

AN ORDINANCE 2009-06-04-0480

**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 6.80 acres out of Lot 1 and Lot 2, Block 11, NCB 17941 from "C-2" Commercial District to "C-2 CD" Commercial District with a Conditional Use for a Funeral Home or Undertaking Parlor.

**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 June 14, 2009.

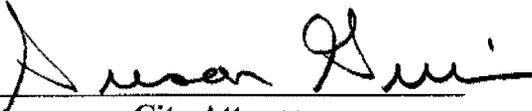
**PASSED AND APPROVED** this 4th day of June 2009.



M A Y O R

JULIÁN CASTRO

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
For City Attorney

<b>Agenda Item:</b>	<b>Z-8 ( in consent vote: Z-3, Z-8, P-4 )</b>						
<b>Date:</b>	06/04/2009						
<b>Time:</b>	02:12:17 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2009104 CD (District 8): An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-2 CD" Commercial District with a Conditional Use for a Funeral Home or Undertaking Parlor on 6.80 acres out of Lot 1 and Lot 2, Block 11, NCB 17941 located at 8910 and 9060 Bandera Road. Staff recommends Approval. Zoning Commission recommendation pending the June 2, 2009 public hearing.						
<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>
Julian Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5	x					
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	

Z2009104CD

**PAPE-DAWSON**  
CIVIL & ENVIRONMENTAL ENGINEERS

9310 BROADWAY, SAN ANTONIO, TEXAS 78217  
512/824-9494

FIELD NOTES  
FOR

A 3.57 acre tract of land out of a 183.566 acre tract out of the Jose Alameda League, Survey No. 81, County Block 4017, Bexar County, Texas, and also out of Lot 1, Block 11 and out of a 36-foot by 30-foot lift station site in French Creek Village, Unit-2 as recorded in Volume 7800, Page 202 and out of a 16-foot sanitary sewer easement as recorded in Volume 7300, Page 186 of the Deed and Plat Records of Bexar County, Texas, and furthermore, said tract being more particularly described as follows:

COMMENCING: At an iron pin on the north right-of-way line of Bresnahan Drive and at the south corner of Lot 59, Block 9, French Creek Village, Unit-2, a subdivision plat recorded in Volume 7800, Pages 202 through 204 of the Deed and Plat Records of Bexar County, Texas, and said point being a Point of Reference for the tract herein described and also the point of curvature of a curve to the right in a southwesterly direction, whose elements are: Delta =  $13^{\circ}15'54''$ , Radius = 1,085.15 feet, Tangent = 126.18 feet, and whose chord bears  $S 65^{\circ}35'50'' W$ , a distance of 250.67 feet;

THENCE: Along said curve to the right, a distance of 251.23 feet along the north right-of-way line of Bresnahan Drive to the point of tangency of said curve;

THENCE: Continuing along the north right-of-way line of Bresnahan Drive,  $S 72^{\circ}13'47'' W$ , a distance of 76.67 feet to the southeast corner and the POINT OF BEGINNING hereof;

THENCE: Continuing with said north right-of-way line of Bresnahan Drive  $S 72^{\circ}13'47'' W$ , a distance of 180.23 feet to the point of curvature of a curve return to the right at the north corner of the intersection of the north right-of-way line of Bresnahan Drive and the east right-of-way line of State Highway 16 (Bandera Road) said curve return having the following elements: Delta =  $81^{\circ}31'35''$ , Radius = 25.00 feet, Tangent = 21.55 feet, and whose chord bears  $N 67^{\circ}00'26'' W$ , a distance of 32.65 feet;

THENCE: Along said curve return to the right, to the point of a reverse curvature of a curve to the left, along the east right-of-way line of said State Highway 16, said curve having the following elements: Delta =  $09^{\circ}48'08''$ , Radius = 2,924.93 feet, Tangent = 250.81 feet, and whose chord bears  $N 31^{\circ}08'42'' W$ , a distance of 499.79 feet;

THENCE: Along said curve to the left, with the east right-of-way line of State Highway 16, a distance of 500.40 feet to a point for an angle;

THENCE: Continuing along the east right-of-way line of State Highway 16 (Bandera Road) and the west boundary of this tract, the following courses:

$N 27^{\circ}57'26'' W$ , a distance of 122.29 feet to a point for an angle;

**Exhibit A**

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Field Notes for  
3.57 Acre Tract  
Page 2 of 2

N 31°48'53" W, a distance of 85.75 feet to a point on the southeast corner of a 16-foot gas, electric, telephone, and sanitary sewer easement in the aforementioned subdivision plat of French Creek Village, Unit-2;

THENCE: Along the east line of said 16-foot easement, N 11°29'14" E, a distance of 84.14 feet to a point for the northwest corner hereof;

