

ORDINANCE NO. 2025-006(O)

AN ORDINANCE OF THE CITY OF WINDCREST, TEXAS, GRANTING A SPECIAL USE PERMIT TO ALLOW AN OIL CHANGE FACILITY LOCATED AT 5331 WALZEM RD., WINDCREST, TEXAS, A USE NOT SPECIFICALLY LISTED IN THE USE REGULATIONS OF ARTICLE III- DISTRICTS, GENERAL ZONING, DIVISION 5, SECTION 113-190 USE REGULATIONS OF THE CITY OF WINDCREST CODE OF ORDINANCES; ESTABLISHING CONDITIONS FOR SAID PERMIT; AND PROVIDING FOR FINDINGS OF FACT, A CUMULATIVE CLAUSE, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Windcrest is a Texas home rule municipality that has codified its regulations and enforcement, including adoption of zoning ordinances and zoning maps; and

WHEREAS, the property located at 5331 Walzem Rd., Windcrest Tx 78218, consisting of Lot 1 block 98 Windcrest unit 24 subdivision recorded in volume 7000 page 170 deed and plat records Bexar County, Texas . It is currently zoned B-1; and

WHEREAS, the City has received an application, the relevant portions of which are attached as Exhibit A (the “*Application*”), for a specific use permit for an Oil Change Facility Services use, specifically, a Take 5 Oil Change (the “*Proposed Use*”), to be located on the Property, all as more particularly shown in Exhibit A; and

WHEREAS, Section 113-321 of the City of Windcrest city ordinances provides that uses designated as requiring a Specific Use Permit (“*SUP*”) are so classified because the City Council has found that these uses may, because of their nature or intensity, be incompatible with other permitted uses in the same or adjacent district or may be compatible only with mitigation imposed through additional standards and conditions attached to the use; and

WHEREAS, the City Council determines that the SUP application for the Proposed Use is in conformance with the City of Windcrest Code of Ordinances; and

WHEREAS, the City Council desires that the City’s appearance remain well kept, healthy, and safe for public use; and

WHEREAS, the City Council has determined that certain businesses are beneficial to the commerce and overall betterment of the City;

WHEREAS, the City Council finds that granting a special use permit for an oil change facility does not cause any detriment to the City’s appearance and the safety of citizens, including both real and personal property; and

WHEREAS, the City Council has received the report and recommendation to approve the SUP application from the City of Windcrest Planning and Zoning Commission regarding the Application; and

WHEREAS, the City Council requires the following conditions and safeguards for the purpose of protecting other properties within the same or abutting zoning district (the “*Conditions*”):

- (A) All permit applications submitted for the Property are subject to the requirements of the Code of Ordinances of the City of Windcrest, Texas (the “*Code*”).
- (B) Approval of this SUP does not constitute approval of any building permit, or any other required permit or authorization associated with the Property.
- (C) The Proposed Use may not have a negative effect on the health, safety, or welfare of the public or surrounding properties.
- (D) Approval of this SUP does not authorize any use other than the Proposed Use as applied for and the SUP may not be enlarged, extended, or relocated unless City Council approves a new specific use permit.
- (E) The Property may only be developed substantially in conformance with the plans and specifications contained in the Application.
- (F) The Property may only be used for the Proposed Use in accordance with the following:
 - (1) Use of the Property may only be conducted as a “Take 5 Oil Change” Oil Change Facility consistent with the branding, signage, and other operational protocols and policies of Take 5 Oil Change.
 - (2) The Property must be subdivided as a lot separate from the remainder of the B-1 zoning district, whether by replat, amending plat, or other process permitted under the code of ordinances, substantially in the configuration shown in the Site Plan.
 - (3) The Property must be developed and configured substantially as shown in Exhibit A – SUP application with attachments.
- (G) This Specific Use Permit may be revoked pursuant to Section 113-326 of the City of Windcrest ordinances; and

WHEREAS, the Planning and Zoning Commission of the City of Windcrest, Texas, and the City Council of the City of Windcrest, Texas, in compliance with the Charter, State law, the City of Windcrest Code of Ordinances, have given the requisite notices by mailing, publication and otherwise, and after holding a due hearing and affording a full and fair hearing to all persons interested, the City Council, having received the final report of the Planning and Zoning

Commission and having determined that the proposed zoning change will be harmonious with existing buildings, structures, and uses on abutting and nearby properties in the vicinity of the Property in accordance with the Code of Ordinances of the City, is of the opinion that the Property should be zoned as set forth herein; and

WHEREAS, the City Council finds and determines that adoption of this Ordinance promotes the health, safety, and welfare of the public; and

WHEREAS, the City Council of the City of Windcrest finds and determines that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDREST, TEXAS that

I. ENACTMENT

- A. All of the above recitals are incorporated herein for all purposes.
- B. The SUP requested in the Application is granted, and they possess a special use permit to allow the Proposed Use, subject to the Conditions set for in this ordinance; and
- C. That this ordinance grants special use permit to Take 5 Oil Change, for construction and operation of an oil change facility in a B-1 zoning district, Neighborhood Business District, at 5331 Walzem Rd., Windcrest Texas as an authorized use.
- D. All other requirements applicable to a B-1 Zoning district apply.

II. CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III. SEVERABILITY

That is hereby declared to be the intention of the City Council of the City of Windcrest. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such

unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

DULY PASSED ON FIRST READING, on the 21st day of April 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the 5th day of May, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS:



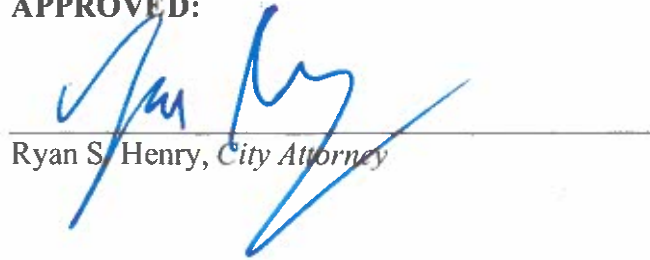
Dan Reese, *Mayor*

ATTEST:



Rachel C. Dominguez, *City Secretary*

APPROVED:



Ryan S. Henry, *City Attorney*

