

**AN ORDINANCE 2008-05-01-0360**

**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 3.22 acres out of NCB 11538 from "R-20 NCD-3" Residential Single-Family, Ingram Hills Neighborhood Conservation District to "R-20 NCD-3" (CD - Multi-Family Dwellings) Residential Single-Family, Ingram Hills Neighborhood Conservation District with a Conditional Use for multi-family dwellings not exceeding 10 units per acre or a total of 33 units.

**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:

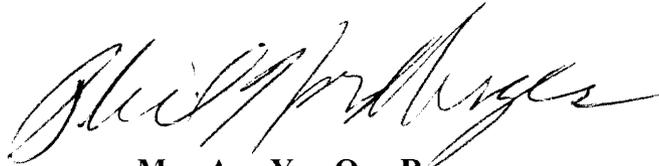
- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional 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.

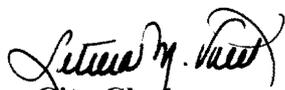
**SECTION 4.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

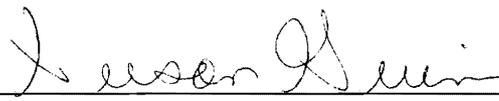
**SECTION 5.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 6.** This ordinance shall become effective on May 11, 2008.

**PASSED AND APPROVED** this 1<sup>st</sup> day of May, 2008.

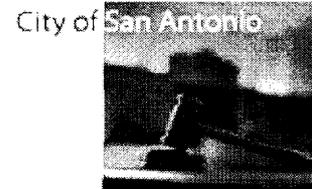
  
M A Y O R

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney



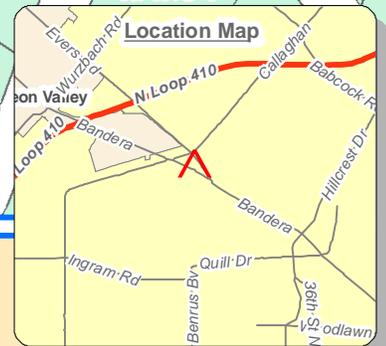
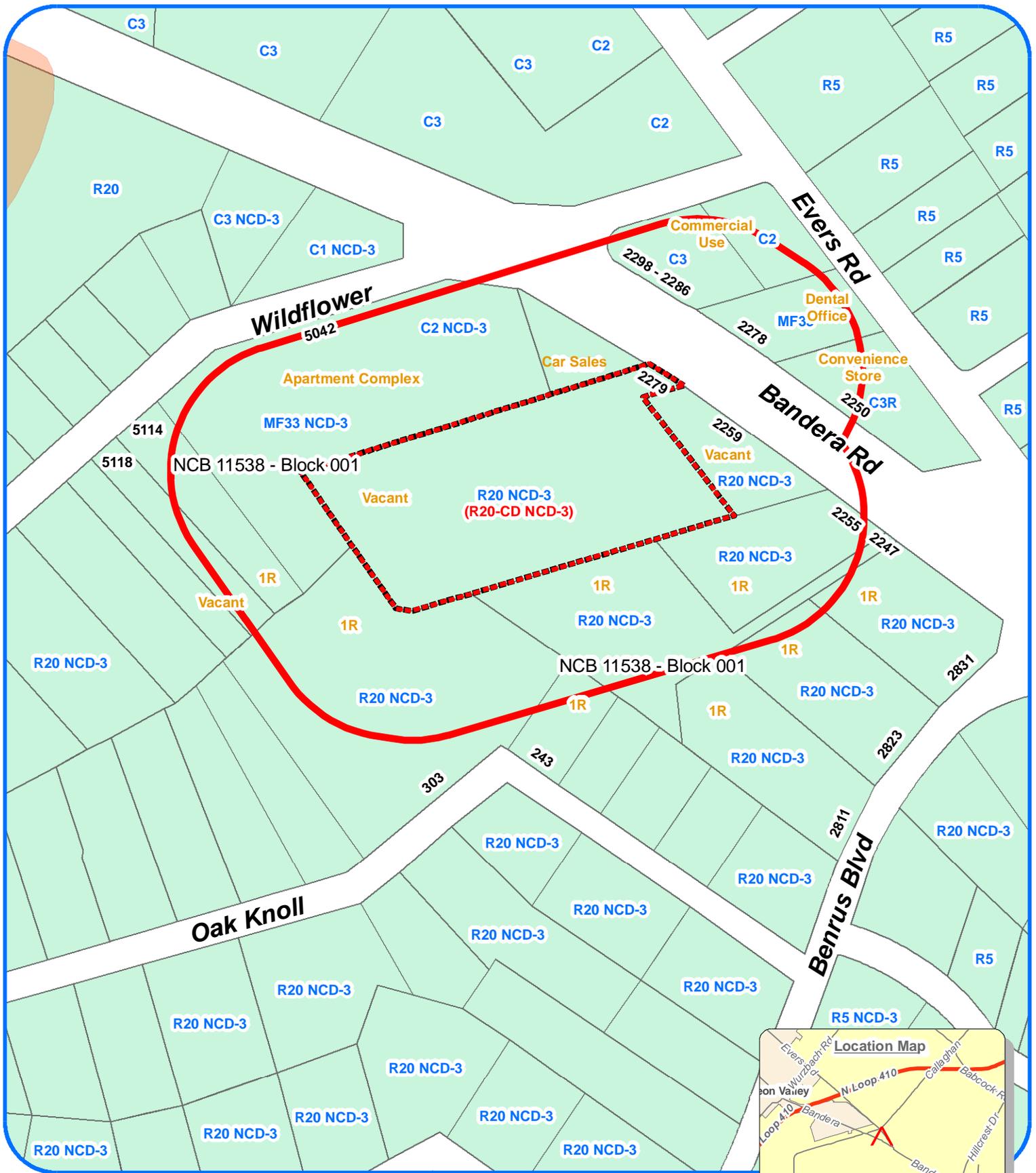
Request for  
**COUNCIL**  
ACTION



