

AN ORDINANCE 2009-02-05-0098

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 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 0.27 of an acre out of Lot 27 and Lot 28, Block A, NCB 2873 from "I-1" General Industrial District to "C-2 CD" (CD- Auto Repair Facility) Commercial District with a Conditional Use for an Auto Repair Facility.

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. The outside storage of disabled vehicles and/or discarded automobile parts and supplies shall not be allowed.
- B. All vehicles located on the subject property must be currently licensed.
- C. No storage of junk vehicles shall be allowed.

- D. No vehicles shall be kept on premise for more than 60 days.
- E. All on-site lighting shall be directed onto the site using 90 degree or less cut-off fixtures.
- F. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 8:00 p.m.
- G. Adequate on-site parking for the existing auto repair facility and the proposed convenience store shall be provided.

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.

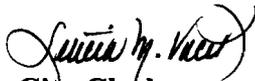
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective February 15, 2009.

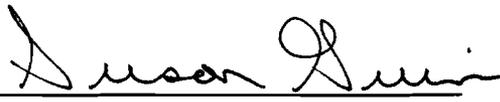
PASSED AND APPROVED this 5th day of February 2009.


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM: _____


for City Attorney

MARTINEZ
SURVEYING AND MAPPING Co.
8546 Broadway, Suite 225
San Antonio, Texas 78217
(210) 829-4244

Z2009023 CD

STATE OF TEXAS
COUNTY OF BEXAR

0.27 ACRE TRACT

All that certain tract or parcel of land containing 0.27 acres (11,715 sq. ft.) in the City of San Antonio, Bexar County, Texas, out of Lots 27 and 28, Block A, N.C.B. 2873.

Said 0.27 acre tract (11,715 sq. ft.), being more particularly described by metes and bounds as follows:

- BEGINNING: at a set spindle on the Southeast line of Nogalitos St. at the North corner of Lot 28 and same being the West corner of Lot 13, N.C.B. 10125, according to map or plat thereof recorded in Volume 3700, Page 257, Deed and Plat Records of Bexar County, Texas;
- THENCE: South 60 deg. 47 min. 00 sec. East, a distance of 94.76 feet along with the common line between said Lots 13 and 28 to a fence post found, for the East corner of this herein described tract;
- THENCE: South 32 deg. 21 min. 57 sec. West, a distance of 110.47 feet an "X" set in concrete on the existing Northeast line of Furnish, for the South corner of this herein described tract;
- THENCE: North 55 deg. 45 min. 57 sec. West, a distance of 109.96 feet to an "X" found in concrete, at the South corner of a 0.004 acre tract, of record in Volume 4587, Page 135, Real Property Records of Bexar County, Texas for a corner of this herein described tract;
- THENCE: North 05 deg. 29 min. 47 sec. West, a distance of 23.52 feet to an "X" found in concrete on the Southeast line of Nogalitos St. at the North corner of said 0.004 acre tract, for a corner of this herein described tract;
- THENCE: North 52 deg. 02 min. 22 sec. East, a distance of 88.27 feet to the POINT OF BEGINNING.

Bearing Basis – South 60 deg. 47 min. 00 sec. East – on the Southeast line of said Lot 13, of record in Volume 3700, Page 257, Deed and Plat Records of Bexar County, Texas.