THENCE: N 88°24'14" E, a distance of 164.67 feet to a point for the northeast corner hereof;

THENCE: S 31°48'53" E, a distance of 70.84 feet to a point for an angle;

THENCE: S 27°57'26" E, a distance of 115.12 feet to a point intersecting a curve to the right, whose elements are: Delta = 10°28'45", Radius = 3,124.93 feet, Tangent = 286.56 feet, and whose chord bears S 30°32'35" E, a distance of 570.73 feet;

THENCE: Along said curve to the right, a distance of 571.53 feet, returning to the north right-of-way line of Bresnahan Drive and the POINT OF BEGINNING, and containing 3.57 acres (155,401 square feet) of land, more or less, in Bexar County, Texas.

PREPARED BY: PAPE-DAWSON CONSULTING ENGINEERS, INC.

JOB NO.: 1340-60-20

DATE: APRIL 10, 1986

DOC. ID: FN5-1.3/4.3.2(6)(040986)

MAFF-DAWSON  
CIVIL & ENVIRONMENTAL

ENGINEERS  
FIELD NOTES  
FOR

Z2009104 CD

9310 BROADWAY SAN ANTONIO, TEXAS 78217  
512-824-9494

A 2.13 acre tract of land out of a 183.566 acre tract out of the Jose Alameda League, Survey No. 81, County Block 4017, Bexar County, Texas, and also out of a part of a 30-foot wide drainage easement in French Creek Village, Unit-2 as recorded in Volume 7800, Pages 202 through 204 of the Deed and Plat Records of Bexar County, Texas, and furthermore, said tract being more particularly described as follows:

COMMENCING: At an iron pin on the north right-of-way line of Bresnahan Drive and at the south corner of Lot 59, Block 9, French Creek Village, Unit-2, a subdivision plat recorded in Volume 7800, Pages 202 through 204 of the Deed and Plat Records of Bexar County, Texas, said point being a Point of Reference for the tract herein described and also the point of curvature of a curve to the right in a southwesterly direction, whose elements are: Delta =  $03^{\circ}41'51''$ , Radius = 1,085.15 feet, Tangent = 35.03 feet, and whose chord bears  $S 60^{\circ}48'48'' W$ , a distance of 70.02 feet;

THENCE: Along said curve to the right, a distance of 70.03 feet, along the north right-of-way line of Bresnahan Drive to a point intersecting a curve to the left in a northwesterly direction, whose elements are: Delta =  $13^{\circ}30'33''$ , Radius = 315.79 feet, Tangent = 37.40 feet, and whose chord bears  $N 34^{\circ}37'29'' W$ , a distance of 74.28 feet;

THENCE: Along said curve to the left, a distance of 74.46 feet to its point of tangency;

THENCE:  $N 41^{\circ}22'45'' W$ , a distance of 131.20 feet to a point intersecting a curve to the right in a southeasterly direction, whose elements are: Delta =  $06^{\circ}53'47''$ , Radius = 885.15 feet, Tangent = 53.33 feet, and whose chord bears  $S 68^{\circ}46'54'' W$ , a distance of 106.47 feet, and furthermore said point being the southeast corner and the POINT OF BEGINNING hereof;

THENCE: Along said curve to the right, a distance of 106.54 feet to its point of tangency;

THENCE:  $S 72^{\circ}13'47'' W$ , a distance of 109.75 feet to the southwest corner of this tract, at the intersection of a curve to the left in a northwesterly direction, whose elements are: Delta =  $06^{\circ}45'42''$ , Radius = 3,124.93 feet, Tangent = 184.60 feet, and whose chord bears  $N 32^{\circ}24'07'' W$ , a distance of 368.56 feet;

THENCE: Along said curve a distance of 368.78 feet to a point for an angle;

THENCE:  $N 27^{\circ}57'26'' W$ , a distance of 115.12 feet to a point for an angle;

THENCE:  $N 31^{\circ}48'53'' W$ , a distance of 70.84 feet to a point for the northwest corner hereof;

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Field Notes For  
2.13 Acre Tract  
Page 2 of 2

THENCE: N 88°24'14" E, a distance of 204.23 feet to a point for the northeast corner hereof at the intersection of a curve to the left in a southeasterly direction, whose elements are: Delta = 23°42'23", Radius = 621.38 feet, Tangent = 130.42 feet, and whose chord bears S 29°31'33" E, a distance of 255.27 feet;

THENCE: Along said curve to the left, a distance of 257.10 feet to its point of tangency;

THENCE: S 41°22'45" E, a distance of 246.02 feet to the POINT OF BEGINNING, and containing 2.13 acres (92,860 square feet) of land, more or less, in Bexar County, Texas.