**Agenda Voting Results - Z-4**

<b>Name:</b>	Z-4
<b>Date:</b>	05/01/2008
<b>Time:</b>	02:23:42 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING CASE # Z2008115 CD ( District 7): An Ordinance changing the zoning district boundary from "R-20 NCD-3" Residential Single-Family, Ingram Hills Neighborhood Conservation District to "R-20 NCD-3" (CD - Multi-Family Dwellings) Residential Single-Family, Ingram Hills Neighborhood Conservation District with a Conditional Use for Multi-Family Dwellings not exceeding 10 units per acre or a total of 33 units on 3.321 acres out of NCB 11538, 2279 East Bandera Road as requested by Earl & Associates, P. C., Applicant for John B. Rademacher, Owner. Staff recommends denial. Zoning Commission recommends approval.
<b>Result:</b>	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				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x			x	
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				



## Zoning Case Notification Plan

### Case Z2008115 CD

Council District 7

Scale: 1" approx. = 200'

Subject Property Legal Description(s): West Portion of Tract TR-A - NCB 11538 - Block E

#### Legend

- Subject Property  (3.321 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept  
(03/18/2008)

22008115

FIELD NOTES

A 3.22 acre tract of land more or less, out of Block "E" Woodland Hills, New City Block 11538, in the City of San Antonio, Bexar County, Texas, as shown on a plat recorded in Volume 98, Page 190, Deed and Plat Records of Bexar County, Texas, said 3.22 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 Inch Iron Rod Found for the north corner of the herein described tract, being in the southwest right-of-way line of state Highway 16, also known as Bandera Road at a point on a curve, said iron rod being the east corner of Lot 77B, Woodland Hills conveyed to George Digones and recorded in Volume 12147, Page 796 Official Public Records of Bexar County, Texas;

**THENCE**, leaving said Lot 77B, with the southwest line of the said State Highway 16, and the northeast line of the herein described tract, following a curve to the right with a **Radius of 3214.17 Feet**, an **Arc Length of 64.39 Feet**, a **Chord Bearing of S 58°39'02" E**, and a **Chord Distance of 64.39 Feet** to a 1/2 Inch Iron Rod Found for an angle point, being also the north corner of a 0.5430 acre tract conveyed to Carp Vasile and Sabou Ioan, and recorded in Volume 12887, Page 253 Official Public Records of Bexar County, Texas;

