

AN ORDINANCE 2018-10-18-0851

**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 west 50 feet of the south 140-feet of Lot 10, Block 4, NCB 3731 from "R-5 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay District Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Duplex to "R-5 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay District Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Triplex.

**SECTION 2.** A description of the property recorded in Warranty Deed Volume 18690, Page 1478 of the Official Public Record of Real Property of Bexar County, 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 October 28, 2018.


**PASSED AND APPROVED** this 18<sup>th</sup> day of October 2018.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
For Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>Z-13 ( in consent vote: Z-3, Z-4, Z-5, Z-6, P-2, Z-7, Z-8, Z-9, Z-10, Z-11, Z-12, Z-13, Z-14, Z-15, Z-18, Z-19, Z-20 )</b>						
<b>Date:</b>	10/18/2018						
<b>Time:</b>	05:19:19 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2018300 CD (Council District 5): Ordinance amending the Zoning District Boundary from "R-5 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Duplex to "R-5 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Triplex on west 50 feet of the south 140-feet of Lot 10, Block 4, NCB 3731, located at 325 Sims Avenue. 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>
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1	x					
William Cruz Shaw	District 2		x			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				



# **EXHIBIT “A”**

2018300

**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.**

**WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** August 9, 2017

**Grantor:** K & R HOWE CORPORATION, a Texas corporation

**Grantor's Mailing Address:** P.O. Box 681 Boerne, TX 78006

**Grantee:** ALEJOS BRISENO

**Grantee's Mailing Address:** 1722 Hicks Ave., San Antonio, Texas 78210

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of ONE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS (\$105,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Law Offices of John B. Low, P.C., trustee.

**Property (including any improvements):**

**SEE EXHIBIT "A" ATTACHED HERETO  
AND MADE A PART HEREOF FOR ALL PURPOSES**

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:** Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2017, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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

**Exhibit "A"**

22018300


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 Contract between Grantor as the Seller and Grantee as the Buyer, if any, may contain limitations as to warranty or other agreed matters; to the extent that such Contract provides for limitations or other agreed matters that will survive the closing and this conveyance, then such limitations or other agreed matters are hereby deemed incorporated by reference. The warranty of title contained in this Deed is hereby expressly excluded from the limitations or other agreed matters referenced in this paragraph.

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 will become absolute.

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

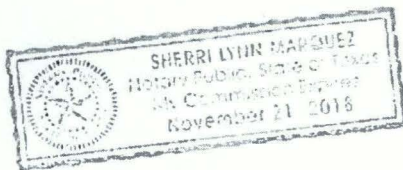
K & R HOWE CORPORATION,  
a Texas corporation

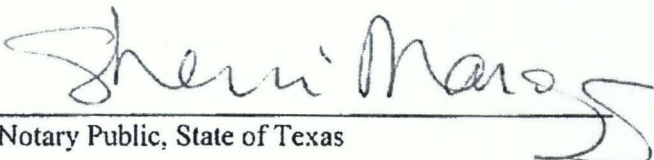
By:   
Keith Howe, Director

STATE OF TEXAS )

COUNTY OF BEXAR )

This instrument was acknowledged before me on August 9, 2017, by Keith Howe, Director of K & R HOWE CORPORATION, a Texas corporation, on behalf of said corporation.



  
Notary Public, State of Texas

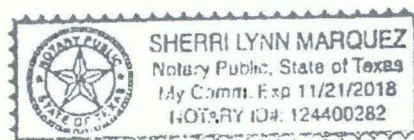




Exhibit A

Z2018300

October 19, 2006

DESCRIPTION OF 0.1580 OF ONE ACRE OF LAND

Being 0.1580 of one acre of land, the West 50 feet of the South 140 feet of Lot 10, Block 4, New City Block (N.C.B.) 3731, an addition to the City of San Antonio, Bexar County, Texas, described by metes and bounds as follows:

BEGINNING at a fence corner for the occupied Northeast corner of said West 50 feet of Lot 10, Block 4, from which a found 1/2-inch iron rod bears: North  $43^{\circ}40'$  East, a distance of 2.2 feet, and a fence corner for the occupied Northeast corner of said Lot 10, Block 4, bears: North  $89^{\circ}50'57''$  East, a distance of 51.52 feet, from which a found 1/2-inch iron rod bears: North  $01^{\circ}00'$  East, a distance of 2.1 feet;

THENCE South  $01^{\circ}15'40''$  East, along a chain link fence, a distance of 140.46 feet to a fence corner for the occupied Southeast corner of this tract;

THENCE South  $90^{\circ}00'00''$  West, along a chain link fence, a distance of 49.90 feet to a fence corner for the occupied Southwest corner of this tract;

THENCE North  $00^{\circ}29'25''$  West, a distance of 140.83 feet to a fence corner for the occupied Northwest corner of this tract;

THENCE South  $89^{\circ}31'48''$  East, a distance of 48.01 feet to the Point of Beginning containing 0.1580 of one acre of land.

Bearings cited in this description based on Sims Street.

Z2018300

Doc# 20170162798  
# Pages 4  
08/17/2017 12:55PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERARD C. RICKHOFF  
COUNTY CLERK  
Fees \$34.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
08/17/2017 12:55PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerard C. Rickhoff*

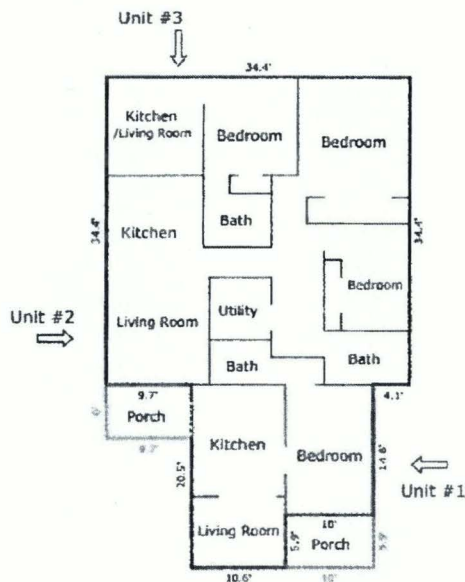


SG/lj  
10/18/2018  
Item No. Z-13

# **EXHIBIT “B”**

Z2018300

I, ALESSA BRISNOR THE PROPERTY OWNER ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF ZONING & THIS PLAN IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE UNIFORM DEVELOPMENT CODES. ADDITIONALLY, I UNDERTAND THAT CITY COUNCIL APPROVED A 5.9' LEAN IN CONSTRUCTION WITH REZONING CASE DOES NOT RELIEVE ME FROM ABIDENCE TO ANY/all CITY ADOPTED CODES AT THE TIME OF A PLAN SUBMISSION FOR BUILDING PERMITS



Sketch by Apex Sketch v5 Standard

Comments:

## Exhibit "B"

### AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	1546.66	1546.66
P/P	Porch	58.20	
	Porch	59.00	117.20

### LIVING AREA BREAKDOWN

Breakdown			Subtotals
First Floor			
34.4	x	34.4	1183.36
14.6	x	20.6	300.76
5.9	x	10.6	62.54

Net LIVABLE Area

(rounded)

1547

3 Items

(rounded)

1547