

AN ORDINANCE 2015-12-17-1079

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 Lot 2 Block 5 NCB 1997, save and except that portion conveyed to the State of Texas, from "R-4 AHOD" Residential Single Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single Family Airport Hazard Overlay District with Conditional Use for a Professional Office.

SECTION 2. A description of the property recorded in Volume 3965, Page 668 of the Bexar County Real Property Records, 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. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 9:00 p.m. Monday thru Saturday.
- C. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.

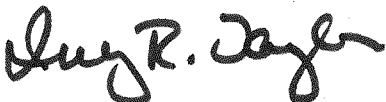
SECTION 5. The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

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 December 27, 2015.

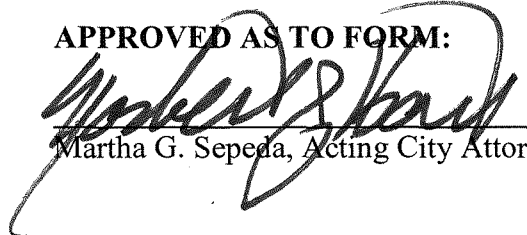
PASSED AND APPROVED this 17th day of December, 2015.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Martha G. Sepeda, Acting City Attorney

Agenda Item:	Z-2
Date:	12/17/2015
Time:	02:08:52 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2016009 CD (Council District 1): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Professional Office on 0.1837 acres of land out of NCB 1997 located at 1406 West French Place. Staff recommends Approval. Zoning Commission recommends Approval, with Conditions.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				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				

70072009

State Department of Highways
and Public Transportation
Form D-15-12 (Partial Taking)
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Rev. 7-75

1348526

Account No. 9015-3-29
C.S.J. No. 0072-12-105
Parcel No. 4

13P

DEED
CONTROLLED ACCESS HIGHWAY FACILITY

THE STATE OF TEXAS
COUNTY OF BEXAR

WHEREAS, the State Highway and Public Transportation Commission has been authorized under House Bill 179, Acts of the 55th Legislature, Regular Session, 1957 (Article 6674w-1, et seq., Vernon's Annotated Civil Statutes of Texas) to purchase land and such other property rights deemed necessary for the purposes of facilitating the construction, maintenance and operation of Controlled Access Highways; and,

WHEREAS, the purchase of the hereinafter described premises has been deemed necessary by the State Highway and Public Transportation Commission for the purposes of facilitating the construction, maintenance and operation of a Controlled Access Highway facility;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Neil Flores and husband, Henry Flores, Jr.,
 Aristea M. Guardia and husband, Alfred D. Guardia

of the County of Bexar , State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of ONE THOUSAND AND NO/100 (\$ 1,000.00) Dollars, to Grantors in hand paid by the State of Texas, acting by and through the State Highway and Public Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold, and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas, all that certain tract or parcel of land lying and being situated in the County of Bexar , State of Texas, more particularly described as follows, to wit:

0.022 of an acre of land or 964.052 square feet, more or less, being a triangular portion out of Lot 2, New City Block 1997, as conveyed from Catherine M. Determan, a widow to Santos Oroasco, a single widow, and Joe Victor Oroasco, a single male, by a Deed dated September 17, 1965, of Record in Volume 5431, Page 174, in the Deed Records of Bexar County, Texas, which 0.022 of an acre of land, or 964.052 square feet, more or less, is more particularly described by metes and bounds as follows:

03/13/87 132104 800059 \$13.00 Y 1 159

Attachment A

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R
9-30-85
R

Z2016009

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BEGINNING at a point in the South right-of-way of West French Place, said point being the most Northwest corner of this parcel, from which the Northwest corner of said Lot 2, New City Block 1997, bears North 83°51'20" West, a distance of 31.23 feet;

- (1) THENCE South 83°51'20" East, a distance of 18.77 feet, along the South right-of-way of West French Place, to a point at the Northwest corner of Lot 1, New City Block 1997, as conveyed from Lola Puentas, to Joe L. Casas and wife Mary O. Casas, by a Deed dated September 5, 1975, of Record in Volume 7673, Page 764, in the Deed Records of Bexar County, Texas, said point being the most Northeast corner of this parcel and of said Lot 2, New City Block 1997;
- (2) THENCE South 06°08'41" West, a distance of 102.73 feet, along the West Property line of said Lot 1, New City Block 1997, and the East Property line of said Lot 2, New City Block 1997, to a point for the South corner of this parcel;
- (3) THENCE North 04°12'36" West, a distance of 104.43 feet, along the proposed right-of-way line of I.H. 10, to the point of BEGINNING and containing 0.022 of an acre of land, or 964.052 square feet, more or less.

2013965 PAGE 669

1368258

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SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the above described property, to wit:

NONE

Grantors covenant and agree to remove the above described improvements from said land by _____, 19____, subject, however, to such extensions of time as may be granted by the State in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the State of Texas forever.

