylord E. Reaves
Registered Professional Land Surveyor
No. 3501

FN18607



1006617180926

Any provision herein which restricts the sale, rental, or use of the described real property because of race is invalid and unenforceable under Federal law.
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

DEC 15 1995



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Filed for Record in:
BEXAR COUNTY, TX
GERRY RICKHOFF, COUNTY CLERK

On Dec 14 1995

At 4:38pm

Receipt #: 185362
Recording: 7.00
Doc/Hgt: 6.00

Doc/Num : 95- 0187327

Deputy -Catherine Revilla

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SG
05/20/2021
Item No. Z-7

Exhibit “B”

ZONING-Z-2021-10700047

Rezoning from C-3 to C-3 CD

for Manufactured Home/

Oversize Vehicle Sales,

Service or Storage

20196.00 Oliver
Trucking
Enter address here

03/29/21
Bruce Bennett AIA, L3362
This document is a preliminary
drawing and may not be used for regulatory
approval, permit, or construction.

BENNETT BENNER
PARTNERS
ARCHITECTURE + INTERIORS + PLANNING

100 West Seventh Street, Suite 1000
Fort Worth, Texas 76102
Tel: 817.335.5661 Fax: 817.877.1951
www.bennettbenner.com

SD

Project No: 20196.00
Issue Date: 03/29/21
Rev Description Date

ARCHITECTURAL SITE
PLAN

AS100

1 PROPOSED SITE PLAN
1" = 40'-0"

"I, Andrew Oliver, 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 "B"