

ORDINANCE

2022-08-18-0623

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 0.207 acres out of NCB 12714 from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales.

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. An eight (8) foot solid screened fence abutting residential zoning and/or uses.
- B. Downward facing lighting, directed away from abutting residential zoning and/or uses.
- C. No outdoor amplified sounds or speakers permitted.
- D. No temporary signs: windwavers, pennants, bandit or snipe signs.
- E. Hours of Operation limited from 8am to 10pm, Monday through Saturday.

SECTION 5. 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 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 28, 2022.

PASSED AND APPROVED this 18th day of August, 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 August 18, 2022

18.

2022-08-18-0623

ZONING CASE Z-2022-10700158 CD (Council District 3): Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on 0.207 acres out of NCB 9642 and NCB 12714, generally located in the 2600 block of East Southcross Boulevard. Staff and Zoning Commission recommend Approval, with Conditions.

Councilmember Viagran moved to Approve with Conditions. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

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

Absent: Sandoval

Exhibit “A”

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Texas Recording Services, LLC
GT# 16200039431

Warranty Deed with Vendor's Lien

Date: February 24, 2020

Grantor: A-1 Auto Sales, Inc., a Texas corporation

Grantor's Mailing Addresses: P.O. Box 754, Adkins, Texas 78101-0754

Grantee: Gustavo Carbajal

Grantee's Mailing Address: 2355 Goliad Rd, San Antonio, Texas 78223

Consideration: A note of even date executed by Grantee and payable to the order of Charles D. Gray, Jr., in the principal amount of \$52,500.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Grantor and by a first-lien deed of trust of even date from Grantee to Robert Castleberry, trustee.

Property (including any improvements):

0.207 of an acre of land between NCB 9642 and NCB 12714 in the City of San Antonio, Bexar County, Texas, being more particularly described by in Exhibit A attached hereto and made a part hereof.

Exceptions to Conveyance and Warranty:

Validly existing liens, easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2020, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes/but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until the note described is fully paid according to its terms, at which time this deed will become absolute.

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

Doc

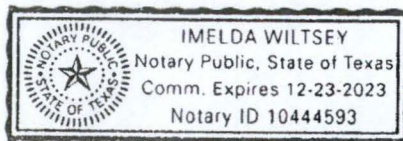
A-1 Auto Sales, Inc.

By: Charles D. Gray, Jr.
Charles D. Gray, Jr., President

STATE OF TEXAS)

COUNTY OF Bexar)

This instrument was acknowledged before me on February 21, 2020, by Charles D. Gray, Jr., President of A-1 Auto Sales, Inc., a Texas corporation, on behalf of said corporation

Imelda Wiltsey
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Gustavo Carbajal

2355 Goliad Rd

San Antonio, Texas 78223

FIELD NOTES

for

A 0.207 Acre Tract

0 East Southcross, San Antonio, Bexar County, Texas

All that certain 0.207 acre tract of land, being surplus city property between New City Block 9642 and New City Block 12714, in the City of San Antonio, Bexar County, Texas, described in a deed recorded in Volume 6009, Page 849, of the Deed Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING At an iron pin set on the South line of Southcross Blvd., for the point of curvature of a curve to the right at the North corner of this tract, said point being 43.00 feet from the centerline of Southcross Blvd. and 13.59 feet Southwesterly from the Southwest line of Offer Street;

THENCE Along said curve to the right, having a radius of 15.0 feet, a distance of 22.09 and a central angle of $84^{\circ}23'30''$ to an iron pin set for the North corner of this tract;

THENCE S $47^{\circ}58'00''$ E, 34.22 feet along the Southwest line of Offer Street to an iron pin set for the point of curvature of a curve to the right at the East corner of this tract;

THENCE Along said curve to the right, having a radius of 15.0 feet, a distance of 23.56 feet and a central angle of $89^{\circ}59'33''$ to an iron pin found for the East corner of this tract;

THENCE S $42^{\circ}02'00''$ W, 66.65 feet along with the Northwest line of Cynthia Linn street and the Southeast line of this tract to an iron pin set for the Southeast corner of this tract;

THENCE S $89^{\circ}36'00''$ W, 114.38 feet along a line 24.70 feet North of the North line of N.C.B. 12714 to an iron pin found for the Southwest corner of this tract;

THENCE N $01^{\circ}55'00''$ E, 21.50 feet to an iron pin found, a point of a curve to the left being the South line of Southcross Blvd. for the West corner of this tract;

THENCE Along the South line of Southcross Blvd. and said curve, having a radius of 443.0 feet, a distance of 133.80 feet and a central angle of $17^{\circ}17'18''$ to the **POINT OF BEGINNING**, and containing 0.207 acre of land, more or less.