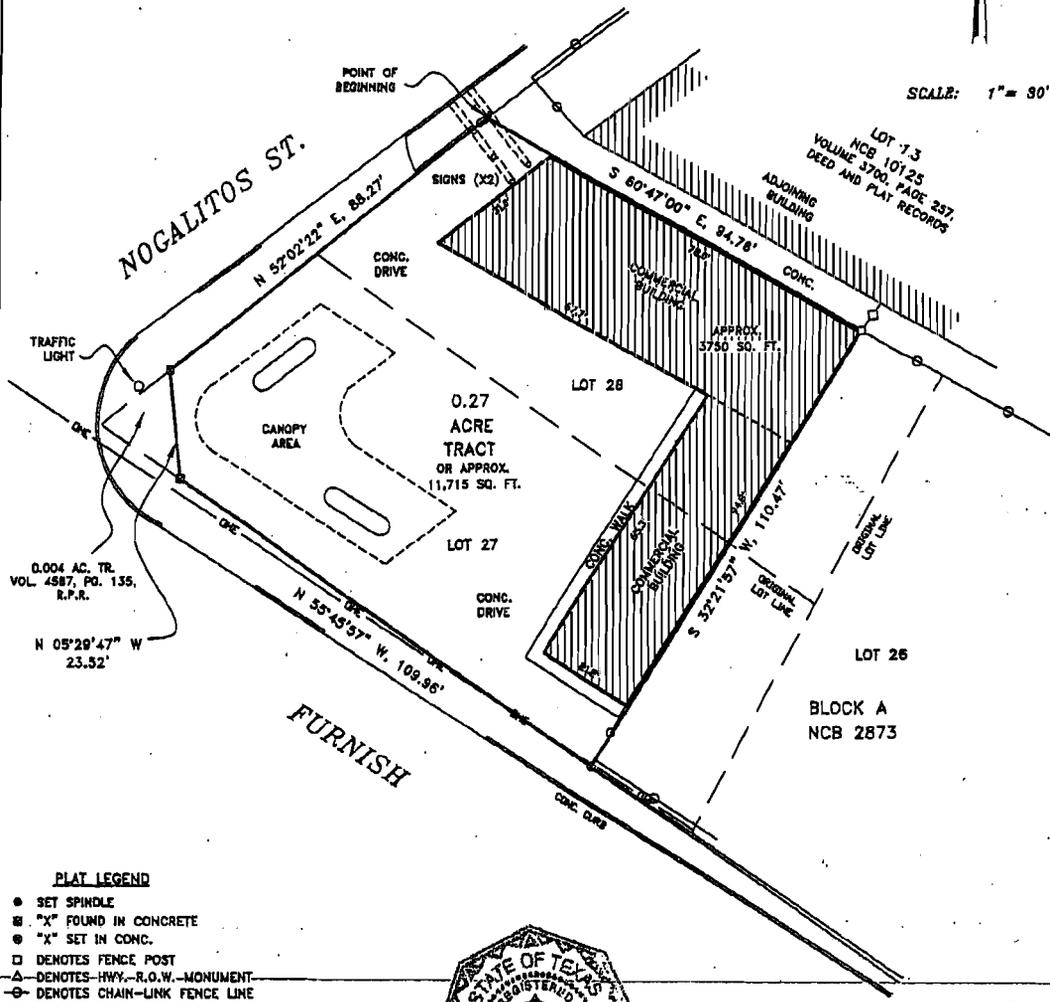

REYNALDO MARTINEZ JR.
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 5482
W. O. # 08-11-14
NOVEMBER 25, 2008
(SEE ATTACHED FIELD NOTES)

EXHIBIT A

Z2009023

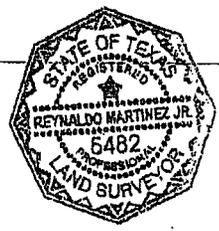


SCALE: 1" = 80'



0.004 AC. TR.
VOL. 4587, PD. 135,
R.P.R.
N 05°29'47" W
23.52'

- PLAT LEGEND**
- SET SPINDLE
 - "X" FOUND IN CONCRETE
 - ⊙ "X" SET IN CONC.
 - DENOTES FENCE POST
 - △ DENOTES HWY.-R.O.W.-MONUMENT
 - ⊖ DENOTES CHAIN-LINK FENCE LINE
 - ⊕ DENOTES BARR WIRE FENCE LINE
 - ⊗ DENOTES WOOD FENCE LINE
 - ⊘ DENOTES STEEL FENCE LINE
 - ⊙ DENOTES OVER HEAD ELECTRIC LINE
 - ⊕ DENOTES POWER POLE
 - ⊗ DENOTES METER POLE



**SURVEY PLAT
OF**

0.27 ACRES (11,715 SQ. FT.) IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF LOTS 27 AND 28, BLOCK A, N.C.B. 2873.

(SEE ATTACHED FIELD NOTES)

ADDRESS: 730 NOGALITOS ST.

CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

SURVEY FOR DE LA ROSA (O.F.) REFERENCE: NONE

DEED REFERENCE: VOLUME 6615, PAGE 682, DEED RECORDS

NOTE:

BEARING BASIS - S 60°47' E - FROM THE SW LINE OF LOT 13, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 3700, PAGE 257, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.



MARTINEZ
SURVEYING AND MAPPING CO.
8546 BROADWAY SUITE 225
SAN ANTONIO, TX, 78217
(210) 829-4244

STATE OF TEXAS
COUNTY OF BEXAR

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible encroachments or encroachments of buildings on adjoining property, and that all buildings are wholly located on this property except as shown above and that all pins have been located as indicated above on the date on this plat.

This 25th day of NOVEMBER, 20 08 A.D.

Reynaldo Martinez Jr.
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 5482

JOB No. 08-11-14



Zoning Case Notification Plan

Case Z2009-023 CD

Council District 5

Scale: 1" approx. = 100'

Subject Property Legal Description(s): 0.27 acres out of Lot 27 and Lot 28, NCB 2873, Blk A

Legend

- Subject Property (0.27 acres)
- 200' Notification Buffer
- Current Zoning I1
- Requested Zoning Change (C2 CD)
- 100-Year FEMA Floodplain



City of San Antonio
 Planning - Development Services Dept.
 12-10-2008
 D. E. Castillo