

ORDINANCE 2020-04-02-0236

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 Lot 104, NCB 6724 save and except the north 0.1028 acres out of NCB 6724 from "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units.

SECTION 2. A description of the save and except portion of the property is recorded in deed, Volume 4727, Page 99 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.

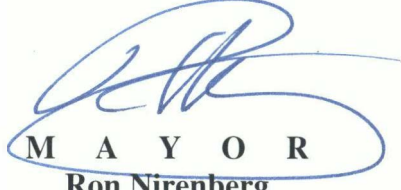
SECTION 4. The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

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.

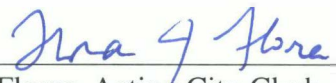
SECTION 7. This ordinance shall become effective April 12, 2020.

PASSED AND APPROVED this 2nd day of April, 2020.



M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

for



City of San Antonio

City Council

April 02, 2020

Item: Z-6

Enactment Number:

File Number: 20-2619

2020-04-02-0236

ZONING CASE Z-2020-10700019 CD (Council District 5): Ordinance amending the Zoning District Boundary from "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on Lot 104, NCB 6724, save and except the north 0.1028 acres out of NCB 6724, located at 250 Bogle Street. Staff and Zoning Commission recommend Approval.

Councilmember Ana E. Sandoval made a motion to adopt. Councilmember Rebecca Viagran seconded the motion. The motion passed by the following vote:

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

Absent: 1 Andrews-Sullivan

SG/lj
04/02/2020
Item No. Z-6

EXHIBIT “A”

Filed for record March 7, 1962, at 3:39 o'clock P.M.
Recorded March 6, 1962, at 1:21 o'clock P.M.
FRED HUNTRESS, County Clerk, Bexar County, Texas.
By A. M. Sullivan Deputy.

Texas Highway Department
Form D-15-14-57

160
8015-1-8

Z-2020-10700019 CD
Lot 104 Save and Except
0.1028 acres

409466
DEED

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STATE OF TEXAS

County of Bexar

KNOW ALL MEN BY THESE PRESENTS:

That we, FRANK M. VINCENTY and wife, ELLA C. VINCENTY,

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 NINE THOUSAND FIVE HUNDRED SIXTY-ONE & NO/100 (\$9,561.00) - - - DOLLARS, to Grantors in hand paid by the State of Texas, acting by and through the State Highway Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day sold, and do by these presents grant, bargain, sell and convey unto the State of Texas, all that certain tract or parcel of land, situate in the County of Bexar, State of Texas, and being more particularly described as follows, to-wit:

0.1028 of an acre of land, more or less, same being out of and a part of Lot 104 New City Block 6724, of a Resubdivision of Lots 38 thru 42, Louis R. Saur Subdivision in the City of San Antonio, Bexar County, Texas, according to a map or plat thereof recorded in Volume 2805 at Page 159 of the Deed and Plat Records of Bexar County, Texas, the south 58.05 feet of which Lot 104 was conveyed to Frank M. Vincenty and wife, Ella C. Vincenty, by deed dated December 23, 1952 of record in Volume 3271 at Page 531 of the Deed Records of Bexar County, Texas, which 0.1028 of an acre of land, more or less, is more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the south half (58.05 feet) of Lot 104, New City Block 6724 in the City of San Antonio, said point being the intersection of the division line between the south half and north half of Lot 104 with the east line of Bogle Street and also being on the southwest right of way line of the proposed location of U. S. Highway 90;

THENCE, South 83° 24' 55" East, a distance of 154.30 feet along the division line between the south half and the north half of Lot 104 to the northeast corner of the south half of said Lot 104;

THENCE, South 06° 35' 05" West, a distance of 58.05 feet along the east line of Lot 104, also being the division line between New City Blocks 6724 and 6318, to the southeast corner of Lot 104 on said proposed southwest right of way line of U. S. Highway 90;

THENCE, North 62° 47' 53" West, a distance of 164.86 feet along the proposed southwest right of way line of U. S. Highway 90 to the point of BEGINNING.

