

ORDINANCE 2020-06-18-0431

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 0.4236 acres out of NCB 861 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 four (4) units on 0.2118 acres out of NCB 861 and "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for four (4) units on 0.2118 acres out of NCB 861.

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.

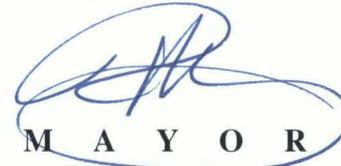
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SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective June 28, 2020.

PASSED AND APPROVED this 18th day of June, 2020.



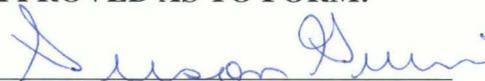
M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



for Andrew Segovia, City Attorney



City of San Antonio

City Council

June 18, 2020

Item: Z-8

File Number: 20-3633

Enactment Number:

2020-06-18-0431

ZONING CASE Z-2020-10700068 CD (Council District 1): 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 four (4) units on 0.2118 acres and "R-6 CD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for four (4) units on 0.2118 acres, located at 430 East Magnolia Avenue and 434 East Magnolia Avenue. Staff and Zoning Commission recommend Approval.

Councilmember John Courage made a motion to approve. Councilmember Rebecca Viagran seconded the motion. The motion passed by the following vote:

Aye: 10 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Courage and Perry

Absent: 1 Pelaez

SG
06/18/2020
Item No. Z-8

EXHIBIT "A"



STATE OF TEXAS §
COUNTY OF BEXAR §

A 0.21 ACRE TRACT OF LAND OUT OF LOTS 15 AND 16, NEW CITY BLOCK 861, SARAH OSTRUM'S ADDITION TO THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 368, PAGE 61 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the south right-of-way line of E. Magnolia Ave. (platted as Rural Ave., 60 feet wide right-of-way), for the northwest corner of Lot 17 of said New City Block 861, same being the northeast corner of said Lot 16 and the northeast corner and **POINT OF BEGINNING** of this herein described tract, from which a ½" iron rod found for the northeast corner of said Lot 17 bears N 89°39'05" E, a distance of 50.07 feet;

THENCE, S 00°25'17" E, leaving the south right-of-way line of E. Magnolia Ave. with the east line of said Lot 17, a distance of **185.12 feet** (185 feet per deed) to a ½" iron rod found in the north line of Lot 49, Block 1, Rosemond Place Subdivision according to the map or plat thereof recorded on Volume 9665, page 94 of the Deed and Plat Records of Bexar County, Texas for the southwest corner of Lot 17, same being the southeast corner of this herein described tract;

THENCE, N 89°56'27" W, with the north line of said Lot 49 and the north line of a portion of Lots 15 and 16, New City Block 863, of said Sarah Ostrum's Addition, a distance of **54.71 feet** to a ½" iron rod found for the southwest corner of this herein described tract;

THENCE, N 00°29'18" W (N 00°03'17" W, 92.28 feet per deed), over and across said Lot 15, New City Block 861, a distance of **92.21 feet** to a ½" iron rod found for an angle point in the west line of this herein described tract;

THENCE, N 89°36'40" E (S 89°56'43" E, 10.00 feet per deed) continuing over and across Lots 15 and Lot 16 of said New City Block 861, a distance of **9.98 feet** to a ½" iron rod found for an angle point in the west line of this herein described tract;

THENCE, N 00°29'18" W (N 00°03'17" W, 92.28 feet per deed), continuing over and across said Lot 16 of said New City Block 861, a distance of **92.42 feet** to a ½" iron rod set in the south right-of-way line of E. Magnolia Ave., for the northwest corner of this herein described tract;

THENCE, N 89°31'56" E, with the south right-of-way line of E. Magnolia Ave., a distance of **44.95 feet** (45 feet per deed), to the **POINT OF BEGINNING** of this herein described tract, containing 0.21 of one acre (9,212 square feet) of land, mor or less with in these metes and bounds.

FIELD BEARINGS ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) HORIZONTAL DATUM, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

THIS SURVEY WAS PREPARED FROM AN ON THE GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Caesar A. Garcia
RPLS No. 5904
September 11, 2019





STATE OF TEXAS §
COUNTY OF BEXAR §

A 0.21 ACRE TRACT OF LAND OUT OF LOTS 15 AND 16, NEW CITY BLOCK (N.C.B.) 861, SARAH OSTRUM'S ADDITION TO THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 368, PAGE 61 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found the south right-of-way line of E. Magnolia Ave. (platted as Rural Ave., 60 feet wide right-of-way), for the northeast corner of Lot 14 of said N.C.B 861, same being the northwest corner and **POINT OF BEGINNING** of this herein described tract;

THENCE, N 89°34'37" E, with the south right-of-way line of E. Magnolia Ave., passing at a distance of 52.07 feet a ½" iron rod found for the ostensible northeast corner of said Lot 15, and continuing for a total distance of **55.26 feet** (55 feet per deed) to a ½" iron rod set for the northeast corner of this herein described tract.

THENCE, S 00°24'20" E (S 00°03'17" E, 92.29 feet per deed), leaving the south right-of-way line of E. Magnolia Ave., over and across said Lot 16, a distance of **92.39 feet** to a ½" iron rod found for an angle point in the east line of this herein described tract;

THENCE, S 89°34'58" W (S 89°56'43" E, per deed), continuing over and across Lots 16 and Lot 15, a distance of **9.99 feet** to a ½" iron rod found for an angle point in the east line of this herein described tract;

THENCE, S 00°23'00" E (S 00°03'17" E, 92.28 feet per deed), continuing over and across said Lot 15 of said New City Block 861, a distance of **92.20 feet** to a ½" iron rod found in the north line of Lot 16, New City Block 863, same being the southeast corner of this herein described tract;

THENCE, S 89°38'01" W, with the north line of Lot 16 of said New City Block 863 and the north line of that certain tract of land conveyed Mistletoe Bungalow Condominium Association, Inc. by deed recorded in Document No. 20190035174 of the Official Public Records of Bexar County, Texas, a distance of **45.29 feet** to a ½" iron rod found for the southeast corner of said Lot 14, same being the southwest corner of said Lot 15 and this herein described tract;

THENCE, N 00°23'00" W, with the west line of said Lot 14, a distance of **184.54 feet** to the **POINT OF BEGINNING** of this herein described tract, containing 0.21 acre of one (9,281 square feet) of land, more or less within theses metes and bounds

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FIELD BEARINGS ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) HORIZONTAL DATUM, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

THIS SURVEY WAS PREPARED FROM AN ON THE GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Caesar A. Garcia
RPLS No. 5904
May 18, 2020



SG
06/18/2020
Item No. Z-8

EXHIBIT “B”

Z2020-10700068 CD

Rezone

FROM: "R-6" TO: "R-6 CD" w/Conditional Use for 4 dwelling units

I, RYAN COHEN 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.

MAGNOLIA



Exhibit "B"

