

AN ORDINANCE 2012-05-03-0338

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 Lot 3, Block 1, NCB 15053 save and except approximately 350 square feet known as Parcel 4 from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Sales.

SECTION 2. A description of the property recorded in Volume 9703, Page 1661 of the Official Public Record of Real Property of Bexar County, which is saved and excepted in Section 1 above, is attached as **Attachment "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 **Attachment "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.

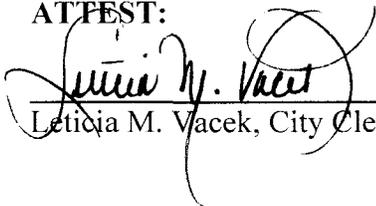
SECTION 7. This ordinance shall become effective May 13, 2012.

PASSED AND APPROVED this 3rd day of May 2012.



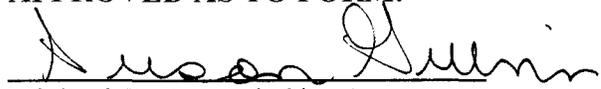
M A Y O R
Julián Castro

ATTEST:

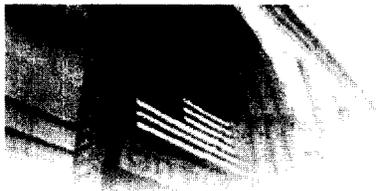


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for _____
Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - Z-9

Name:	Z-3, Z-7, Z-9						
Date:	05/03/2012						
Time:	02:10:55 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2012079 CD (District 7): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Sales on Lot 3, Block 1, NCB 15053 save and except approximately 350 square feet known as Parcel 4 located at 5790 Northwest Loop 410. Staff and Zoning Commission recommend approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3	x					
Rey Saldaña	District 4		x			x	
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10	x					

SCANNED

PROJECT: 9115-10-7
PARCEL: 4

SECOND AMENDED NOTICE OF LIS PENDENS

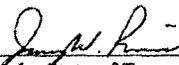
THE STATE OF TEXAS

COUNTY OF BEXAR

Doc# 20020478272

NOTICE is hereby given that there has been filed with the Clerk of the Probate Court No.1 of Bexar County, Texas, a certain Second Amended Petition in an eminent domain proceeding numbered 2002ED0011 and styled *The State of Texas v. Tyler Enterprises, Inc., et al.*, wherein the State of Texas is Plaintiff and Tyler Enterprises, Inc.; States Resources Corporation; Amerco Real Estate Company; A Nevada Corporation, not registered to do business in the State of Texas, Amerco Real Estate Company of Texas, Inc., a Texas corporation, dba Amerco Real Estate Company, an assumed name; and Cavender Holdings, Ltd., are Defendants. Said proceeding is now pending and affects the hereinafter-described real estate situated in Bexar County, Texas. The State seeks to establish certain rights therein and is seeking affirmative relief in that it is seeking to condemn and take such real estate and title thereto for the public use and highway purposes. Such real estate so affected is described in Exhibit "A" attached hereto and incorporated herein for all purposes, except there shall be excluded from said estate all the oil, gas and sulphur which can be removed from beneath said land without any right whatever remaining to the owners of said oil, gas and sulphur of ingress or egress to or from the surface of the land condemned for the purposes of exploring, developing, drilling or mining of the same.

WITNESS MY HAND this 3rd day of December, 2002.



Agent for the State of Texas,
Plaintiff in said cause

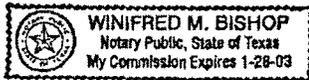
Book 9703 Page 1661

THE STATE OF TEXAS

COUNTY OF BEXAR

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared Jerry W. Reavis, known to me to be the person whose name is subscribed to the foregoing *Second Amended Notice of Lis Pendens* as an agent for the State of Texas in said matter, and acknowledged to me that he executed the same as such agent for the said State for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of December, 2002.



Winifred M. Bishop
Notary Public for the State of Texas

ACCOUNT NO.:
C.S.J. NO.: 521-04-190
COUNTY: Bexar
HIGHWAY: Interstate Highway 410
PROJECT LIMITS: From: Ingram
To: Callaghan

DATE: March 4, 1999

FIELD NOTES FOR PARCEL 4

BEING 32.5 square meters (350 square feet) of land, more or less, in the City of San Antonio, Bexar County, Texas. Said 32.5 square meters (350 square feet) of land lying in the Edwin Alexander Survey no. 149, Abstract 29, County Block no. 4428, Bexar County, Texas, same being a portion of Lot 3, Block 1, New City Block 15053, of the Bandera Park Industrial Subdivision, Unit 1, as recorded in volume 8100, page 185, Map and Plat Records of Bexar County, Texas, same also being a portion of Lot 3 (0.688 acre) as described in an instrument to Tyler Enterprises, Inc. recorded November 16, 1990 in volume 4947, page 324, Real Property Records of Bexar County, Texas, which 32.5 square meters (350 square feet) of land, more or less, being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{4}$ " iron rod set with plastic cap stamped "CDS - SA, TX." for the north corner of the aforementioned Lot 3 and the west corner of Lot 4 of Bandera Park Industrial Subdivision, Unit 1, as recorded in volume 8200, page 31, Map and Plat Records of Bexar County, Texas, same lying in the existing southeast right-of-way line (91.440 meters (300.00 feet) wide right-of-way) of Interstate Highway 410;

