

AN ORDINANCE 2011-03-03-0188

**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 Parcel 7, NCB 17790 from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District.

**SECTION 2.** 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 3.** 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 4.** This ordinance shall become effective March 13, 2011.

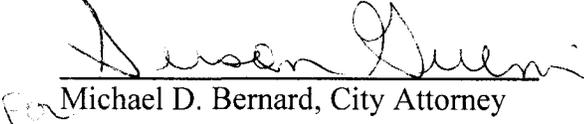
**PASSED AND APPROVED** this 3<sup>rd</sup> day of March 2011.

  
M A Y O R  
Julián Castro

ATTEST:

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney

**RESTRICTIVE COVENANTS**  
**DECLARATION OF RESTRICTIONS**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

On this 28<sup>th</sup> day of March, 2011, Investment Ideas, LLC, a Texas Limited Liability Company (herein referred to as "Developer"), is the owner of the real property located in Bexar County, Texas, particularly described in the Section I of this instrument (herein referred as "Land"), hereby declares this Restrictive Covenant (RC), a limitation that restrict certain uses of the Land (herein referred to as "Restrictions").

**SECTION I: LAND**

BEING A 1.461 ACRE TRACT OF LAND, CALLED 1.463 ACRES AS RECORDED IN VOLUME 10063, PAGE 761, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS; BEING ALSO OUT OF THE W.A. ARTHUR SURVEY NUMBER 86, ABSTRACT NUMBER 837, NEW CITY BLOCK 17790, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At a found 1/2/ inch iron rod on the northeast right-of-way line of Judson Road, the south corner of Lot 8, Block 1, New City Block 17790, Vista Subdivision Unit 1, as recorded in Volume 9000, Pages 36-37, Deed and Plat Records of Bexar County, Texas, the west corner of the herein described tract;

THENCE: North 60 degrees 01 minutes 40 seconds East (bearings are based on the referenced deed), 299.75 feet (300.04 feet, deed), coincident with the southeast line of Lots 8, 7, 6 and 5, of the aforementioned Vista Subdivision Unit 1, to the east corner of Lot 5, and on the southwest line of Lot 3 of the aforementioned Vista Subdivision Unit 1, the north corner of the herein described tract;

THENCE: South 29 degrees 58 minutes 20 seconds East, 205.43 feet (205.56 feet, deed), coincident with the southwest line of Lots 3, 2 and 1 of the aforementioned Vista Subdivision Unit 1, to a found ½ inch iron rod on the northwest right-of-way line of Mountain Vista Dr., the south corner of Lot 1, the east corner of the herein described tract;

THENCE: 95.82 feet coincident with the northwest right-of-way line of Mountain Vista Dr. and a curve to the right, concave to the northwest, having a central angle of 09 degrees 58 minutes 53 seconds, a radius of 550.00 feet and a chord bearing and length of South 55 degrees 07 minutes 36 seconds West, 95.69 feet to a found ½ inch iron rod, the end of this curve;

- THENCE: South 60 degrees 07 minutes 03 seconds West, 179.74 feet (180.03 feet, deed), coincident with the northwest right-of-way line of Mountain Vista Dr., to the beginning of a curve to the right joining the northwest right-of-way line of Mountain Vista Dr. and the northeast right-of-way line of Judson Road, the south corner of the herein described tract;
- THENCE: 39.27 feet with the curve to the right, concave to the north, having a central angle of 90 degrees 00 minutes 00 seconds, a radius of 25.00 feet and a chord bearing and length of North 74 degrees 52 minutes 57 seconds West, 35.36 feet to a found ½ inch iron rod on the northeast right-of-way line of Judson Road, the end of this curve;
- THENCE: North 29 degrees 52 minutes 57 seconds West, 188.28 feet (188.41 feet, deed), coincident with the northeast right-of-way line of Judson Road, to the POINT OF BEGINNING, containing 1.461 acres.

## SECTION II: PURPOSE

The Land is encumbered by these restrictions for the following reasons:

1. To ensure the best and highest use and most appropriate development of the property;
2. To protect lot owners against improper use of surrounding lots;
3. To preserve so far as practicable the natural beauty of the property;
4. To encourage and secure the erection of attractive improvements.
5. To secure and maintain proper setbacks from streets and adequate free space; and
6. In general, to provide for development of the highest quality to enhance the value of the investment made by the property owners.

## SECTION III: RESTRICTIONS

Land shall be used for lawful purposes in conformance with all restrictions imposed by all applicable governmental laws, ordinances, codes and regulations.

In addition, Land shall not be used for the following purposes: Gasoline filling station (Gas Station), auto repair or service station, cocktail lounge, bar, nightclub, any other establishment that sells alcoholic beverages, disco, bowling alley, billiard parlour, skating rink, roller rink, amusement arcade, a theater of any kind, tattoo parlour, adult book store, adult theater, adult amusement facility, any facility selling or displaying pornographic materials or having such displays, second hand store, odd lot, closeout or liquidation store, auction house or flea market, blood bank, funeral home, the outdoor housing or raising of animals, any industrial use (including, without limitation, any manufacturing, smelting, rendering, brewing, refining, chemical manufacturing or processing or other manufacturing uses), any mining or mineral exploration, any use involving the use, storage, disposal or handling of hazardous materials.

**SECTION IV: TERM OF RESTRICTIONS**

The restriction shall run with and bind with the Land, the owners of the Land, and their respective legal representatives, heirs, successors in interest and assigns.

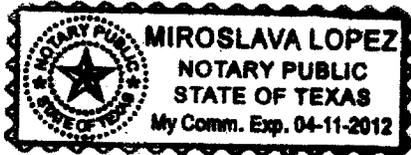
Executed this 28<sup>th</sup> day of March, 2011.

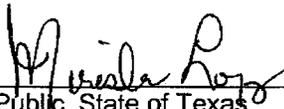
Investment Ideas, LLC

By:   
Its: Chair

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

This instrument was acknowledged before me on this the 28<sup>th</sup> day of March, 2011 by ASM Ferolius of Investment Ideas, LLC, a Texas Limited Liability Company.



  
Notary Public, State of Texas

<b>Agenda Item:</b>	<b>Z-3</b>						
<b>Date:</b>	03/03/2011						
<b>Time:</b>	02:56:02 PM						
<b>Vote Type:</b>	Other: C2NA With Deed Restrictions						
<b>Description:</b>	ZONING CASE # Z2011043 (District 10): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Parcel 7, NCB 17790 located northeast of the intersection of Judson Road and Mountain Vista Drive. Staff recommends denial of C-2NA with an alternate recommendation of C-1. Zoning Commission recommends denial. (Continued from February 17, 2011)						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	