

AN ORDINANCE 2009-10-01-0791

**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 a 0.143 of an acre out of Lot 8, NCB 10757 from "R-5" Residential Single-Family District to "R-5 CD" Residential Single-Family District with a Conditional Use for a Beauty Shop.

**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.** The City council approves this Conditional Use 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.

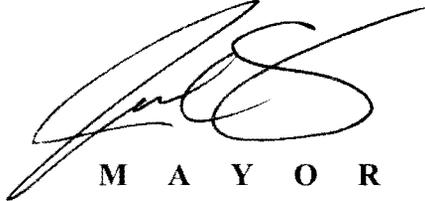
**SECTION 6.** The Director of Planning and Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 7.** This ordinance shall become effective October 11, 2009.

**PASSED AND APPROVED** this 1<sup>st</sup> day of October 2009.

ATTEST:

  
City Clerk



M A Y O R

JULIÁN CASTRO

APPROVED AS TO FORM:

  
\_\_\_\_\_  
For City Attorney

<b>Agenda Item:</b>	<b>Z-6 ( in consent vote: Z-5, Z-6, Z-7, Z-8, P-4, Z-12, Z-13, Z-14, Z-15 )</b>						
<b>Date:</b>	10/01/2009						
<b>Time:</b>	04:07:55 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2009138 CD (District 2): An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District to "R-5 CD" Residential Single-Family District with a Conditional Use for a Beauty Shop on a 0.143 of an acre tract of land out of Lot 8, NCB 10757 located at 1817 South W.W. White Road. Staff and Zoning Commission recommend approval.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				x

**H.A. KUEHLEM SURVEY COMPANY**  
Boundary \* Subdivisions \* Oil Wells \* Construction  
GPS Services

**72009138 CD**

**FIELD NOTES**

Field notes of a 0.143 of an acre tract of land situated in the City of San Antonio, Bexar County, Texas and being out of Lot 8, New City Block 10757, Elkins Subdivision, according to plat recorded in Volume 4700, Page 175, Plat Records, and being part of that 1.026 acre tract conveyed to Fred Gonzalez and Estella Gonzalez by deed recorded in Volume 13449, Page 346, of the Real Property Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron pin found in the west line of W.W. White Road at the northeast corner of said 1.026 acre tract, Lot 8 and this tract, being the southeast corner of Lot 5, Block 1, Eastland of Texas, Inc. Subdivision according to plat recorded in Volume 5870, Page 96, Plat Records, said point being 158.83 feet in a southerly direction along the west line of W.W. White Road from a 1/2" iron pin found at a point of intersection (P.I.) with the south line of Seabreeze Drive.

Thence in a southerly direction along the arc of a curve to the left whose radius is 2919.90 feet and having a central angle of 01° 23' 36", a distance of 71.01 feet (chord bears S 12° 00' 36" E. 71.01 feet) along the west line of W.W. White Road to a 1/2" iron pin set at the southeast corner of Lot 8 and this tract, being the northeast corner of Lot 9.

Thence N 89° 38' 32" W. 96.74 along the south line of Lot 8, being the north line of Lot 9, to a "X" set on top of a wall at the southwest corner of this tract.

Thence N 00° 36' 55" W. 69.38 across Lot 8 to a 1/2" iron pin found in the north line of Lot 8, being the south line of said Lot 5, and being the northwest corner of this tract.

Thence S 89° 38' 32" E. 82.71 feet along the south line of said Lot 5, being the north line of said 1.026 acre tract and Lot 8, to the place of Beginning and containing 0.143 of an acre of land according to a survey made on the ground.

