SG/cla
09/17/2015
Z-10. Amended.

CASE NO. Z2015141 CD

AN ORDINANCE 2015-09-17-0828

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 Lot 304, Block E, NCB 11553, save and except 0.0344 of an acre from Lot 304, from "C-1 NCD-3 AHOD" Light Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District to "C-2 CD NCD-3 AHOD" Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales.

SECTION 2. A description of the 0.0344 of an acre property recorded in Volume 10902, Page 2027 of the Official Public Record of Real Property of Bexar County, which is saved and excepted in Section 1 above, is attached as **Attachment "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. No access to the property off of West Horseshoe Bend.
B. Landscape and fencing buffer along West Horseshoe Bend.
C. Hours of operation, Monday-Sunday 10am-6pm.
D. Lighting directed away from residential areas.
E. No outdoor speakers.
F. A 15-foot Type B Landscape buffer along the rear of the property.

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 **Attachment "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 September 27, 2015.

PASSED AND APPROVED this 17th day of September 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

For Martha G. Sepeda, Acting City Attorney

Agenda Item:	**Z-10**
Date:	09/17/2015
Time:	02:44:01 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2015141 CD (Council District 7): An Ordinance amending the Zoning District Boundary from "C-1 NCD-3 AHOD" Light Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District to "C-2 CD NCD-3 AHOD" Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 304 Save and Except the NW IRR 35.32 Feet of 304, Block E, NCB 11553 located at 4704 Callaghan Road and 100 West Horseshoe Bend. Staff and Zoning Commission recommend Approval, with Conditions. (Continued from August 20, 2015)
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x			x	
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Z2015141

LTRP-JF 121101154

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.

DS/ 8/2/2004ORD. #98852 2/19/04

PARCEL: 16321
PROJECT: Callaghan - W. Horseshoe Bend to Ingram

RECORD AND RETURN TO:
REAL ESTATE SECTION
CITY OF SAN ANTONIO
P. O. BOX 839966
SAN ANTONIO, TEXAS 78283-3966

LT1-77-20040180028-1

LT2-10902-2027-3

WARRANTY DEED
* * * * *

STATE OF TEXAS }
{ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BEXAR }

THAT, **JOE C. GONZALES JR., and CONSUELO M. GONZALES,** hereinafter referred to as **"GRANTORS"**, of the County of Bexar, State of Texas, for and in consideration of the sum of **SIX THOUSAND SEVEN HUNDRED FIFTY AND NO/100 ($6,750.00) DOLLARS**, to them in hand paid by the **"GRANTEE"**, the receipt of which is hereby acknowledged, have **GRANTED, SOLD** and **CONVEYED**, and by these presents do **GRANT, SELL** and **CONVEY** unto the **CITY OF SAN ANTONIO**, hereinafter referred to as **"GRANTEE"**, a municipal corporation, of the County of Bexar, State of Texas, whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, all of the following described real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, to-wit:

A 0.0344 acre, or 1,497 square foot more or less, tract of land out of Lot 304, Block "E" Woodlawn Hills Subdivision, recorded in Volume 980, Pages 189-190 of the Deed and Plat Records of Bexar County, Texas in New City Block 11553 of the City of San Antonio, Bexar County, Texas. Said 0.0344 acre tract of land being more particularly described by metes and bounds description on Exhibit "A" attached hereto and made a part hereof;

It is further understood and agreed that the consideration received by the **GRANTORS** is also in full payment for all damages to the remaining property, if any, of the **GRANTORS**.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said **GRANTEE**, its successors and assigns forever; and **GRANTORS** do hereby bind themselves, their heirs, executors and administrators to **WARRANT and FOREVER DEFEND** all and singular the said premises unto the said **GRANTEE**, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 4 day of August, A.D., 2004.

JOE C. GONZALES JR.

CONSUELO M. GONZALES

STATE OF TEXAS }
{
COUNTY OF BEXAR }

This instrument was acknowledged before me on this the 4 day of August, 2004 by **JOE C. GONZALES, and CONSUELO M. GONZALES.**

NOTARY PUBLIC STATE OF TEXAS
JULIA M. FARRELL
Notary Public, State of Texas
My Commission Expires Nov. 8, 2007

Notary Public Signature

Attachment A

EXHIBIT "A"

FIELD NOTES
FOR
FEE SIMPLE PARCEL NO. 16321

A 0.0344 acre, or 1,497 square foot more or less, tract of land out of Lot 304, Block "E" Woodlawn Hills Subdivision, recorded in Volume 980, Pages 189-190 of the Deed and Plat Records of Bexar County, Texas in New City Block 11553 of the City of San Antonio of Bexar County, Texas. Said 0.0344 acre being more particularly described by metes and bounds as follows:

BEGINNING: At a found ½" iron rod at the intersection of the south right-of-way line of Callaghan Road, right-of-way varies 60-foot minimum, and the east right-of-way line of Horseshoe Bend West, a 60-foot right-of-way dedicated in said Woodlawn Hills Subdivision, said ½" iron rod also being the northwest corner of Lot 304 and the northwest corner of the herein described tract;

THENCE: N 73°40'45" E, along and with the said south right-of-way line of Callaghan Road, a distance of 99.44 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the common corner of Lots 304 and 303 of said Block "E" Woodlawn Hills Subdivision, the northeast corner of the herein described tract;

THENCE: S 16°19'15" E, departing the said south right-of-way line of Callaghan Road, along and with the common line of Lots 304 and 303, a distance of 13.32 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for the southeast corner of the herein described tract;

THENCE: Departing said line the following calls and distances:

S 73°41'13" W, a distance of 67.70 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

S 59°54'30" W, a distance of 11.01 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

S 73°40'45" W, a distance of 7.00 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for a point of curvature;

Southwesterly, with a curve to the left, said curve having a radius of 25.00 feet, a central angle of 73°39'00", a chord bearing and distance of S 36°51'15"W, 29.97 feet, and an arc length of 32.14 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency on the east right-of-way line of said Horseshoe Bend West for the southwest corner of the herein described tract;

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THENCE: N 00°01'45" E, along and with the east right-of-way line of said Horseshoe Bend West a distance of 35.32 feet to the POINT OF BEGINNING and containing 0.0344 of an acre of land in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey prepared by Pape-Dawson Engineers, Inc.

Prepared by: Pape-Dawson Engineers, Inc.
Job No.: 3994-62
Date: September 22, 1999, Revised: April 30, 2003
Doc Id.: K:\3994\62\survey\row\30\Word\Field Notes\990916a4.doc

6-5-2003

STATE OF TEXAS
REGISTERED
JOHN NOEL NICHOLLS
4402
PROFESSIONAL
LAND SURVEYOR

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 FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

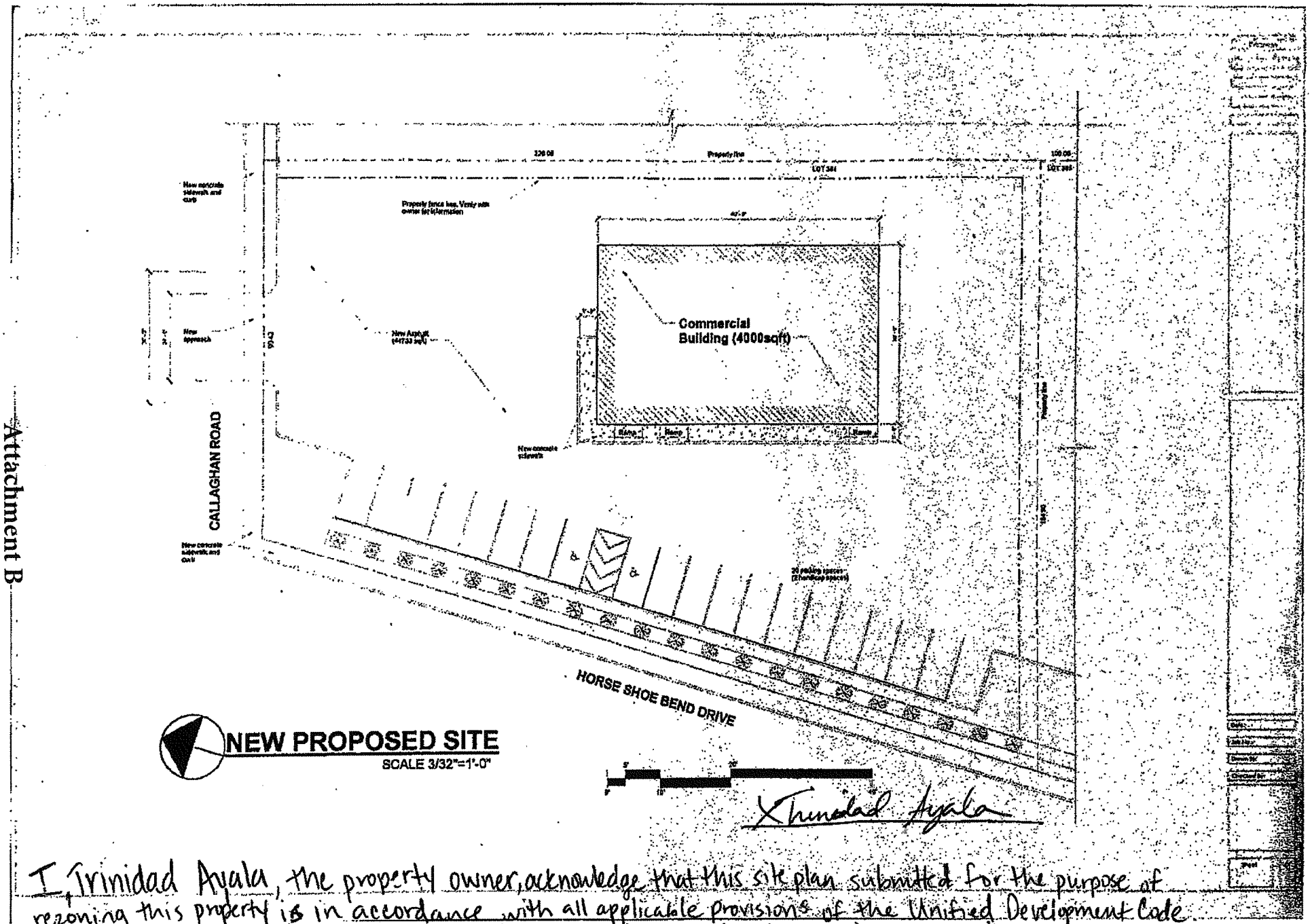
AUG 0 5 2004

COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20040180028 Fees: $18.00
08/05/2004 3:33PM # Pages 3
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERRY RICKHOFF COUNTY CLERK

Z2015141

Attachment B



X Trinidad Ayala

I, Trinidad Ayala, 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.