**THENCE**, leaving the said State Highway 16, with the northwest line of the said 0.5430 acre tract, and continuing with the northeast line of the herein described tract, **S 74°29'21" W**, a distance of **65.18 Feet** to 1/2 Inch Iron Rod Found for an angle point, being the west corner of the said 0.5430 acre tract, and **S 36°51'43" E**, a distance of **231.62 Feet** to 1/2 Inch Iron Rod Found for the east corner of the herein described tract, said iron rod being the south corner of the said 0.5430 acre tract, and being in the northwest line of a called 0.8092 acre tract conveyed to Kenneth M. Javier, and recorded in Volume 11636, Page 2466 Official Public Records of Bexar County, Texas;

**THENCE**, leaving said 0.5430 acre tract, with the northwest line of the said 0.8092 acre tract and with the southeast line of the herein described tract, **S 74°10'00" W**, a distance of **518.04 Feet** to an angle point, and **N 79°42'15" W**, a distance of **26.77 Feet** to a 1/2 Inch Iron Rod Found for the south corner of the herein described tract, said iron rod being in the north line of a 3.1200 acre tract conveyed to Robert H. Landeros, and recorded in Volume 7955, Page 551 Official Public Records of Bexar County, Texas;

**THENCE**, with the southwest line of the herein described tract, **N 34°34'07" W**, a distance of **118.46 Feet** to a 1/2 Inch Iron Rod Found for an angle point, being also an angle point in the southeast line of a called 3.0130 acre tract conveyed to JD Triple G LLC, and recorded in Volume 12594, Page 2008 Official Public Records of Bexar County, Texas, and **N 34°12'36" W**, a distance of **139.20 Feet** to a 1/2 Inch Iron Rod Found for the west corner of the herein described tract;

**THENCE**, with the southeast line of the said 3.0130 acre tract and the northwest line of the herein described tract, **N 73°27'17" E**, a distance of **562.35 Feet** to the **POINT OF BEGINNING** and containing **3.22 acres** of land, more or less.

NOTE: I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief.



Will Perrin  
Registered Professional Land Surveyor  
Texas Registration No. 5443  
April 30, 2008



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

### **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

This Declaration of Covenants, Conditions and Restrictions (this "Declaration") is executed by John B. Rademacher (the "Owner" or "Declarant").

#### **Recitals**

1. Whereas, John B. Rademacher is the owner of that certain tract (the "Burdened Property") that is approximately 3.321 acres located in San Antonio, Bexar County, Texas, and that has a legal description of LOT W Pt. of TR-A BLK E NCB 11538 San Antonio, Bexar County, Texas, and an assigned postal address of 2279 E. Bandera Road San Antonio, Bexar County, Texas and that is more fully described in Exhibit A attached hereto; and
2. Whereas, the "Declarant" submitted a zoning application to the City of San Antonio's ("City") Development Services Department (See Zoning Case No. Z2008115); and
3. Whereas, the zoning application encompassed the "Burdened Property;" and
4. Whereas, the Burdened Property is located in the **Ingram Hills Neighborhood Conservation District** and in the **Ingram Hills Neighborhood Association** area; and
5. Whereas in order to protect the area which adjoins the "Burdened Property" the "Declarant" has agreed that certain restrictions be imposed on the "Burdened Property" for the benefit of each single-family residential property located in the **Ingram Hills Neighborhood Association** area that is in the area located west of Bandera Road; south of Callaghan Road; northwest of Parkway Drive; and northeast of Benrus St.; and, which hereinafter shall be referred to collectively as the Benefited Properties:

NOW THEREFORE, it is declared the "Burdened Property" shall be held, sold and conveyed subject to the following restrictions, covenants and conditions:

#### **Restrictions & Conditions**

1. All exterior lighting installed on the "Burdened Property" shall be installed, regulated and maintained by the "Declarant" or person in control thereof in such a manner that the direct beam of any such light shall be oriented so that it will not glare upon any "Benefited Property" and any illumination from direct or indirect lighting in, on, or over the ground at or beyond the boundary of the "Burdened Property" will be minimized.

