

AN ORDINANCE 2008-08-07-0671

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 48.57 acres out of CB 4005 from "MI-1" Mixed Light Industrial District to "MI-1 S" Mixed Light Industrial District with a Specific Use Authorization for an Auto & Light Truck Auction.

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 specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect 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. Hours of operation of auction activities, including the use of outdoor speakers systems, if any, are limited to occur between the hours of 8:00 am and 5 pm.
- B. Screening: A Type "D" Buffer to include fencing along the entire property boundary along Zarzamora, and such fencing shall be solid fencing along the property boundary

- of the approximately 11.61-acre parcel along Zarzamora. Buffer planting materials to be located between any such fencing and the property line following Zarzamora.
- C. All auction vehicles to be stored behind screening.
- D. Any new signage is limited to monument type signage if located along Zarzamora.

SECTION 5. The City council approves this Specific Use Authorization 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.

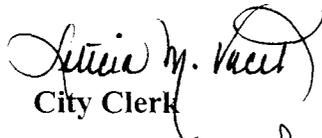
SECTION 6. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

SECTION 7. 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 8. This ordinance shall become effective August 17, 2008.

PASSED AND APPROVED this 7th day of August, 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney

Agenda Item:	Z-3						
Date:	08/07/2008						
Time:	05:24:21 PM						
Vote Type:	Motion to Appr w Cond						
Description:	ZONING CASE # Z2008175 S (District 3): An Ordinance amending the Zoning District Boundary from "MI-1" Mixed Light Industrial District to "MI-1 S" Mixed Light Industrial District with a Specific Use Authorization for an Auto & Light Truck Auction on 48.57 acres out of CB 4005 located at 11275 South Zarzamora. Staff and Zoning Commission recommend approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6	x					
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

Z2008175

FIELD NOTES

FOR

A 48.57 Acre Tract of Land situated in Bexar County, Texas, being out of the Fernando Rodriguez Survey No. 6, Abstract No. 15, County Block 4005, also being out of a 170.248 Acre Tract of Land, as Recorded in Volume 8437, Page 890, Official Public Record of Real Property of Bexar County, Texas and also being all of a 11.611 Acre Tract of Land, as Recorded in Volume 8622, Page 459, Official Public Record of Real Property of Bexar County, Texas, and also being all of a 5.826 Acre Tract, being Lot 1, Block 2, County Block 4005, Alamo City Auto Auction Subdivision, as Recorded in Volume 9559, Page 130, Deed and Plat Records of Bexar County, Texas; Said 48.57 Acres being further described as follows:

COMMENCING: At a set ½" iron pin in the North Right-of-Way Line of South Zarzamora Street, said point being the Southernmost corner of a 7.06 Acre Tract of Land as Recorded in Volume 9677, Page 1086, Official Public Record of Real Property of Bexar County, Texas:

THENCE: S 46° 05'00" W, a distance of 520.84 feet along the North Right-of-Way Line of South Zarzamora Street to the POINT OF BEGINNING of the herein described tract, Said point also being the Easternmost point of this tract;

THENCE: S 46°05'00" W, a distance of 349.87 feet continuing along the North Right-of-Way Line of South Zarzamora Street to a found ½" iron pin, said point also being the Easternmost corner of Lot 1, Block 2, County Block, 4005, Alamo City Auto Auction Subdivision, as Recorded in Volume 9559, Page 130, Deed and Plat Records of Bexar County, Texas;

THENCE: S 46°05'00" W, a distance of 650.00 feet continuing along the North Right-of-Way Line of South Zarzamora Street to a found ½" iron pin, said point also being the Southernmost corner of Lot 1, Block 2, County Block, 4005, Alamo City Auto Auction Subdivision, as Recorded in Volume 9559, Page 130, Deed and Plat Records of Bexar County, Texas;