It is understood and agreed that grantor is retaining title to the following listed bisected improvement:

(a) House - Frame - asbestos - slab

Such improvement shall be removed from the premises hereby conveyed by the grantor on or before 90 days after delivery of the deed, subject, however, to such extension of time as may be granted by the State in writing, but in the event grantor fails for any reason to remove such improvement within the time herein provided for, title to such

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improvement, including the portion thereof located on the grantor's remaining property, shall immediately vest in the State of Texas, all for the same consideration herein above recited.

It is further understood and agreed that in the event title to such improvement vests in the State of Texas under the provision of the paragraph next above, grantor authorizes the State of Texas or its assigns to enter upon his remaining property for the purpose of removing such bisected structure, and grantor expressly waives all damage or claims that may result to the remaining property of the grantor as a result of such entry and removal of such structure.

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

- (b) garage - frame-asbestos-slab
- (d) Fence - Ornamental Wire
- (f) Clothes Poles - Metal

SUBJECT HOWEVER, to the limitation that in the event grantors fail or refuse, for any reason, to remove such above described improvements by 90 days after delivery of deed subject, however, to such extensions of time as may be granted by the State in writing, the title to all or any part of such improvements not so removed, shall pass without further consideration to and rest in the State of Texas forever.

The Grantors reserve all of the oil, gas and sulphur in and under said land, but waive all rights of ingress and egress for the purpose of exploring, developing, mining or drilling for the same; however, nothing in this reservation shall affect the title and rights of the State to take and use, without additional compensation, all other minerals and materials thereon, therein or thereunder.

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

It is expressly understood that nothing contained herein shall be a limitation of any type on the fee-simple title conveyed by this instrument.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 2 day of March, 19 62.



FRANK M. VINCENTY
ELLA C. VINCENTY

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS, }

County of BEXAR

Before me, _____ a notary public in and for said County and State, on this day personally appeared FRANK M. VINCENTY

_____, known to me (or proved to me on oath of _____, a credible witness) to be the

person _____ whose name _____ is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 2 day of March 1962

William J. Miller

Notary Public in and for Bexar County, Texas.

Form D-15-14-57

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WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,

County of BEXAR

Before me, _____, a notary public in and for said County and State, on this day personally appeared ELLA C. VINCENTY, wife of FRANK M. VINCENTY, known to me (or proved to me on the oath of _____, a credible witness) to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said ELLA C. VINCENTY acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 2 day of March 1962

William J. Miller

Notary Public in and for Bexar County, Texas.

Filed for record

March 2, 1962, at 3:39 o'clock P.M.

Recorded

March 6, 1962, at 1:23 o'clock P.M.

FRED HUNTRESS, County Clerk, Bexar County, Texas.

By J. M. Miller Deputy.

409468

WARRANTY DEED

THE STATE OF TEXAS

COUNTY OF BEXAR

KNOW ALL MEN BY THESE PRESENTS:

That I, J. B. ETHERIDGE, owning, occupying and claiming other property in Bexar County, Texas, as my homestead, of the County of Bexar State of Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable considerations to me in hand paid by the grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto ERNIE WILSON HARDIE and wife, GERALDINE B. HARDIE, of the County of Bexar State of Texas, all of the following described real property in Bexar County, Texas, to-wit:

SG/lj
04/02/2020
Item No. Z-6

EXHIBIT “B”