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Grantors hereby acknowledge that their use of and access to the expressway lanes to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility as a Controlled Access Highway require that access from Grantor's remaining property to said highway facility shall be governed henceforth as indicated in Paragraphs (A) and/or (B) hereinbelow; and all abutter's rights, including rights of ingress and egress and the right of direct access to and from Grantor's remaining property to said Controlled Access Highway facility, which have accrued or might otherwise accrue to Grantors, their heirs, successors or assigns are hereby waived, released and relinquished insofar as they appertain to Paragraph (B) hereinbelow:

(A) Access to and from Grantor's remaining property will be permitted:

Access will be permitted to the remainder abutting the highway facility.

(B) Access to and from Grantor's remaining property will be denied:

Access will not be denied.

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the State to take and use all other minerals and materials thereon, therein and thereunder.

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TO HAVE AND TO HOLD the above described premises herein conveyed together with all and singular the rights and appurtenances thereto in anywise belonging, unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 28th day of August, 19 85.

Henry Flores Jr.
HENRY FLORES, JR.

Nell Flores
NELL FLORES

Alfred D. Guardia
ALFRED D. GUARDIA

Aristea M. Guardia
ARISTEA M. GUARDIA

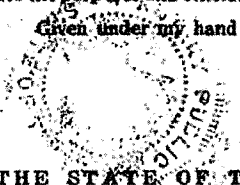
~~SINGLE~~ ACKNOWLEDGMENT

THE STATE OF TEXAS
County of BEXAR

Before me, Bennie J. Maloch, a notary public in and for said County and State, on this day personally appeared Nell Flores, and husband Henry Flores, Jr.

known to me (or by the best of my knowledge and belief) to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 28th day of August 19 85.



BENNIE J. MALOCH
Notary Public, State of Texas
Notary Public in and for Bexar County, Texas.

MY COMMISSION
~~SINGLE~~ ACKNOWLEDGMENT EXPIRES 12-31-88

THE STATE OF TEXAS
County of BEXAR

Before me, Bennie J. Maloch, a notary public in and for said County and State, on this day personally appeared Aristea M. Guardia and husband Alfred D. Guardia

known to me (or by the best of my knowledge and belief) to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 28th day of August 19 85.

BENNIE J. MALOCH
Notary Public, State of Texas
Notary Public in and for Bexar County, Texas.

MY COMMISSION
EXPIRES 12-31-88

ST 1985 7 28 85

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CORPORATION ACKNOWLEDGMENT

STATE OF TEXAS

County of _____

FILED IN MY OFFICE
MAR 12 1987
COUNTY CLERK
BESAR COUNTY TEXAS

BEFORE ME, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared _____

of _____ known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said _____ and that he executed the same as the act of such corporation and in the capacity therein stated.

Given under my hand and seal of office, this MAR 13 1987 day of _____, 19____

Notary Public _____
COUNTY CLERK
BESAR COUNTY TEXAS

Parcel No. 4
County Bexar
Highway No. Interstate Highway 35
Control 72 Sec. 12 Job _____
Account or Federal No. 9015-3-29
Between Hildebrand Avenue
and Interstate Highway 35



DEED
CONTROLLED ACCESS HIGHWAY FACILITY
Neil Flores, Et Vir
Aristea M. Guardia, Et Vir

TO
GRANTEE THE STATE OF TEXAS
AUSTIN, TEXAS
Filed for Record _____ day of _____ at _____ o'clock _____ M.
Recorded _____ day of _____ A. D. 19____, in _____ County, Texas, Records of Deeds, Book _____ Page _____
County Clerk _____ Deputy _____

Return To: State Department of Transportation
and Public Transportation
P.O. Box 23924
San Antonio, Texas 78204

ENDORSEMENTS

THE STATE OF TEXAS,
County of _____

I, _____, Clerk of the County Court of _____ County, do hereby certify that the foregoing instrument of writing, dated the _____ day of _____ A. D. 19____ with its authentication, was filed for record in my office on the _____ day of _____ A. D. 19____ at _____ o'clock _____ M., and duly recorded this the _____ day of _____ A. D. 19____ at _____ o'clock _____ M., in the Deed Records of said County, in Volume _____

Witness my hand and the seal of the County Court of said County, at office in _____ Texas, the day and year last above written.

Clerk of Court, _____ County, Texas.
By _____ Deputy.