S.B. 'David' Shrestha, R.P.L.S. #5920
Texas Engineering & Surveying, Inc.
Job No. 22011886
January 20, 2020



Exhibit "A"

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

Document Number: 20200039431
Recorded Date: February 24, 2020
Recorded Time: 3:54 PM
Total Pages: 4
Total Fees: \$34.00

**** THIS PAGE IS PART OF THE DOCUMENT ****

**** Do Not Remove ****

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 eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 2/24/2020 3:54 PM

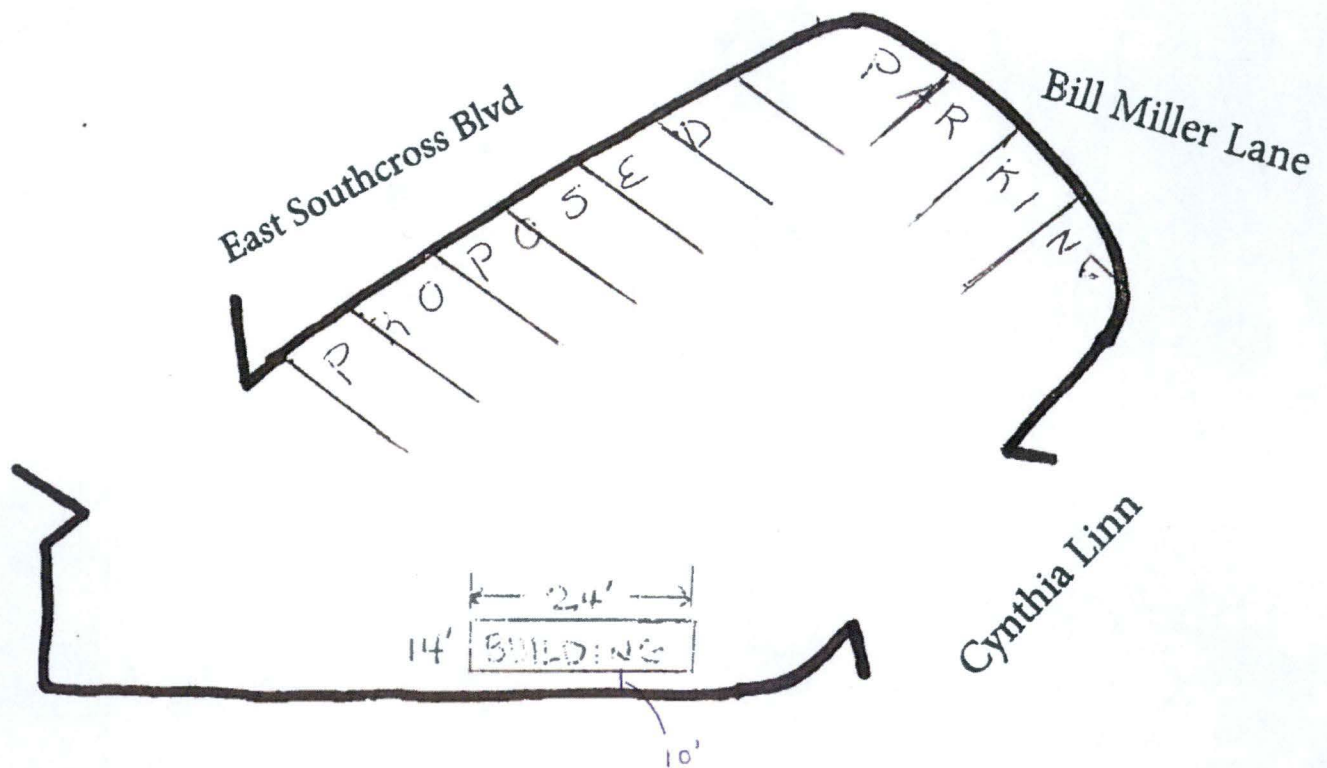


Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk

From: "R-4" Residential Single-Family District
To: "C-1 CD" Light Commercial District with a
Conditional Use for Motor Vehicle Sales

Z-2022-10700158 CD

Building 1: 336 square feet



"I, Gustavo Carbajal, 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"