2020-10700019

PLOT PLAN FOR BUILDING PERMITS

R-6 to R-6 CU
for 2 units

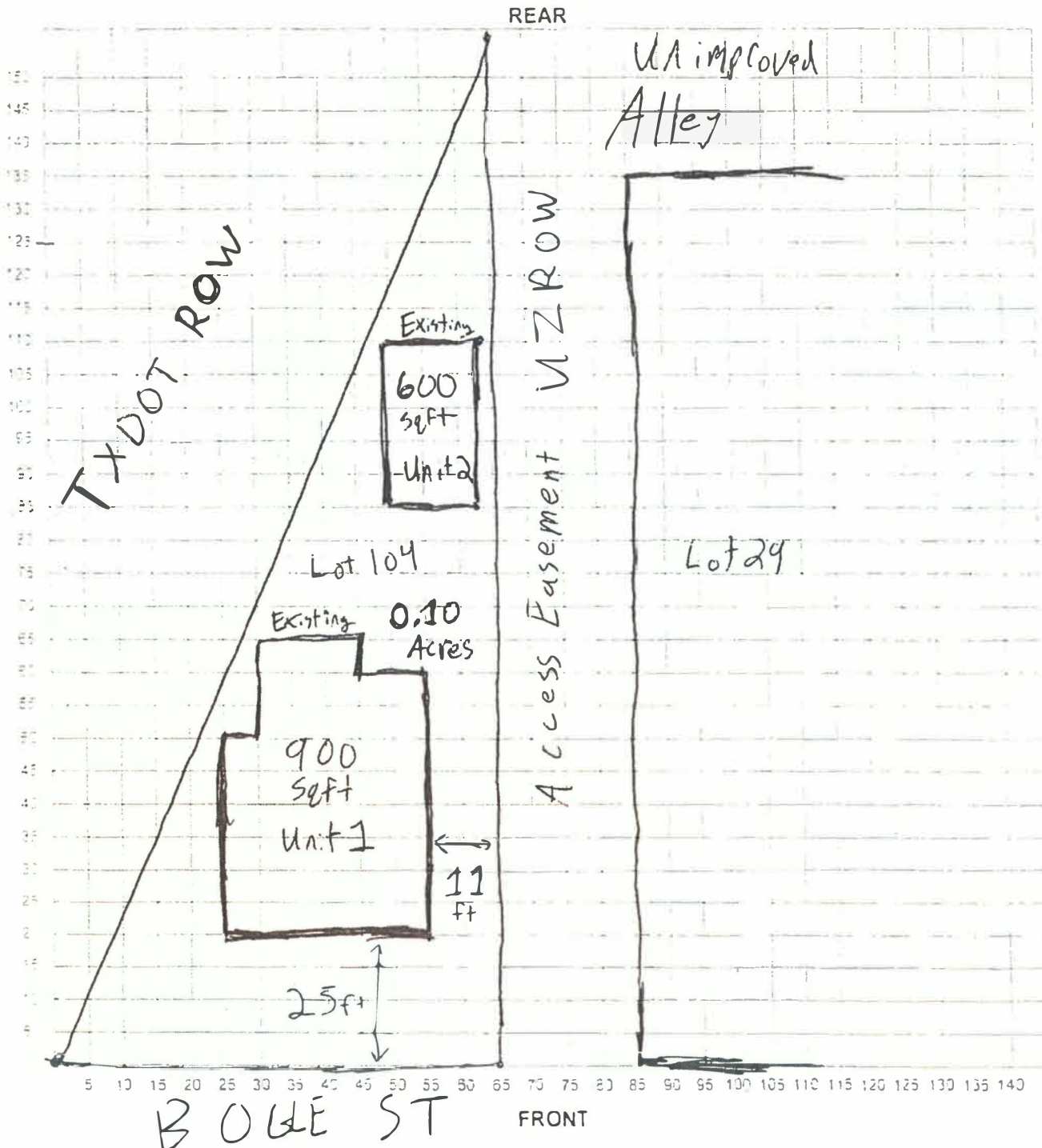
Address

250 Bogle

Lot

Block

Map



I certify that the above plot plan shows all improvements on this property and that there will be no construction over easements. I also certify that I will build in compliance with the UDC and the 2015 IRC.

☒ 7. The following statement: "I, Jennifer Giannetto, 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"