THENCE S 46° 05' 00" W, a distance of 419.33 feet continuing along the North Right-of-Way Line of South Zarzamora Street to a found ½" iron pin for the Southernmost corner of this Tract, also being the Southernmost corner of said 11.611 Acre Tract, and being the Easternmost corner of a 4.991 Acre Tract, as Recorded in Volume 9554, Page 72, Official Public Record of Real Property of Bexar County, Texas;

THENCE: of- N 43° 55' 07" W, a distance of 854.46 feet departing the North Right-Way Line of South Zarzamora Street to a found ½" iron pin for the Westernmost corner of this Tract, also being the Westernmost corner of said 11.611 Acres, said point also being the Southeast corner of a 12.528 Acre Tract, as Recorded in Volume 6337, Page 823, Official Public Record of Real Property of Bexar County, Texas;

THENCE: N 07° 28' 28" W, a distance of 1,001.73 feet to a found ½" iron pin for the Northwest corner of this Tract, said point also being in the East line of a 40.00 Acre Tract, as Recorded in Volume 8398, Page 704, Official Public Record of Public Record of Bexar County, Texas, also being on the South line of said 7.06 Acre Tract;

THENCE: N 44° 52' 00" E, a distance of 564.81 feet to a found ½" iron pin for a corner of this Tract and said 7.06 Acre Tract;

THENCE: Continuing along the common line of this Tract, and said 7.06 Acre Tract the following calls:

N 89° 37' 45" E, a distance of 355.87 feet to a found iron pin for a corner of this Tract;

N 74° 10' 04" E, a distance of 41.22 feet to a set iron pin for a corner of this Tract;

THENCE: S 42° 30' 01" E, a distance of 1,408.15 feet departing the common line of said 7.06 Acre Tract and this Tract to the POINT OF BEGINNING and containing 48.57 Acres of Land in Bexar County, Texas.

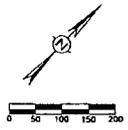
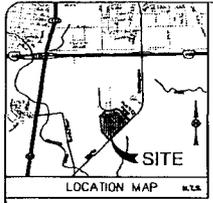
Arturo Camacho 4/29/08

Field Notes Prepared By:
Arturo Camacho, P.E. (P.E. No. 91711)



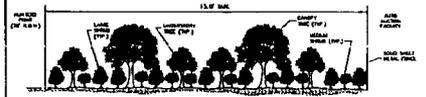
72008175

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LEGEND

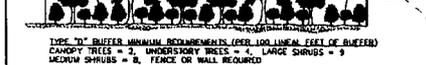
D.P.R. DEED AND PLAT RECORDS OF BEAR COUNTY, TX
 O.P.R. OFFICIAL PUBLIC RECORD OF REAL PROPERTY OF BEAR COUNTY, TX
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING
 R.O.W. RIGHT-OF-WAY



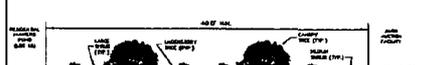
TYPE "A" BUFFER MINIMUM REQUIREMENTS (PER 100 LINEAL FEET OF BUFFER)
 CANOPY TREES = 2, UNDERSTORY TREES = 4, LARGE SHRUBS = 9
 MEDIUM SHRUBS = 6, FENCE OR WALL REQUIRED
 NOTE: BUFFER AREA SHALL BE OWNED AND MAINTAINED BY AUTO AUCTION FACILITY PROPERTY OWNER.



TYPE "C" OR "M" BUFFER MINIMUM REQUIREMENTS (PER 100 LINEAL FEET OF BUFFER)
 CANOPY TREES = 2, UNDERSTORY TREES = 4, LARGE SHRUBS = 9
 MEDIUM SHRUBS = 6, FENCE OR WALL REQUIRED
 NOTE: BUFFER AREA SHALL BE OWNED AND MAINTAINED BY AUTO AUCTION FACILITY PROPERTY OWNER.