- (1) THENCE SOUTH $34^{\circ}42'47''$ East, along the northeast line of the aforementioned Lot 3 and the southwest line of the aforementioned Lot 4, a distance of 2.031 meters (6.66 feet) to a $\frac{1}{4}$ " iron rod set with plastic cap stamped "CDS - SA, TX." for the east corner of this parcel, same also lying 47.752 meters (156.67 feet) right of and at right angle to Interstate Highway 410 centerline station 69+042.436, from which the east corner of the said Lot 3 and the south corner of the said Lot 4 bears SOUTH $34^{\circ}42'47''$ East a distance of 84.877 meters (278.47 feet);
- (2) THENCE SOUTH $56^{\circ}43'19''$ West a distance of 30.067 meters (98.64 feet) to a $\frac{1}{4}$ " iron rod set with Texas Department of Transportation cap in the existing southeast right-of-way line of the aforementioned Interstate Highway 410 and the northwest line of the aforementioned Lot 3, same also lying 45.720 meters (150.00 feet) right of and at right angle to Interstate Highway 410 centerline station 69+011.183, from which a $\frac{1}{4}$ " iron rod found marking the west corner of the said Lot 3 bears an arc distance of 8.258 meters (27.09 feet), along a curve to the left having a radius of 1118.813 meters (3670.64 feet), a central angle of $00^{\circ}25'22''$, and a chord which bears SOUTH $51^{\circ}52'13''$ West a distance of 8.258 meters (27.09 feet);

Page 1 OF 2
1011.fnd
March 4, 1999

Exhibit "A"
Page 1 of 4

Book 9703 Page 1663

ACCOUNT NO.:
C.S.J. NO.:521-04-190
COUNTY: Bexar
HIGHWAY: Interstate Highway 410
PROJECT LIMITS: From: Ingram
To: Callaghan

DATE: March 4, 1999

- (3) THENCE NORTHEASTERLY, along the existing southeast right-of-way line of the aforementioned Interstate Highway 410 and the northwest line of the aforementioned Lot 3, an arc distance of 30.086 meters (98.71 feet) with a curve to the right having a radius of 1118.813 meters (3670.64 feet), a central angle of 01°32'27", and a chord which bears NORTH 52°51'08" East a distance of 30.085 meters (98.70 feet), to the PLACE OF BEGINNING containing 32.5 square meters (350 square feet) of land, more or less.

Note: 1/2" iron rod with Texas Department of Transportation cap set at proposed right-of-way angle points to be replaced at conveyance with type II monuments (disc set in concrete).

The bearing basis for this survey is control provided by the Texas Department of Transportation.

English units provided for information only.

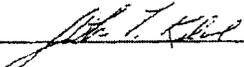
A plat of even survey date herein accompanies this description.

THE STATE OF TEXAS X
X KNOWN TO ALL MEN BY THESE PRESENTS:
COUNTY OF BEXAR X

I, John T. Kubala, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my direction and supervision in October, 1997 through March, 1998.

Date 4th day of MARCH, 1999, A.D.





