

AN ORDINANCE 2009-04-16-0306

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 1.3699 of an acre out of Lots 31 and 32, Block 5, NCB 10937 from "R-4" Residential Single Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel.

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 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.

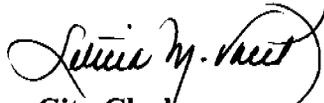
SECTION 5. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

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 April 26, 2009.

PASSED AND APPROVED this 16th day of April 2009.

ATTEST:


City Clerk


M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM:


City Attorney
FD

Agenda Item:	Z-1 (in consent vote: P-1, Z-1)						
Date:	04/16/2009						
Time:	04:50:06 PM						
Vote Type:	Motion to Cont/Post						
Description:	ZONING CASE # Z2009057 S (District 3): An Ordinance amending the Zoning District Boundary from "R-4" Residential Single Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel on 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937 located at 644 Avondale Avenue. 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				

Agenda Item:	Z-1						
Date:	04/16/2009						
Time:	05:28:18 PM						
Vote Type:	Motion to Reconsider						
Description:	ZONING CASE # Z2009057 S (District 3): An Ordinance amending the Zoning District Boundary from "R-4" Residential Single Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel on 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937 located at 644 Avondale Avenue. 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				
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				x

Agenda Item:	Z-1						
Date:	04/16/2009						
Time:	05:28:37 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2009057 S (District 3): An Ordinance amending the Zoning District Boundary from "R-4" Residential Single Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel on 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937 located at 644 Avondale Avenue. 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				
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				x

Z2009057



EXHIBIT "A"

STATE OF TEXAS
COUNTY OF BEXAR

1.3699 ACRES
644 AVONDALE AVENUE

Being 1.3699 acre tract of land, being the remaining portions of Lot 31 and 32, Block 5, of Mont Calm Section No. 2, New City Block 10937, city of San Antonio as recorded in deed records, Volume 3527, Page 655, Deed Records of Bexar County, Texas, and also being described in plat records Volume 642, Page 143, Deed and Plat Records, Bexar County, Texas and being more particularly described in the metes and bounds as follows;

BEGINNING: at a ½" iron rod found in the East right-of-way line of Hillje Street (30' right-of-way) and for the Southeast corner of a 10 foot strip of land conveyed to Hilje Joint Venture, recorded in Deed in Volume 11768, Pg. 1228 Deed Records of Bexar County, Texas, and also being in the North line of the north 76.9 feet of Lot 1, Block 5, New City Block 10937, Mont Calm Addition Section No. 2, as conveyed to Sylvia N. Perez, in the City of San Antonio, according to deed records in Volume 11356, Page 818 Deed records of Bexar County, Texas, said rod also being the Southwest corner of this herein described tract;

THENCE: N. 00° 10' 27" W. a distance of 314.50 feet (called N. 00° 10' 27" W. a distance of 314.50 feet) along the East right-of-way line of said Hillje Street to ½" iron rod set for the point of curvature for this herein described tract, and being in the East line of the said 10 foot strip of land;

THENCE: with a curve to the right having a radius of 10.00 feet, a length of 15.21, a delta of 89° 09' 39", a chord of 13.79 feet and a chord bearing of N. 44° 25' 15" E (called radius of 10.00 feet, a length of 15.70, a delta of 89° 58' 58", a chord of 14.14 feet and a chord bearing of N. 44° 49' 33" E) to a ½" iron rod set for the point of tangency for this herein described tract, and for a point in the South right-of-way line of Avondale Avenue (35' right-of-way) and said rod also being the Northwest corner of this herein described tract;

THENCE: N. 89° 49' 32" E. a distance of 28.98 feet (called N. 89° 49' 32" E. 28.96 feet) along the south right-of-way line of Avondale Avenue, to a ½" iron rod set, for the Northwest corner of 0.272 acre tract of land, being a portion of Lots 30 and 32, Block 5, Mont Calm Section No. 2, New City Block 10937, City of San Antonio, as conveyed to the State of Texas, recorded in plat records Volume 652, Page 143, of the Deed and Plat