All 1/2" iron pins set with orange plastic cap "RPLS 4020".  
Job No. 029-08  
RE: Plat

Surveyed July 29, 2009

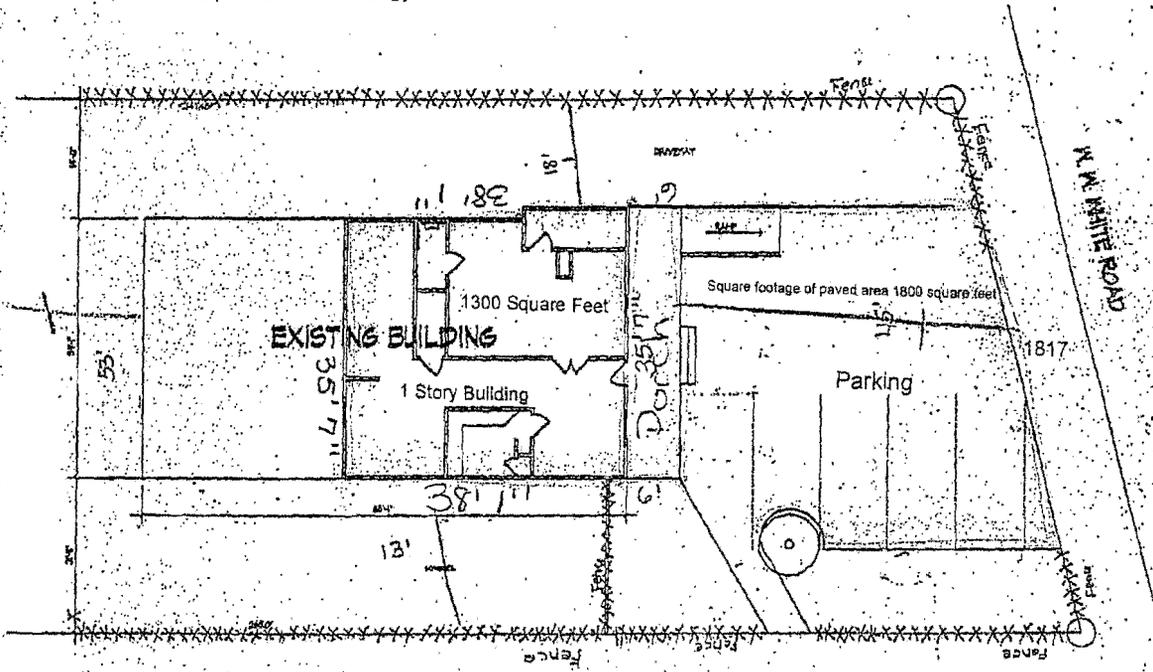


HENRY A. KUEHLEM  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4020



Zoning Case Z2008138 CD

7. The following statement: "I Alfredo & Estella Gonzalez, the property owners, 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 rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits."



SITE PLAN

Current Zoning -R5  
 Requested Zoning R5 CD-Residential Single  
 with Conditional use for Beauty Salon

A 0.143 of an acre tract of land out of Lot 8, NCB 10757

JESSE M. GONZALEZ JR.  
 ARCHITECT  
 A. DESIGN FOR ALL READY-MADE SALON  
 1817 SOUTH W. WHITE ROAD

**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):

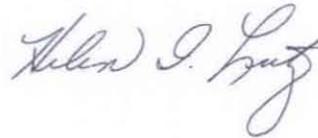
**October 7, 2009**

Subscribed and sworn to before me this 7th day of October, 2009, to certify which witness my hand and seal of office.

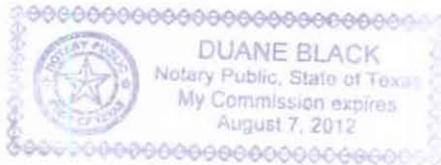
**PUBLIC NOTICE**

**AN ORDINANCE**  
**2009-10-01-0791**

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: A 0.143 of an acre tract of land out of Lot 8, NCB 10757 TO WIT: From "R-5" Residential Single Family District to "R-5 CD" Residential Single Family District with a Conditional Use for a Beauty Shop provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
10/7



*Helen I. Lutz, Publisher*



*Notary Public in and for the State of Texas*

Duane Black  
*Name of Notary*

*My commission expires August 7, 2012*