John T. Kubala
Registered Professional Land Surveyor
No. 4505 - State of Texas

Page 2 OF 2
1011.2nd
March 4, 1999

Exhibit "A"
Page 2 of 4

Book 9703 Page 1664

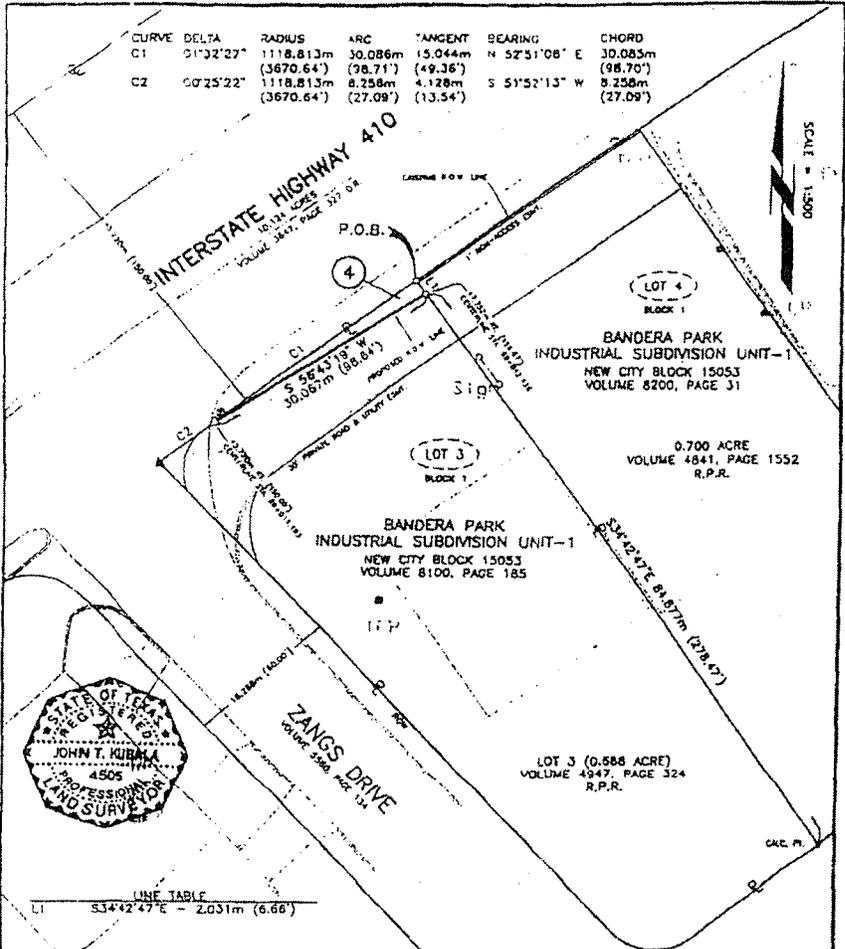
NH 99(676)
Account No. 9115-10-07
Parcel 4
CSJ No. 0521-04-249
Interstate Highway Loop 410
Bexar County

Access will be permitted to the north remainder abutting the highway facility along Call two (2) of the foregoing property description.

Exhibit "A"
Page 3 of 4

Book 9703 Page 1665

CURVE	DELTA	RADIUS	ARC	TANGENT	BEARING	CHORD
C1	01°32'27"	1118.813m (3670.64')	30.086m (98.71')	15.044m (49.36')	N 52°51'08" E	30.083m (96.70')
C2	00°25'22"	1118.813m (3670.64')	8.258m (27.09')	4.128m (13.54')	S 51°52'13" W	8.258m (27.09')



LINE TABLE

L1	S34°42'47"E - 2.031m (6.66')
----	------------------------------

- LEGEND**
- - 1/2" IRON ROD SET WITH CAP STAMPED "CDS - S.A., TX"
 - - FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)
 - △ - SET TX. D. O. T. TYPE II MONUMENT (1/2" IRON ROD WITH ALUMINUM CAP) TO BE REPLACED AT CONVEYANCE WITH TYPE II (CONCRETE MONUMENT WITH TX.D.O.T. DISC)
 - - FOUND TYPE II MONUMENT (CONCRETE MONUMENT WITH TX.D.O.T. DISC)
 - ▲ - SET TYPE II MONUMENT (CONCRETE MONUMENT WITH TX.D.O.T. DISC)
 - +— PROPERTY LINE

BEARING BASIS: CONTROL PROVIDED BY TEXAS DEPARTMENT OF TRANSPORTATION.

I hereby certify that the above drawing is a true and correct representation of a survey made on the ground under my direction and supervision.

John T. Kubala 2/14/99
 John T. Kubala
 Registered Professional Land Surveyor No. 4505

EDWIN ALEXANDER SURVEY NO. 149
 ABSTRACT NO. 29, COUNTY BLOCK NO. 4428

NOTE: ENGLISH UNITS ARE PROVIDED FOR INFORMATION ONLY.
 A DESCRIPTION OF EVEN SURVEY DATE HEREIN ACCOMPANIES THIS PLAT.
 REMAINDER AREAS BASED ON RECORD INFORMATION.

	CIVIL • DESIGN • SERVICES CONSULTING ENGINEERS • LAND SURVEYORS <small>178 SPICER LANE SAN ANTONIO, TEXAS 78201 512-226-2128</small>	
	TEXAS DEPARTMENT OF TRANSPORTATION INTERSTATE HIGHWAY 410 PARCEL NO. 4 TYLER ENTERPRISES, INC. <small>CONTROL NO. 521/ SECTION NO. 04/ JOB NO 190 BEXAR COUNTY, TEXAS</small>	
<small>HOW ACQUISITION 37.36m (122ft)</small>	<small>PERM. 2,751.70m (9,028ft)</small>	
<small>SAN ANTONIO DISTRICT</small>	<small>DATE: MARCH 4, 1999</small>	<small>SHEET 1 OF 1</small>

Exhibit "A"
Page 4 of 4

Book 9703 Page 1666

RECORDER'S MEMORANDUM

AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER, ETC.

Any expression herein which purports to affect the title of real or personal 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 hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

DEC 03 2002



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20020478272
Pages 7
12/03/2002 10:59:47 AM
Filed & Recorded in
Official Records of
BEXAR COUNTY
GERRY RICKHOFF
COUNTY CLERK
Fees \$21.00

Book 9703 Page 1667

I, David Tyler, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all 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.

The property is currently vacant but was formerly a commercial service garage. The intended use will be C2 with conditional use for auto sales.