EXHIBIT A

Records, Bexar County, Texas, and also being deed records recorded in Volume 4320, Page 1521, Bexar County, Texas, and said rod also being the Northeast corner of this herein described tract;

THENCE: S.45° 11' 27" E. a distance of 310.92 feet (called S.45° 05' 43" E. a distance of 310.66 feet) along the common boundary line of said 0.272 acre tract and this herein described tract to 1/2" iron rod set, for the Northwest corner of 0.1274 acre tract being the Southwest tri. 104.53 feet of Lot 30, Block 5, New City Block 10937, Mont Calm Section No. 2, as being conveyed to Nalini Investments Inc, according to deed of records, recorded in Volume 10992, Page 1300, Deed Records, Bexar County, Texas, and for the Southwest corner of the Northwest 37 feet of Lot 30, Block 5, New City Block 10937, Mont Calm Section No. 2, as conveyed to Pauline Gray Koselskey (no records of volume and page were found), said rod also being the Southeast corner of said 0.272 acre, and being the Northeast corner of this herein described tract;

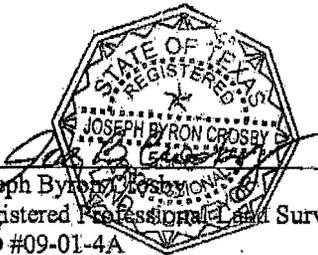
THENCE: S.00° 10' 28" E. a distance of 104.53 feet (called S.00° 10' 28" E. a distance of 104.53 feet) along the common boundary line of said 0.1274 acre tract and this herein described tract to Northeast corner of a existing rock wall, for the Northwest corner of Lot 3, Block 5, New City Block 10937, Mont Calm Section No. 2, conveyed to Nalini Investments Inc., according to deed records Volume 10294, Page 2462, Deed records of Bexar County, Texas, and for the Northeast corner of Lot 2 of said Mont Calm Section No. 2, as conveyed to Jesus G. Gutierrez, recorded in deed Volume 7143, Page 1396, Deed Records of Bexar County, Texas, said rod being the Southwest corner of said 0.1274 acres and being the Southeast corner of this herein described tract;

THENCE: S.89° 49' 33" W. a distance of 258.58 feet (called S.89° 49' 33" W. a distance of 258.33 feet) (also being the bearing of basis) along the common boundary line of said Lot 2 and continuing to said Lot 1 and this herein described tract to the **POINT OF BEGINNING** containing 1.3699 acres or 59,673 square feet of land more or less.