TYPE "D" BUFFER MINIMUM REQUIREMENTS (PER 100 LINEAL FEET OF BUFFER)
 CANOPY TREES = 2, UNDERSTORY TREES = 4, LARGE SHRUBS = 9
 MEDIUM SHRUBS = 6, FENCE OR WALL REQUIRED
 NOTE: BUFFER AREA SHALL BE OWNED AND MAINTAINED BY AUTO AUCTION FACILITY PROPERTY OWNER.



TYPE "F" OR "N" BUFFER MINIMUM REQUIREMENTS (PER 100 LINEAL FEET OF BUFFER)
 CANOPY TREES = 2, UNDERSTORY TREES = 4, LARGE SHRUBS = 9
 MEDIUM SHRUBS = 6, FENCE OR WALL REQUIRED
 NOTE: BUFFER AREA SHALL BE OWNED AND MAINTAINED BY AUTO AUCTION FACILITY PROPERTY OWNER.

TYPE "F" OR "N" BUFFER DETAIL
 N.T.S.

LEGAL DESCRIPTION

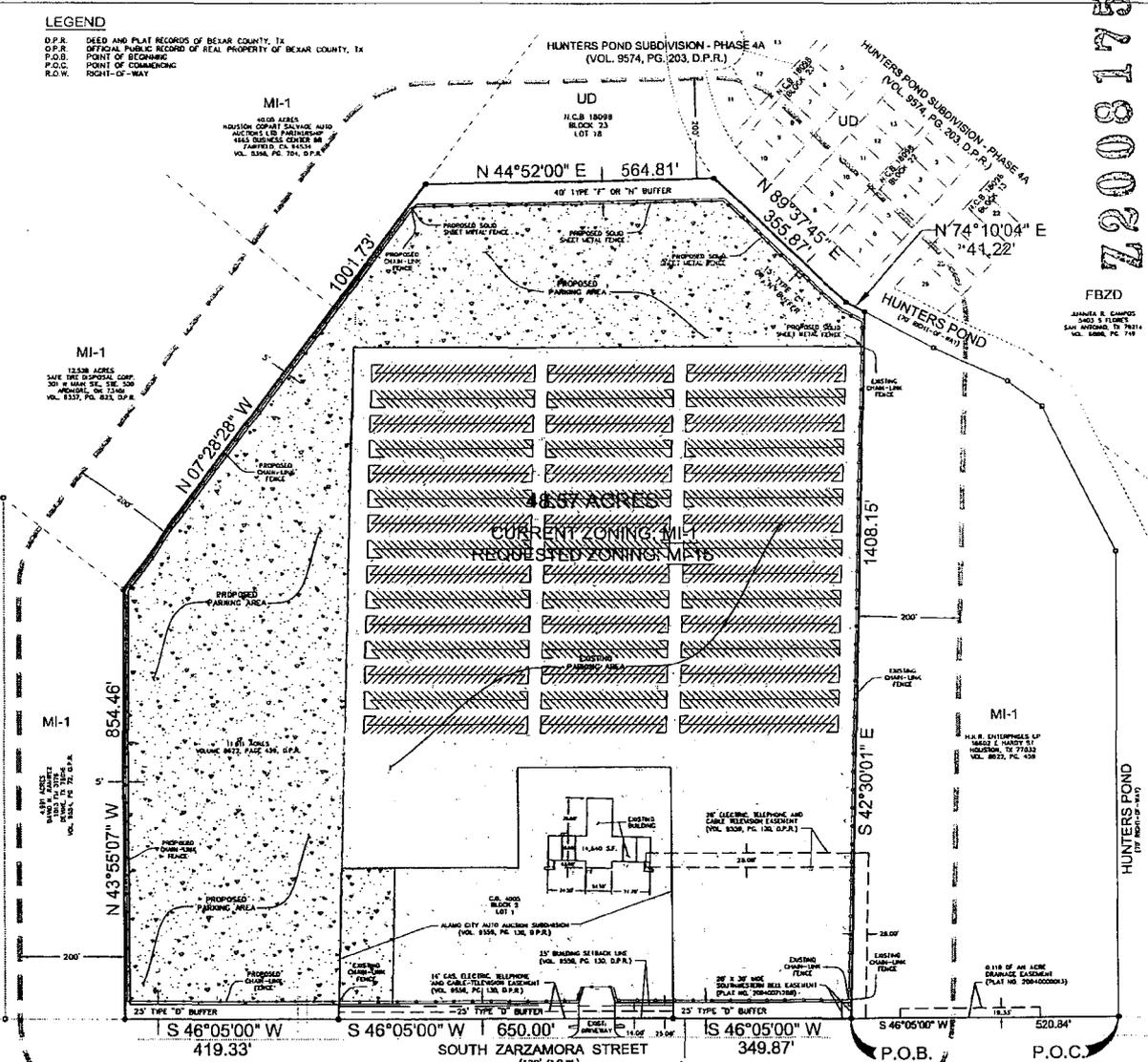
A 48.57 ACRE TRACT OF LAND SITUATED IN BEAR COUNTY, TEXAS BEING OUT OF THE FERNANDO RODRIGUEZ SURVEY NO. 8, ABSTRACT NO. 15, COUNTY BLOCK 4025 ALSO BEING OUT OF A 170.146 ACRE TRACT OF LAND, AS RECORDED IN VOLUME 8437, PAGE 880, OFFICIAL PUBLIC RECORD OF REAL PROPERTY OF BEAR COUNTY, TEXAS, AND ALSO BEING PART OF A 11.011 ACRE TRACT OF LAND, AS RECORDED IN VOLUME 8422, PAGE 458, OFFICIAL PUBLIC RECORD OF REAL PROPERTY OF BEAR COUNTY, TEXAS, AND ALSO BEING ALL OF A 5.826 ACRE TRACT, BEING LOT 1, BLOCK 2, COUNTY BLOCK 1005, ALAMO CITY AUTO AUCTION SUBDIVISION, AS RECORDED IN VOLUME 9559, PAGE 130, DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS.

