SG/cla
06/18/2015
Z-8

CASE NO. Z2015183 CD

AN ORDINANCE 2015-06-18-0611

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 1 save and except North 15 Feet, Block 34, NCB 3589 from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Four-Family Dwelling.

SECTION 2. The approximate "North 15 Feet" portion of the property, as applicable to Lot 1, described at Volume 4352, Page 1878 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 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 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 June 28, 2015.

PASSED AND APPROVED this 18th day of June 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	**Z-8**
Date:	06/18/2015
Time:	02:19:57 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2015183 CD (Council District 3): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Four-Family Dwelling on Lot 1 save and except the North 15 Feet, Block 34, NCB 3589 located at 403 School Street. Staff recommends Denial. Zoning Commission recommends Approval.
Result:	Passed

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

235433 ~~$7.00~~ 9.00

Z2015183

1612745

WARRANTY DEED WITH VENDOR'S LIEN

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

That I, ROBERT C. AYOTTE, not owning, occupying nor claiming the herein described property as my homestead, neither residential nor business,

of the County of Bexar and State of Texas for and in consideration of the sum of TEN AND NO/100----------($10.00)---------- DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantees herein of their one certain promissory Note of even date herewith in the principal sum of SEVENTY THOUSAND AND NO/100 DOLLARS ($70,000.00), payable to the order of HELOTES STATE BANK, as therein provided and bearing interest at the rates therein specified and providing for acceleration of maturity in event of default and for attorney's fees;

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to DALE PARKER, Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto HAL G. ETTER and wife, JOYCE ETTER and MIKE VALTIERRA,

of the County of Bexar and State of Texas, all of the following described real property in Bexar County, Texas, to-wit:

VOL 4352 PAGE 1878

07-15-88 0290204 0283523 $9.00 Y 01 07092

Attachment A

Lots 22 and 41-46, Block 2, New City Block 2961, MISSION FIELD, 2nd FILING, and the North 15 feet of Lots 1-5, Block 34, New City Block 3589, RIVERSIDE PARK ADDITION, according to plat thereof recorded in Volume 105, Pages 206-207, Bexar County Deed and Plat Records, all of said property being in the City of San Antonio, Bexar County, Texas, said North 15 feet of Lots 1-5, being more particularly described in Exhibit "A" attached hereto and made a part hereof;

This conveyance is made subject to all and singular the restrictions, easements, conditions, covenants, assessments and mineral interests, if any, applicable to and enforceable against the above described property as shown by the records of said County;

MLV
JRE

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 s, their heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

HELOTES STATE BANK, at the instance and request of the Grantees herein, having advanced and paid cash to Grantor herein that portion of the purchase price of the herein described property as is evidenced by the herein described Note, a Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of HELOTES STATE BANK, and the same are hereby TRANSFERRED and ASSIGNED to HELOTES STATE BANK.

EXECUTED this 8th day of July, A. D. 19 88

Robert C. Ayotte

ROBERT C. AYOTTE

Z2015183

Mailing address of each grantee:

Name: HAL G. ETTER
Address:

Name: JOYCE ETTER
Address:

Name: MIKE VALTIERRA
Address:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF BEXAR }

This instrument was acknowledged before me on the 11TH day of JULY, 1988, by ROBERT C. AYOTTE.

Angela C. Ruiz
Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

ANGELA C. RUIZ
Notary Public, State of Texas
My Commission Expires 09-19-88

(Acknowledgment)

STATE OF TEXAS
COUNTY OF }

This instrument was acknowledged before me on the day of , 19 , by .

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF }

This instrument was acknowledged before me on the day of , 19 , by .

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

(Corporate Acknowledgment)

STATE OF TEXAS
COUNTY OF }

This instrument was acknowledged before me on the day of , 19 , by , of , a corporation, on behalf of said corporation.

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

AFTER RECORDING RETURN TO:
HAL G. ETTER, et al
10306 Rafter S. Trail
Helotes, Texas 78023

PREPARED IN THE LAW OFFICE OF:
JOHN F. FUINI, JR.
Attorney at Law
909 N.E. Loop 410, Ste. 810
San Antonio, Texas 78209
(512) 828-5844

VOL 4352 PAGE 1880

Z2015183

EXHIBIT "A"

0.1007 ACRES, BEING THE NORTH IRREGULAR PORTION OF LOTS 1-5, BLOCK 34, NCB 3589, RIVERSIDE PARK ADDITION, CITY OF SAN ANTONIO, AS RECORDED IN VOLUME 105, PAGES 206-207, OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND SAID 0.1007 ACRES BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING: At a found iron pin in the East right-of-way line of Roosevelt Ave. for the Southwest Corner of this Tract, said point being in a northerly direction a distance of 216.06 feet from the intersection of the East right-of-way line of Roosevelt Ave. and the North right-of-way line of School Street, said point also being in a southerly direction a distance of 14.48 feet from the Northwest Corner of Lot 5, Block 34, NCB 3589;

THENCE: In a northerly direction with the East right-of-way line of Roosevelt Ave. a distance of 14.48 feet to a point for the Northwest Corner of this Tract, said point also being the Southwest Corner of Lot 43., Block 2, NCB 2961;

THENCE: Leaving the East right-of-way line of Roosevelt Ave. in a northeasterly direction with an interior angle to the left of 94°02'07" a distance of 262.74 feet to a point in the West right-of-way line of Fairbanks Ave., said point being the Northeast Corner of this Tract and Lot 1, Block 34, NCB 3589;

THENCE: In a southerly direction with the West right-of-way line of Fairbanks Ave. with an interior angle to the left of 98°20'13" a distance of 18.92 feet to a set iron pin for the Southeast Corner of this Tract;

THENCE: Leaving the West right-of-way line of Fairbanks Ave., with an interior angle to the left of 80°44'37" a distance of 266.53 feet to the POINT OF BEGINNING and containing 0.1007 Acres, more or less.

Any provision herein which restricts the sale, rental or use of the described real property because of color or race is invalid and unenforceable under Federal Law.
THE 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 Records of Real Property of Bexar County, Texas on

JUL 18 1988

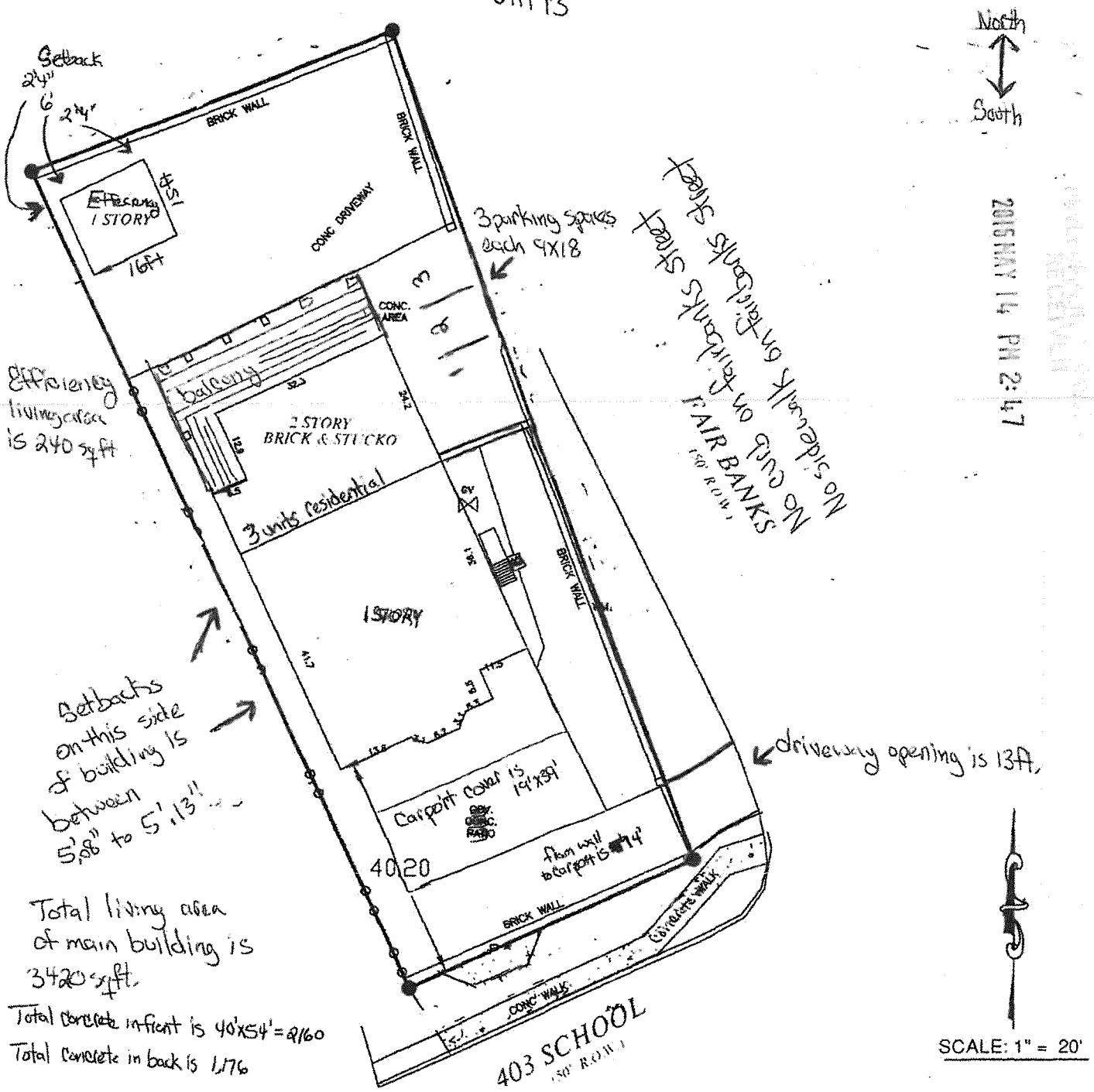
Rosemary D. Freeman
COUNTY CLERK BEXAR COUNTY, TEXAS

FILED FOR RECORD
COUNTY CLERK BEXAR CO.
1988 JUL 15 P 3:59

VOL 4352 PAGE 1881

R6 CD with conditional use for four residential units

Z2015183



Total living area of main building is 3420 sqft.

Total Concrete in front is 40'x54' = 2160

Total Concrete in back is 1,176

I Raul Sifontes, 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 ~~from~~ to any/all adopted city Codes at the time of plan submittal for building permits

2015 MAY 14 PM 2:47

Attachment B