

AN ORDINANCE 2018-08-02-0602

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 1.146 acres out of NCB 11623 from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for an Assisted Living Facility with up to fifteen (15) residents.

SECTION 2. A description of the property recorded in General Warranty Deed Volume 17016, Page 1257 of the Official Public Record of Real Property of Bexar County, which is saved and excepted in Section 1 above, 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.

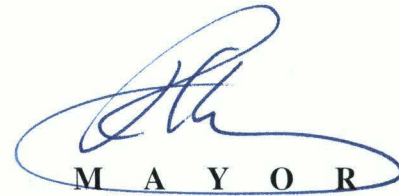
SECTION 4. The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

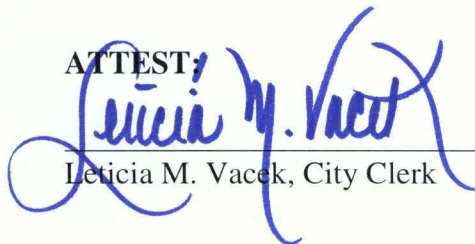
SECTION 5. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

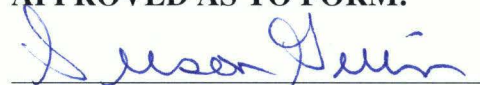
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective August 12, 2018.

PASSED AND APPROVED this 2nd day of August 2018.


M A Y O R
Ron Nirenberg

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Andrew Segovia, City Attorney

Agenda Item:	Z-40						
Date:	08/02/2018						
Time:	05:55:07 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2018191 (Council District 8): Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for an Assisted Living Facility with up to fifteen (15) residents on 1.146 acres out of NCB 11623, located at 8005 Chambers Road. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x			x	
John Courage	District 9		x				
Clayton H. Perry	District 10	x					

SG/lj
08/02/2018
Item No. Z-40

EXHIBIT "A"



22018191

SCANNED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

Date: December 19, 2014

Grantor: MARK MULROY

Grantor's Mailing Address: 3329 Navasota Circle
San Antonio, Texas 78259

Grantee: GHANBAR PROPERTY LLC

Grantee's Mailing Address: 21022 Cactus Cliff
San Antonio, Texas 78258

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid to the Grantor, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, and the further consideration of the execution by Grantee of one certain promissory note of even date herewith in the principal sum of FIVE HUNDRED FOURTEEN THOUSAND NINE HUNDRED and NO/100 DOLLARS (\$514,900.00), payable to the order of WELLS FARGO BANK, N.A., payable as therein provided and bearing interest as therein specified and providing for acceleration of maturity in the event of default and for attorney's fees; and being secured by Vendor's Lien and Superior Title herein and hereby expressly retained and reserved upon the property herein described and conveyed and being additionally secured by Deed of Trust thereon of even date herewith to WELLS FARGO FINANCIAL NATIONAL BANK, Trustee.

Property (including any improvements):

1.146 ACRES OF LAND, MORE OR LESS, BEING ALL OF LOT 19, NEW CITY BLOCK 11623, ALBATROSS HEIGHTS SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 4960, PAGE 183, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, AND A PORTION OF LOT 17, NEW CITY BLOCK 11623, ALBATROSS HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 368, PAGE 214, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS; SAID 1.146 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

Reservations from Conveyance and Warranty: None.

Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all conditions, restrictions and easements of record,

Z2018191

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

WELLS FARGO BANK, N.A., at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of WELLS FARGO BANK, N.A. and are transferred to WELLS FARGO BANK, N.A., without recourse against Grantor.

Ad valorem taxes for the current year have been prorated as of the date of closing hereof, and payment thereof is assumed by Grantee.

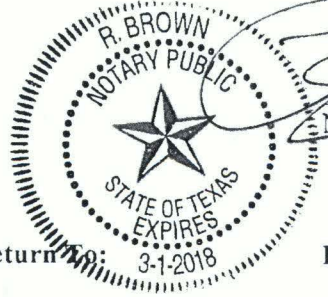

When the context requires, singular nouns and pronouns include the plural.



MARK MULROY

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 19 day of December, 2014, by MARK MULROY.

Notary Public, State of Texas

After Recording Return **NO:**
Ghanbar Property LLC
21022 Cactus Cliff
San Antonio, Texas 78258

Prepared in the Law Offices of:
Pazouki & Arambula, LLP
17115 San Pedro Ave., Ste. 330
San Antonio, Texas 78232

Z2018191

EXHIBIT "A"

METES AND BOUNDS

1.146 acres of land, more or less, being all of Lot 19, New City Block 11623, Albatross Heights Subdivision, City of San Antonio, Bexar County, Texas, according to map or plat thereof recorded in Volume 4960, Page 183, Deed and Plat Records, Bexar County, Texas, and a portion of Lot 17, new City Block 11623, Albatross Heights, according to the plat thereof recorded in Volume 368, Page 214, Deed and Plat Records, Bexar County, Texas; said 1.146 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the East corner of this 1.146 acres, same being the East corner of said Lot 19 and on the northwest Right-of-Way line of Chambers, a variable width Right-of-Way, same also being the **POINT OF BEGINNING**;

THENCE along the northwest Right-of-Way line of said Chambers, South 41 degrees 25 minutes 00 seconds West, a distance of 209.80 feet (called 212.00 feet) to a 1/2 inch iron rod set for the South corner of this 1.146 acres, same being the original South corner of said Lot 17 and on the northwest Right-of-Way line of Chambers;