RECORDED'S MESSAGE
WAS NOT CLEARLY RECORDED FOR SATISFACTORY
GET ON THIS PAGE

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R-4 CD for Professional office

22016009

W. FRENCH PLACE

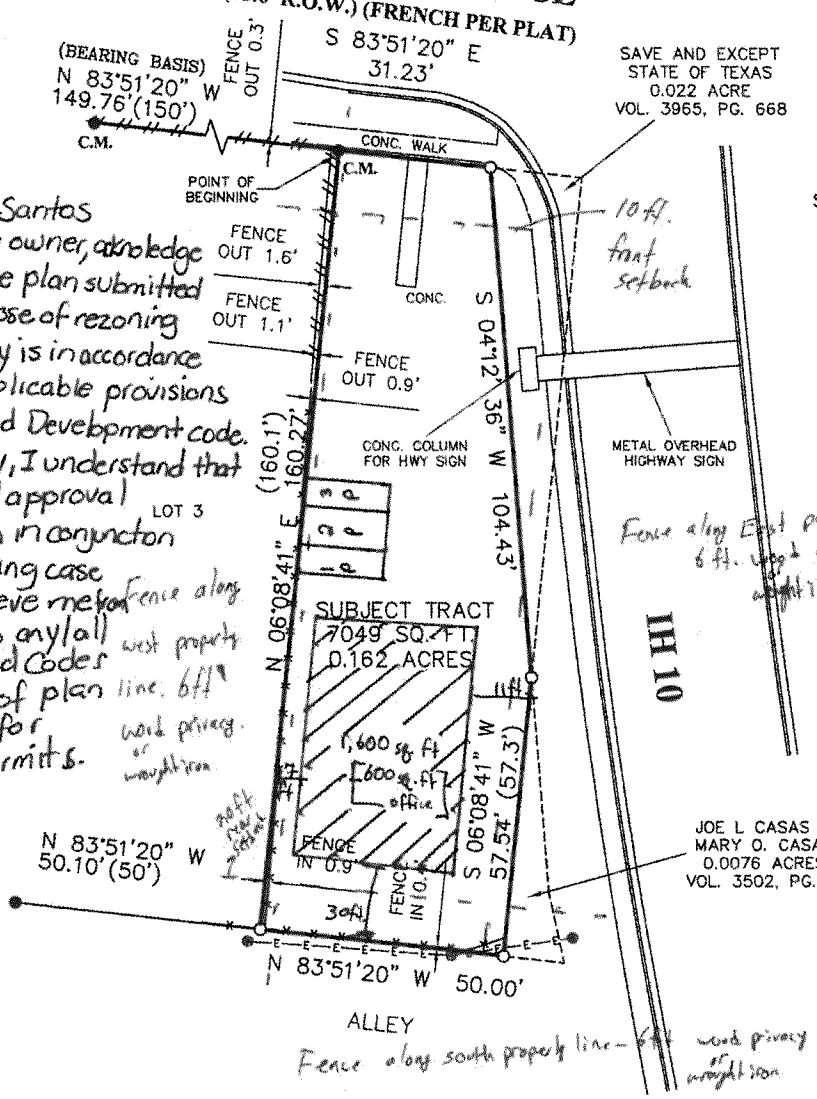
(55.6' R.O.W.) (FRENCH PER PLAT)

(BEARING BASIS)
N 83°51'20" W
149.76' (150')

SAVE AND EXCEPT
STATE OF TEXAS
0.022 ACRE
VOL. 3965, PG. 668

SCALE: 1"=30'

I, Elizabeth Santos
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 site plan in conjunction
with a rezoning case
does not relieve me of
adherence to any/all
City adopted Codes
at the time of plan
submittal for
building permits.



JOE L CASAS &
MARY O. CASAS
0.0076 ACRES
VOL. 3502, PG. 81

NOTE:
THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT
TITLE COMMITMENT AND THERE MAY BE EASEMENTS,
RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD
WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT
SHOWN ON THE FACE OF THIS SURVEY.

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

NOTE: NO RESTRICTIVE COVENANTS OF RECORD WERE
FOUND.

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON RECORD DEED
RECORDED BELOW.

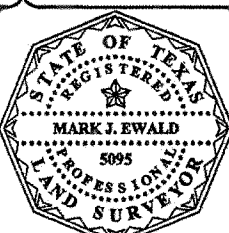
FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 480290, Panel No. 0385 G, which is Dated 09-29-2010. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtml>.



Property Address:
1406 W FRENCH PLACE (FRENCH PER PLAT)
Property Description:
Being 0.162 acres of land, more or less, being all of Lot 2, Block 5, NCB 1997, City of San Antonio, Bexar County, Texas SAVE AND EXCEPT that portion conveyed to the State of Texas described in Deed Recorded in Volume 3965, Page 668 of the Real Property Records of Bexar County, Texas; said 0.162 acres being more particularly described by metes and bounds attached hereto.
Owner:
T.B.D.

FIRM REGISTRATION NO. 1011700
Westar Alamo
LAND SURVEYORS, L.L.C.
P.O. BOX 1036 HELOTES, TEXAS 78023-1036
PHONE (210) 372-9500 FAX (210) 372-9999

- LEGEND**
- = 1/2" IRON ROD TO BE SET
 - = 1/2" IRON ROD
 - () = RECORD INFORMATION
 - B.S. = BUILDING SETBACK
 - C.M. = CONTROLLING MONUMENT
 - ⊕ = POWER POLE
 - ⊖ = OVERHEAD ELECTRIC
 - = WIRE FENCE
 - = WOOD FENCE
- DRAWN BY: JW



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.
Mark J. Ewald
MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

Attachment B