

ORDINANCE

2022-10-20-0826

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 1.00 acre out of NCB 11622, located at 7888 Fredericksburg Road, from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash.

SECTION 2. A description of the property recorded in Warranty Deed Volume 8937, Page 1378 of the Official Public Record of Real Property of Bexar County, 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 specific 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 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 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 October 30, 2022.


PASSED AND APPROVED this 20th day of October, 2022.


M A Y O R
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting October 20, 2022

29.

2022-10-20-0826

ZONING CASE Z-2022-10700221 S (Council District 8): Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash on 1.00 acre out of NCB 11622, located at 7888 Fredericksburg Road. Staff and Zoning Commission recommend Approval.

Councilmember Viagran moved to Approve on Zoning Consent. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye:	Nirenberg, Bravo, Viagran, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage
Absent:	McKee-Rodriguez, Rocha Garcia, Perry

EXHIBIT “A”



2001-0106286

ASSUMPTION WARRANTY DEED

DATE: Effective the 1st day of JANUARY, 2001

GRANTOR: **CG Limited Partnership, a Texas limited partnership and George N. Gaiser, Sr.**

GRANTOR'S MAILING ADDRESS (including county): P.O. Box 691028, San Antonio, Bexar County, Texas 78269-1028

GRANTEE: **Gaiser Properties, L.P.**

GRANTEE'S MAILING ADDRESS (including county): P.O. Box 691028, San Antonio, Bexar County, Texas 78269-1028

CONSIDERATION: TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and Grantee's assumption of and agreement to pay, according to the note's terms, the remaining unpaid principal and interest on the note in the original principal sum of EIGHT HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$850,000.00) dated on or about January 4, 1999, executed by CG Limited Partnership, a Texas limited partnership and George N. Gaiser, Sr., and payable to the order of Standard Mortgage Investors, LLC. The note is secured by a Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (the "Deed of Trust") dated on or about January 4, 1999, from C G Limited Partnership and George N. Gaiser, Sr. (collectively, as Trustor) to Don Carter, esq. of McEwen, Gisvold, Rankin, Carter & Streinz, Trustee, recorded in Volume 7810, Page 207 of the Real Property records of Bexar County, Texas. As further consideration Grantee promises to keep and perform all the covenants and obligations of the Trustor named in that Deed of Trust and to indemnify, defend, and hold Grantor harmless from any loss, attorney's fees, expenses, or claims attributable to a breach or default of any provision of this assumption by Grantee. Grantor assigns to Grantee any funds on deposit for payment of taxes and insurance premiums, to the extent applicable.

PROPERTY (including any improvements): That certain 1.000 acre tract of land more particularly described on Exhibit A, attached hereto and incorporated hereto by reference.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY: Any and all restrictions, easements, reservations and other conditions of record in the Real Property Records of Bexar County, Texas affecting the Property, to the extent they are in force and effect.

Exhibit "A"

Grantors, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's successors or assigns forever. Grantors hereby bind Grantors and Grantors' heirs, successors or assigns to warrant and forever defend all and singular the property to Grantee and Grantee's successor and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Ad valorem taxes attributable to the Property are expressly assumed by Grantee.

When the context requires, singular nouns and pronouns include the plural.

**CG LIMITED PARTNERSHIP, a
Texas limited partnership**

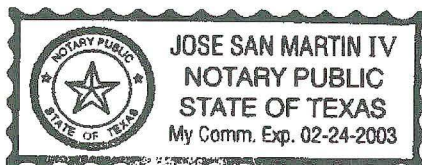
By:



A.M. Stringfellow, Trustee
Its General Partner


George N. Gaiser, Sr.

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this the 31st day of May, 2001, by A. M. Stringfellow, Trustee, as General Partner of CG Limited Partnership, a Texas limited partnership, on behalf of said limited partnership.

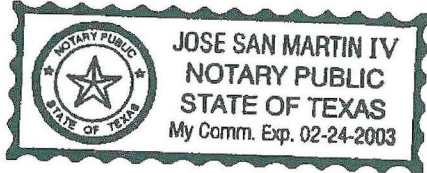



Notary Public, State of Texas

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STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this the 31st day of May, 2001, by George N. Gaiser, Sr.



A handwritten signature in dark ink, appearing to read "Jose San Martin IV".

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
Gaiser Properties, L.P.
P.O. Box 691028
San Antonio, Texas 78269-1028

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Being 1.000 acre (43,551 square feet) out of Lot 22, N.C.B. 11622, Albatross Heights Subdivision, City of San Antonio, Bexar County, Texas according to the plat thereof recorded in Volume 9300, Page 107 of the Deed and Plat Records of Bexar County, Texas, and also being out of a 1.00 acre tract described in Volume 6286, Page 2065 of the Real Property Records of Bexar County, Texas and being more particularly described as follows;

Beginning at a ½" iron pin found in the Northeast line of Fredericksburg Road, said point being the West corner of said Lot 22, the South corner of Lot 37 as shown on plat in Volume 9530, Page 161;

Thence with the Northwest line of said Lot 22, the Southeast line of said Lot 37, N 41° 23' 44" E 260.24 feet to a ½" iron pin set for the North corner of this tract, said point also being the most Northerly West corner of a 7.363 acre tract described in Volume 5621, Page 838 and the North corner of said 1.00 acre tract;

Thence with the Northeast line of said 1.00 acre tract, an interior line of said 7.363 acre tract, S 47° 12' 34" E 164.69 feet to a ½" iron pin found at the East corner of said 1.00 acre tract, an interior corner of said 7.363 acre tract;

Thence with the Southeast line of said 1.00 acre tract, the Northwest line of said 7.363 acre tract, S 41° 19' 19" W 151.06 feet to a ½" iron pin found and S 52° 55' 00" W (record bearing) 138.19 feet to a ½" iron pin found in the said Northeast line of Fredericksburg Road, said point being the South corner of said 1.00 acre tract, the West corner of said 7.363 acre tract;

Thence with said Northeast line in a curve to the left having a radius of 5789.58 feet, delta angle of 01° 23' 27", tangent length of 70.27 feet, chord bearing and distance S 36° 10' 55" E 140.53 feet, an arc length of 140.53 feet to the place of beginning.

[Signature]
JAL

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Any provision herein which restricts the sale, 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 hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

JUN 22 2001



Serry Ruckhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Filed for Record in:
BEXAR COUNTY, TX
SERRY RUCKHOFF, COUNTY CLERK

On Jun 22 2001
At 4:27pm

Receipt #: 448737
Recording: 9.00
Doc/Mnt: 6.00
Doc/Num: 2001-0106286
Deputy -Rose E. Bazan

EXHIBIT “B”