PREPARED BY: PAPE-DAWSON CONSULTING ENGINEERS, INC.  
JOB NO.: 1340-60-20  
DATE: APRIL 10, 1986  
DOC. ID: FN5-1.3/4.4.2(8)(040986)

DAWSON  
CIVIL & ENVIRONMENTAL

ENGINEERS

9310 BROADWAY, SAN ANTONIO, TEXAS 78217  
512-824-9494

72009104 CD

FIELD NOTES

FOR

A 1.10 acre tract of land out of a 183.566 acre tract out of the Jose Alameda League, Survey No. 81, County Block 4017, Bexar county, Texas, said tract being more particularly described as follows:

COMMENCING: At an iron pin on the north right-of-way line of Bresnahan Drive and at the south corner of Lot 59, Block 9, French Creek Village, Unit-2, a subdivision plat recorded in Volume 7800, Page 202 through 204 of the Deed and Plat Records of Bexar County, Texas, said point being a Point of Reference for the tract herein described and also the point of curvature of a curve to the right in a southwesterly direction, whose elements are: Delta =  $03^{\circ}41'51''$ , Radius = 1,085.15 feet, Tangent = 35.03 feet, and whose chord bears  $S 60^{\circ}48'48'' W$ , a distance of 70.02 feet;

THENCE: Along said curve to the right a distance of 70.03 feet along the north right-of-way line of Bresnahan Drive to the southeast corner and the POINT OF BEGINNING hereof;

THENCE: Continuing along the north right-of-way line of Bresnahan Drive and with the aforementioned curve to the right, whose new elements are: Delta =  $09^{\circ}34'03''$ , Radius = 1,085.15 feet, Tangent = 90.81 feet, and whose chord bears  $S 67^{\circ}26'45'' W$ , a distance of 180.99 feet;

THENCE: Along said curve to the right, a distance of 181.20 feet to its point of tangency;

THENCE: Continuing along the north right-of-way line of Bresnahan Drive,  $S 72^{\circ}13'47'' W$ , a distance of 76.67 feet to a point intersecting a curve to the left which departs from the north right-of-way line of Bresnahan Drive, and whose elements are: Delta =  $03^{\circ}43'03''$ , Radius = 3,124.93 feet, Tangent = 101.41 feet, and whose chord bears  $N 27^{\circ}09'44'' W$ , a distance of 202.72 feet;

THENCE: Along said curve to the left, a distance of 202.75 feet to a point for the northwest corner hereof;

THENCE:  $N 72^{\circ}13'47'' E$ , a distance of 109.75 feet to the point of curvature of a curve to the left, whose elements are: Delta =  $06^{\circ}53'47''$ , Radius = 885.15 feet, Tangent = 53.33 feet, and whose chord bears  $N 68^{\circ}46'54'' E$ , a distance of 106.47 feet;

THENCE: Along said curve to the left, a distance of 106.54 feet to a point for the northeast corner hereof;

THENCE:  $S 41^{\circ}22'45'' E$ , a distance of 131.20 feet to the point of curvature of a curve to the right, whose elements are: Delta =  $13^{\circ}30'33''$ , Radius = 315.79 feet, Tangent = 37.40 feet, and whose chord bears  $S 34^{\circ}37'29'' E$ , a distance of 74.28 feet;

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Field Notes for  
1.10 Acre Tract  
Page 2 of 2

THENCE: Along said curve to the right, a distance of 74.46 feet, returning to the north right-of-way line of Bresnahan Drive and the POINT OF BEGINNING, and containing 1.10 acres (47,884 square feet) of land, more or less, in Bexar County, Texas.

PREPARED BY: PAPE-DAWSON CONSULTING ENGINEERS, INC.  
JOB NO.: 1340-60-20  
DATE:  
DOC. ID: FN5-1.3/4.2.2(4)(040986)





**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):

**June 8, 2009**

Subscribed and sworn to before me this 8th day of June, 2009, to certify which witness my hand and seal of office.

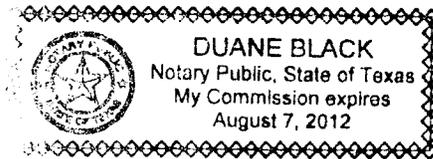
**PUBLIC NOTICE**

**AN ORDINANCE**  
**2009-06-04-0480**

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: 6.80 acres out of Lot 1 and Lot 2, Block 11, NCB 17941(CB 4017) TO WIT: From "C-2" Commercial District to "C-2 CD" Commercial District with a Conditional Use for a Funeral Home or Undertaking Parlor provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
6/8



*Helen I. Lutz, Publisher*



*Notary Public in and for the State of Texas*

Duane Black

*Name of Notary*

*My commission expires August 7, 2012*