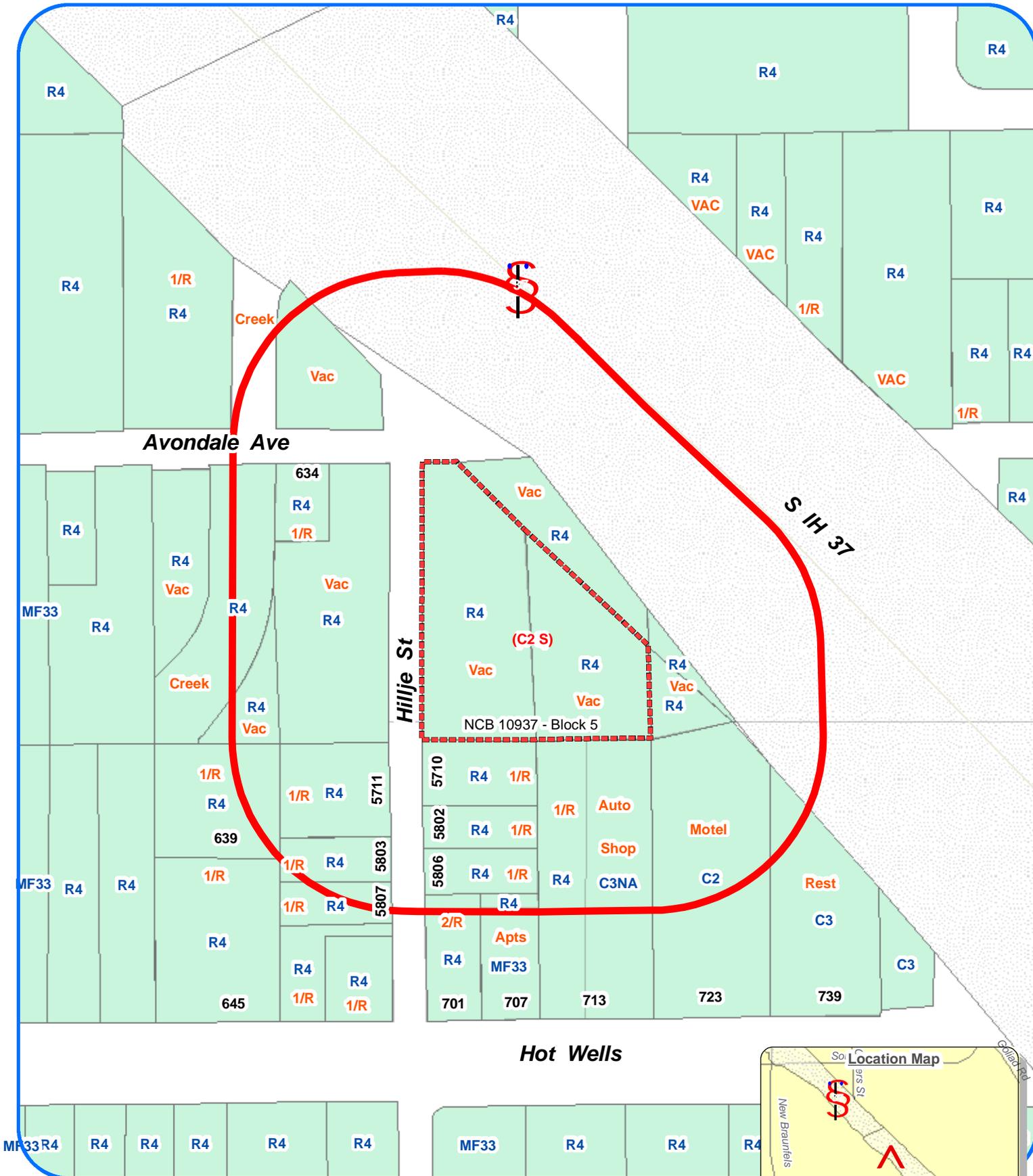
The bearings are based on the plat records Volume 642, Page 143 Deed and Plat Records, Bexar County, Texas.

I hereby certify that this survey was performed upon the ground, January 14, 2009, Under my direct supervision and true and correct to the best of my knowledge.

Revise: this supersedes survey description dated: January 9, 2009



Joseph Byron Crosby
Registered Professional Land Surveyor No. 5566
WO #09-01-4A



Zoning Case Notification Plan

Case Z2009057 S

Council District 3
 Scale: 1" approx. = 150'
 Subject Property Legal Description(s): 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937

Legend	
Subject Property	----- (1.3699 acres)
200' Notification Buffer	-----
Current Zoning	R-4
Requested Zoning Change	(C-2 S)
100-Year FEMA Floodplain	-----



AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

April 22, 2009

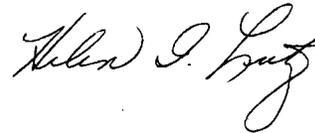
Subscribed and sworn to before me this 22nd day of April, 2009, to certify which witness my hand and seal of office.

PUBLIC NOTICE

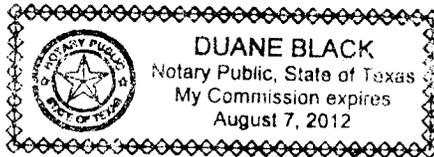
AN ORDINANCE
2009-04-16-0306

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: 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937. TO WIT: From "R-4" Residential Single Family District to "C-2 S", Commercial District with a Specific Use Authorization for a Hotel. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

4/22



Helen I. Lutz, Publisher



Notary Public in and for the State of Texas

Duane Black

Name of Notary

My commission expires August 7, 2012