THENCE departing the northwest Right-of-Way line of said Chambers and along the southwest line of said Lot 17, North 47 degrees 54 minutes 18 seconds West, passing a 1/2 inch iron rod found for the East corner of Lot 615 of Del Donore 8000 Subdivision (Volume 9500, Page 175) at 15.43 feet, for a total distance of 238.08 feet (called 238.00 feet) to a 1/2 inch iron rod set for the West corner of this 1.146 acres;

THENCE severing through said Lot 17, North 41 degrees 30 minutes 42 seconds East, passing the West corner of said Lot 19 at 72.79 feet, for a total distance of 209.79 feet (called 212.00 feet) to a 1/2 inch iron rod found for the North corner of this 1.146 acres, same being the North corner of Lot 19;

THENCE along the northeast line of said Lot 19, South 47 degrees 54 minutes 18 seconds East, a distance of 237.74 feet (called 237.65 feet) to the **POINT OF BEGINNING**, and containing 1.146 acres of land, more or less.

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

Doc# 20140219727 Fees: \$34.00
12/22/2014 4:39PM # Pages 3
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

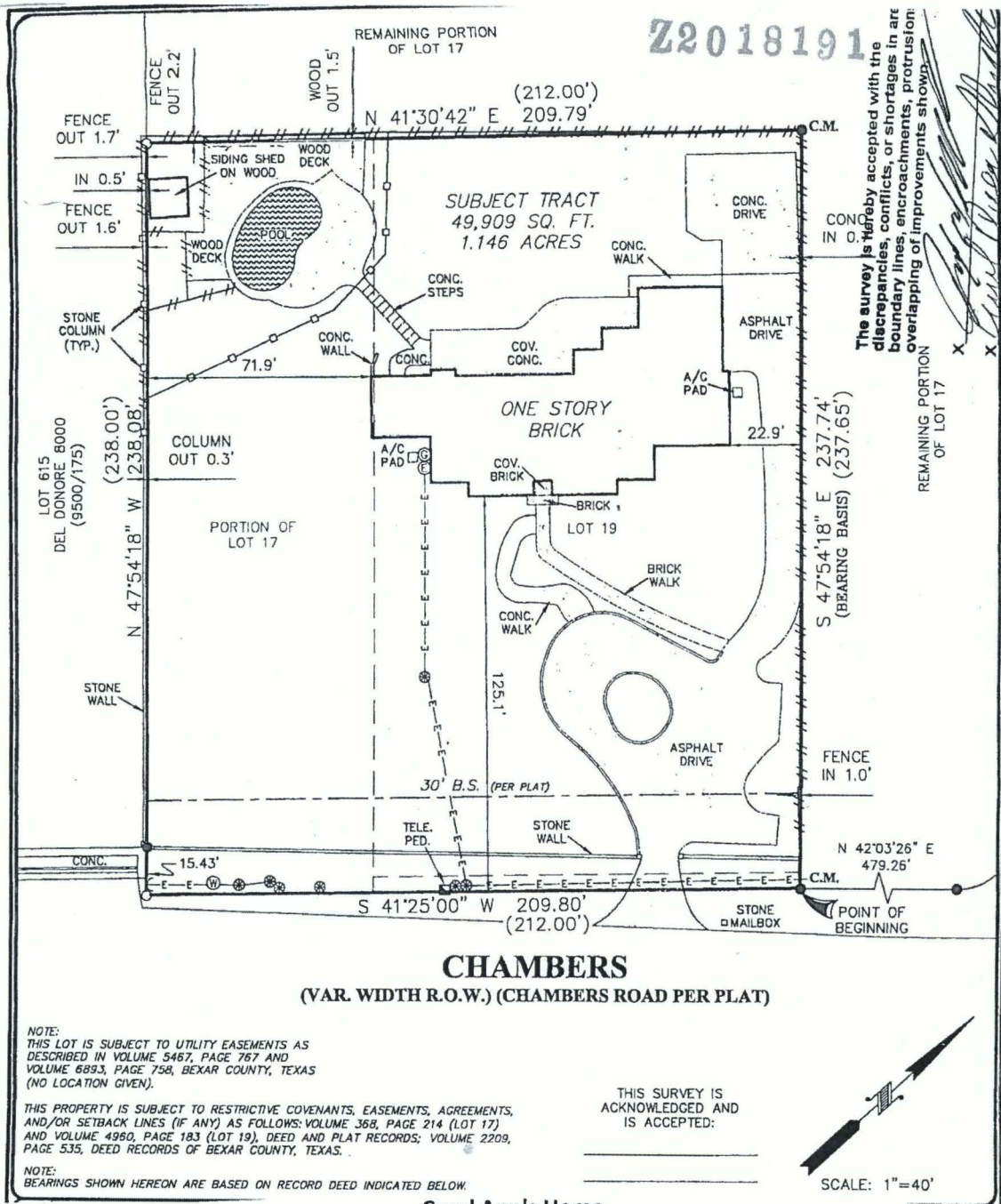
DEC 22 2014



Gerard C. Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

SG/lj
08/02/2018
Item No. Z-40

EXHIBIT “B”



June 5, 2018

Carol Ann's Home
8005 Chambers Rd

1. Tabulation of number of acres: 1.146 acres. Dimension included in site plan.
2. Lot and building dimension requirements are met according to Section 35-310 Table 310-1 of the Unified Developed Code.
3. All Parking dimension requirements are met according to Sections 35-209 of the Unified Developed Code.
4. Residential privacy fence at 6' has been used.
5. The Intended use of this property is "Residential Use" only for Assisted Living Facility with 16 residents or less. Operating as a small B Assisted Living for Seniors.
6. I, Carol Queen Ghanbar, 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.

Exhibit "B"