2. No structure constructed on the "Burdened Property shall exceed three stories and the height of said structures shall be governed by the City of San Antonio's Unified Development Code.
3. No more than 10 "dwelling units" per acre, as that term is described in the City of San Antonio's Unified Development Code as of the date of these covenants, may be constructed on the Burdened Property.
4. Such "dwelling units," shall be for "Condominium" use only as that term is described in Chapter 82 of the Texas Property Code (entitled "Uniformed Condominium Act") and said Condominiums shall be created in accordance with the requirements of Chapter 82 of the Texas Property Code
5. As a Condominium Development, each "dwelling units" within the Burdened Property shall be designated for separate ownership.
6. The above notwithstanding there is no prohibition against the owner of a separate "dwelling unit" from offering their unit for rent or lease.

#### **General Provisions**

1. Declarant agrees that invalidation of any of these covenants or restrictions by judgment or court order shall in no way effect any other provision, and all other provisions shall remain in full force and effect.
2. Declarant agrees that these restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the "Burdened Property". Consequently, the restrictions, covenants, and conditions shall run with the "Burdened Property" and shall be binding on all parties having any right, title or interest in the "Burdened Property" in whole or part, and their successors and assigns.
3. Declarant agrees that the covenants, conditions, and restrictions of this Declaration shall be effective for a term of twenty (20) years from the date this Declaration is recorded, after which period, the covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years unless terminated or amended in writing by resolution of at least three-fourths of the owners of the "Benefited Properties".
4. Declarant agrees that if any controversy, claim or dispute arises relating to this instrument, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees and costs.
5. This Declaration shall be liberally construed to effectuate its purpose of providing certain protections for the owners of the "Benefited Properties", who shall have sole standing to enforce this Declaration, in order to ensure the "Burdened Property" and the uses thereon are compatible with the area.
6. It is understood and agreed by the Declarant that upon the sale of the "Burdened Property" by the Declarant or any other purchaser or developer of the "Burdened Property", the Declarant shall be released from any and all liability and responsibility

under this Declaration, excepting only liability that the Declarant may already have for any breach of Declarant's obligations under this Declaration that occurred prior to the sale of the "Burdened Property" by the Declarant.

11. Declarant hereby agrees that upon receipt of notice from of any alleged violation of these restrictive covenants, Declarant will use its best efforts to resolve the alleged default of said restrictive covenants within 30 days of said notice. All notices of alleged violation must be in writing.

WHEREFORE, this Declaration is executed this 30<sup>th</sup> day of APRIL, 2008 at San Antonio, Texas.

DECLARANT:

By: John B. Rademacher  
John B. Rademacher

State of Iowa, County of Polk } ss. IOWA

Before me, a Notary Public for the State of Ohio, appeared the above named John B. Rademacher, who acknowledged and signed the foregoing instrument and his signing was his free act.

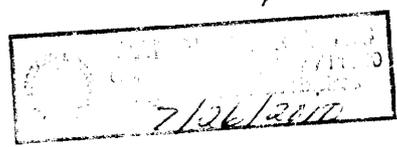
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal this April 30<sup>th</sup> day of April, 2008.

(written signature) Carolina Helmes

(typed or printed name) Carolina Helmes

Notary Public, State of Ohio Iowa

My commission expires July 26, 2010



AFTER RECORDING, RETURN TO:

**Habib H. Erkan Jr.**  
**Earl & Associates, P.C.**  
**15303 Huebner, Building 15**  
**San Antonio, Texas 78248**

Affidavit of Publisher

STATE OF TEXAS  
COUNTY OF BEXAR  
S.A. - CITY CLERK

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: 3.321 acres out of NCB 11538 TO WIT: From "R-20 NCD-3" Residential Single-Family, Ingram Hills Neighborhood Conservation District to "R-20 NCD-3" (CD - Multi-Family Dwellings) Residential Single-Family, Ingram Hills Neighborhood Conservation District with a Conditional Use for multi-family dwellings not exceeding 10 units per acre or a total of 33 units provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
5/5

Before me, the undersigned authority, on this day personally appeared Helen I. ~~Lutz~~, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2008-05-01-0360 here to attached has been published in every issue of said newspaper on the following days, to wit:

05/05/2008.

*Helen I. Lutz*

Sworn to and subscribed before me this 5th day of of May, 2008.

*Martha L. Machuca*