SITE SUMMARY:

EXISTING LAND USE: AUTO AUCTION FACILITY
 PROPOSED LAND USE: AUTO AUCTION FACILITY
 BUILDING AREA: 14,640 S.F.
 EXISTING PARKING AREA: 1,263,240 S.F. (29.0 ACRES)
 PROPOSED PARKING AREA: 757,944 S.F. (17.4 ACRES)

OWNER & APPLICANT

H.K.R. ENTERPRISES, L.P.
 CONTACT PERSON: E. HARDY RAMLS
 16700 EAST HARDY ROAD, SUITE B
 HOUSTON, TX 77032
 TEL: (713) 542-0126
 FAX: (281) 821-9650



CAMACHO-HERNANDEZ & ASSOCIATES
 Engineering - Planning - Transportation - Reliability Services
 1602 Brookwood Road, Suite 200
 Houston, Texas 77057
 Phone: (281) 541-4500, Fax: (281) 541-4500

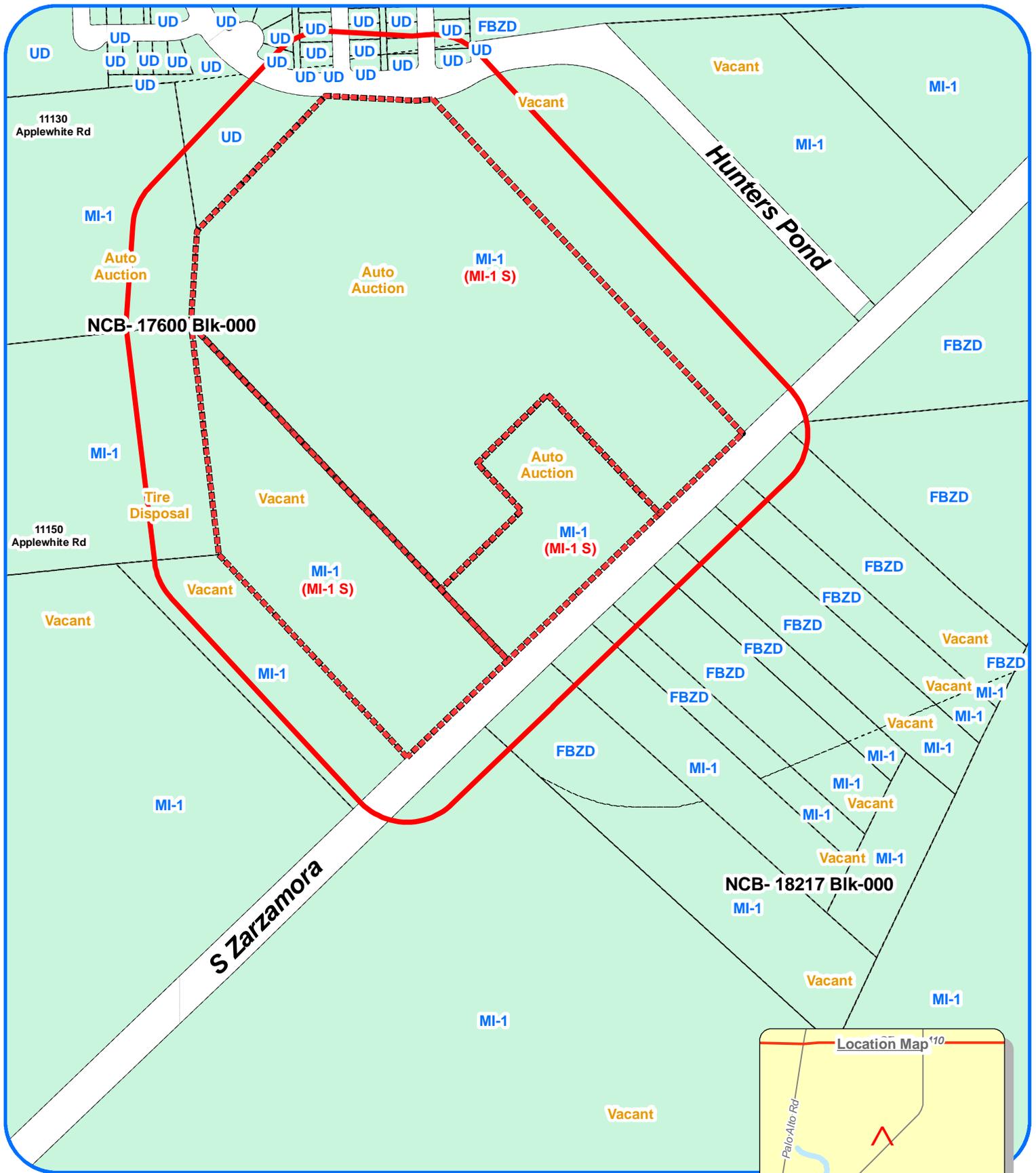
SITE PLAN

AUTO AUCTION FACILITY

H.K.R. ENTERPRISES, L.P.
 16700 EAST HARDY ROAD, SUITE B
 HOUSTON, TX 77032

DATE: 11/17/08
 DRAWN BY: E.H.
 CHECKED BY: A.C.
 IN CHARGE: J.L.C.
 PROJECT NUMBER: 72008175

SHEET 1
 OF 1



Zoning Case Notification Plan

Case Z-2008-175 S

Council District 3

Scale: 1" approx. = 400'

Subject Property Legal Description(s): 48.57 Acres out of NCB 4005

Legend

- Subject Property (48.57 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(6/5/2008)



AFFIDAVIT OF PUBLICATION

(COUNTY OF BEXAR)
(STATE OF TEXAS)

I, Lynette Nelson do solemnly swear that the notice was published 1 time(s) in the following publication(s):

Daily Commercial Recorder

A free weekly newspaper of general circulation published at San Antonio, Bexar County, Texas on the following dates:

August 11, 2008

Lynette Nelson

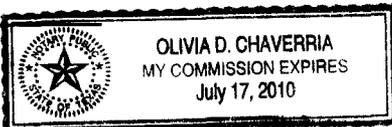
Lynette Nelson
Subscribed and sworn before me, this

8th day of December, 2008

Olivia D. Chaverria
NOTARY PUBLIC SIGNATURE

Olivia D. Chaverria
Notary Public Printed/Typed Name

My Commission Expires: 07/17/2010



PUBLIC NOTICE

AN ORDINANCE 2008-08-07-0671

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 48.57 acres out of CB 4005 TO WIT: From "MI-1" Mixed Light Industrial District to "MI-1 S" Mixed Light Industrial District with a Specific Use Authorization for an Auto & Light Truck Auction provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
8/11



**CITY OF SAN ANTONIO
Request for Council Action**

Agenda Item # Z-3
Council Meeting Date: 8/7/2008
RFCAMemo Tracking No: R-3558

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 3

SUBJECT:
Zoning Case Z2008175 S

SUMMARY:
From "MI-1" Mixed Light Industrial District to "MI-1 S" Mixed Light Industrial District with a Specific Use Authorization for an Auto & Light Truck Auction.

BACKGROUND INFORMATION:
Zoning Commission Meeting Date: June 17, 2008

Applicant: Kaufman & Associates, Inc.
Owner: H. K. R. Enterprises, L. P.

Property Location: 11275 South Zarzamora

48.57 acres out of CB 4005

The west side of South Zarzamora, approximately 1 mile south of Southwest Loop 410

Proposal: To allow for an Auto & Light Truck Auction Facility

Neighborhood Association: None

Neighborhood Plan: City South Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

ISSUE:
None.

ALTERNATIVES:

A denial of this zoning request will result in the subject property retaining the current "MI-1" Mixed Light Industrial District classification, prohibiting the proposed auto auction facility, which is only allowed in the MI-1 district with the approval of a specific use authorization.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (9-0) recommend approval. The City South Management Authority Board recommends approval with a request that the applicant consider using permeable materials for the parking area and sturdy plants for the landscaping buffer requirement.

Since the base zone is not changing, a finding of consistency is not required. The City South Community Plan identifies future land use for the subject property as Agriculture and Light Industry.

The subject property was annexed in 2003 and totals approximately 48.57 acres. There is an existing commercial structure on the subject property that measures approximately 13,030 square feet and was constructed in 2001. "MI-1" Mixed Light Industrial District zoning currently exists to the east and to the west of the subject property. Property to the north across Hunter's Pond is zoned "UD" Urban Development District. Property to the south across South Zarzamora is zoned "MI-1" Mixed Light Industrial District and "FBZD" Form Based Zoning District. Land uses immediately adjacent to the proposed development consist of undeveloped land to the east and west of the subject property, as well as to the south across South Zarzamora. There are single-family homes across Hunter's Pond to the north.

The applicant has applied for MI-1 S in order to allow for expansion of an existing auto auction facility. A portion of the subject property has been operating as an auto auction facility since prior to annexation in 2003. After annexation, most of the property fronting South Zarzamora was zoned MI-1, which was approved by the City Council on September 25, 2003 (Ordinance #98228.) The MI-1 district does not allow an auto and light truck auction use by right. The request will provide the most appropriate zoning for the current land use; thus protecting business owners from future non-conforming uses. The proposed expansion will be limited to the approved site plan. Given the industrial character of the surrounding area, its frontage on an Enhanced Secondary Arterial and considering the close proximity of the new Toyota plant just over three miles to the south, staff believes this request is appropriate for the subject property.

The purpose of the specific use authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations.

ATTACHMENT(S):

File Description	File Name
Zoning Commission Minutes	Z2008175 S.pdf
Site Plan	Z2008175 S_siteplan.pdf

Location Map	Z2008175.pdf
CSMA Resolution	Resolution 2008-008.pdf
Voting Results	
Ordinance/Supplemental Documents	200808070671.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager