SG/cla
05/07/2015
Z-15

CASE NO. Z2015149 CD

AN ORDINANCE 2015-05-07-0395

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 a 0.344 acre tract out of Lot 3, Block 1, NCB 13519 from "C-2 AHOD" Commercial Airport Hazard Overlay District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales.

SECTION 2. A description of the property 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 May 17, 2015.

PASSED AND APPROVED this 7th day of May 2015.

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-15 (in consent vote: Z-1, Z-2, Z-3, P-1, Z-5, Z-6, Z-7, Z-8, Z-10, Z-11, Z-12, Z-13, P-3, Z-14, Z-15, Z-20)**
Date:	05/07/2015
Time:	02:08:27 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2015149 CD (District 7): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on a 0.344 acre tract out of Lot 3, Block 1, NCB 13519 located at 1536 Callaghan Road. Staff and Zoning Commission recommend Approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		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				x

Z2015149

NOTICE Prepared by the State Bar of Texas [illegible] *To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.*

922665 DEED

WARRANTY DEED WITH VENDOR'S LIEN

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

COUNTY OF BEXAR }

That SCIENCE CITY DEVELOPMENT CORPORATION, a Texas corporation, acting herein by and through its duly authorized officers,

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 grantee of his one certain promissory note of even date herewith in the principal sum of $10,000.00, payable to the order of WESTSIDE BANK, at its office in San Antonio, Bexar County, Texas, 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 SOLOMON CASSEB, JR. Trustee,

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

GILBERT A. GONZALES

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

A parcel of land out of Lot 3, Block 1, New City Block 13519, SCIENCE PARK, UNIT 7, situated in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 7300, pages 225-226, Deed and Plat Records of Bexar County, Texas, being more particularly described in "Exhibit A" attached hereto and made a part hereof;

This conveyance is made, however, subject to building setback line 25 ft. wide along front property line as shown on above mentioned plat.

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Attachment A

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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 , his heirs and assigns forever; and / grantor corporation does dox hereby bind itself, its successors ~~heirs, executors and administrators~~ to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee , his 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.

WESTSIDE BANK, at the instance and request of the grantee herein, having advanced and paid in cash to the grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described $10,000.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said WESTSIDE BANK and the same are hereby TRANSFERRED AND ASSIGNED to said WESTSIDE BANK.

EXECUTED this 1st day of June , A. D. 19 78

ATTEST:

Elizabeth Gaubeaud
Asst. Secretary

SCIENCE CITY DEVELOPMENT CORPORATION

BY: Herbert E Karren
Herbert E. Karren, President

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(Acknowledgment)

THE STATE OF TEXAS }
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person ..... whose name ..... subscribed to the foregoing instrument, and acknowledged to me that ..... he ..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the day of , A. D. 19

Notary Public in and for County, Texas.

(Acknowledgment)

THE STATE OF TEXAS }
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person ..... whose name ..... subscribed to the foregoing instrument, and acknowledged to me that ..... he ..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the day of , A. D. 19

Notary Public in and for County, Texas.

(Acknowledgment)

THE STATE OF TEXAS }
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person ..... whose name ..... subscribed to the foregoing instrument, and acknowledged to me that ..... he ..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the day of , A. D. 19

Notary Public in and for County, Texas.

(Corporate acknowledgment)

THE STATE OF TEXAS }
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared Herbert E. Karren President of Science City Development Corporation a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 1-7 day of June , A. D. 19 78

JOSEPHINE BRASUNAS Notary Public in and for Bexar County, Texas.
Notary Public, Bexar County, Texas
My commission expires 1-31-79

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EXHIBIT A

A 0.344 ACRE (15,000 SQUARE FOOT) TRACT OF LAND OUT OF LOT 3, BLOCK 1, NCB 13519 IN SCIENCE PARK, UNIT 7, SAN ANTONIO, BEXAR COUNTY, TEXAS RECORDED IN VOLUME 7300, PAGE 226 IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

BEGINNING: At a point on the east ROW line of Callaghan Road, said point being S 00° 20' 09" E 350.00 feet from the intersection of the east ROW line of Callaghan Road with the south ROW line of Seacroft, said point also being the southwest corner of Lot 8, Block 1, NCB 13519, as recorded in Volume 8000, Page 151 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 89° 39' 51" E 150.00 feet to the northeast corner of this 0.344 acre tract;

THENCE: S 00° 20' 09" E 100.00 feet to the southeast corner of this 0.344 acre tract;

THENCE: S 89° 39' 51" W 150.00 feet to the southwest corner of this 0.344 acre tract on the east ROW line of Callaghan Road;

THENCE: Along the east ROW line of Callaghan Road N 00° 20' 09" W 100.00 feet to the POINT OF BEGINNING containing 0.344 acres of land.

Cty. No. 93595 Rec. Fee $11.00

WARRANTY DEED
WITH VENDOR'S LIEN

SCIENCE CITY DEVELOPMENT CORP.

TO

GILBERT A. GONZALES

FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO.
1978 JUL 11 PM 4 04

PREPARED IN THE LAW OFFICE OF:
HERBERT E. KARREN
P. O. Box 17597
San Antonio, Texas 78217

PLEASE RETURN TO:
Mr. Gilbert A. Gonzales
1218 Texas Avenue
San Antonio, Texas 78228

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 12 1978

COUNTY CLERK
BEXAR COUNTY, TEXAS

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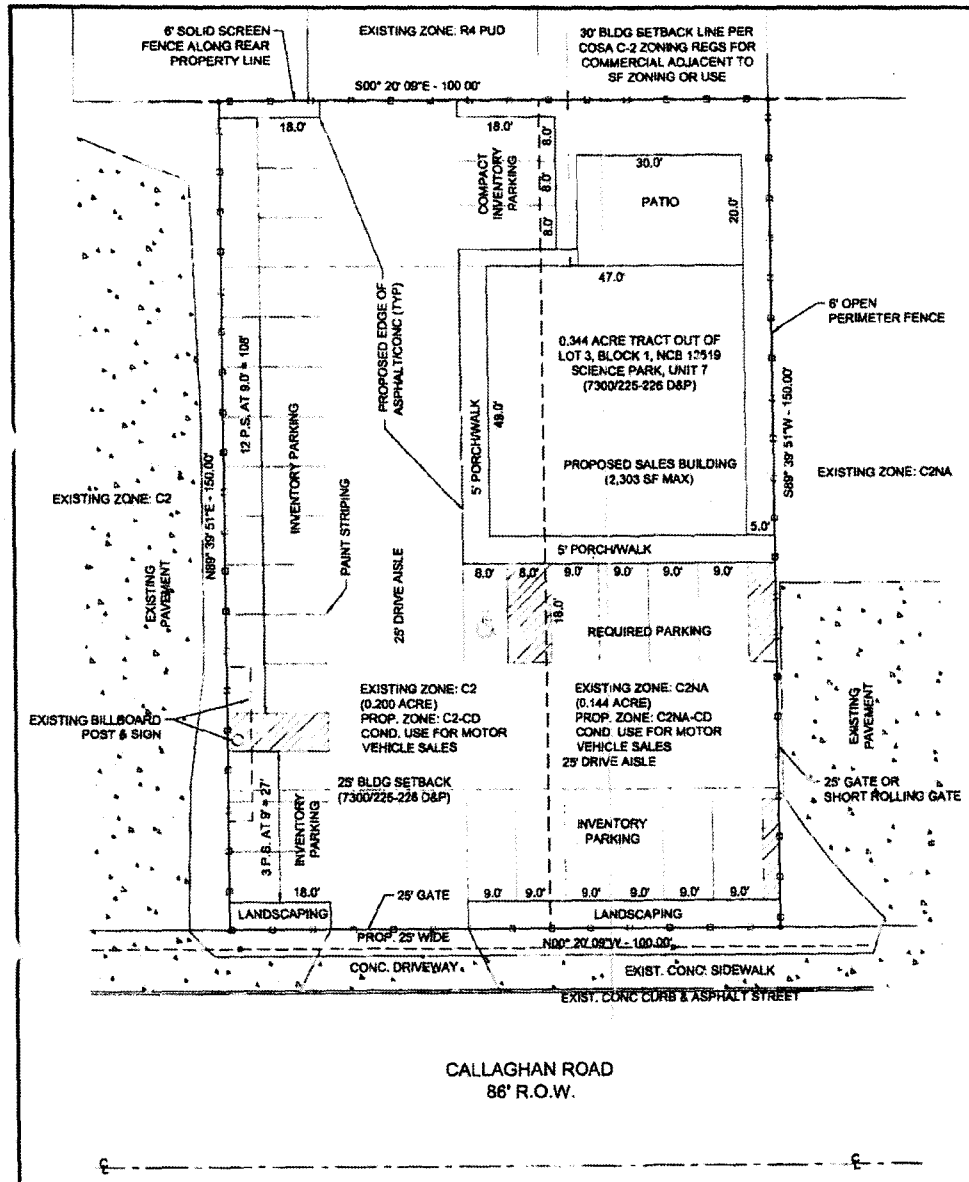

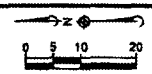

LEGEND

- PROPERTY CORNER
- PROPOSED PERIMETER FENCE
- EXISTING ZONING BOUNDARY
- EXISTING OVERHEAD ELECTRIC
- EXISTING POWER POLE
- EXISTING CONCRETE/ASPHALT SURFACE

PROJECT DATA TABULATION

EXISTING SITE ACREAGE:	0.344 AC. (15,000 SF)
MAXIMUM SIZE OF PROPOSED BUILDING:	2,303 SF
IMPERVIOUS COVER DATA:	
APPROX. SIZE OF PROPOSED PAVED AREA:	11,411 SF
MAX. SIZE OF PROPOSED IMPERVIOUS COVER (INCL. BLDG.):	13,714 SF

C2 SETBACKS:
- FRONT: 0 FEET
- SIDE: 0 FEET
- REAR: 30 FEET (ABUTS RESIDENTIAL USE/ZONE R4 PUD)

OFF-STREET PARKING REQUIREMENTS:

REQUIRED PER UDC:	5 - 1 P.S. PER 500 GFA (INCLUDES ADA)
ADA REQUIRED:	1 - VAN ACCESSIBLE
PROVIDED:	5 - 4 STANDARD & 1 ADA VAN ACCESSIBLE

GENERAL NOTES:
1. THE EXISTING TRACT IS A VACANT LOT.
2. THIS PRELIMINARY SITE PLAN WAS PERFORMED WITHOUT THE BENEFIT OF A BOUNDARY/TOPOGRAPHIC SURVEY OR A TITLE COMMITMENT. THERE MAY BE EASEMENTS OR BUILDING SETBACKS THAT PERTAIN TO THIS TRACT THAT ARE NOT SHOWN HEREON.
3. THE INTENDED USE OF THE PROPERTY IS THE SALE OF USED AUTOMOBILES.
4. I, MR. GILBERT A. GONZALES, 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.

COMMENTS
NO. DATE

DYE DEVELOPMENT, INC

VALDEZ AUTO SALES
PRELIMINARY SITE PLAN

DRAWN BY:
CHECKED BY:
DATE:
PROJECT NO.:

SHEET
C1.0

Attachment B