

AN ORDINANCE 2012-04-19-0306

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 1.006 acres out of Lots 32 and 34, NCB 11880 from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Construction Trades Contractor Facility.

SECTION 2. A description of the property 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.

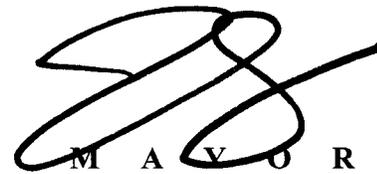
SECTION 4. The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 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.

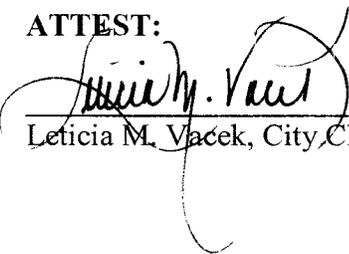
SECTION 7. This ordinance shall become effective April 29, 2012.

PASSED AND APPROVED this 19th day of April 2012.



M A V O R
Julián Castro

ATTEST:

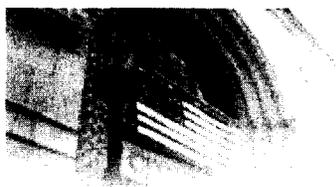


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael D. Bernard, City Attorney



Request for
COUNCIL
 ACTION

City of San Antonio



Agenda Voting Results - Z-9

Name:	Z-9						
Date:	04/19/2012						
Time:	02:36:26 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2012075 CD (District 9): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Construction Trades Contractor Facility on 1.006 acres out of Lots 32 and 34, NCB 11880 located at 526 Everest Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x			x	
Carlton Soules	District 10		x				x

FILED BY
ALAMO TITLE

Doc# 20040119846

WARRANTY DEED WITH VENDOR'S LIEN
CF#0410908686/#20.00

Date: May 21, 2004

Grantor: ROBERT WAYNE KUEHN, INDIVIDUALLY AND AS INDEPENDENT
EXECUTOR OF THE ESTATE OF ESTHER BERTHA KUEHN,
DECEASED, AND DAVID LAURANCE KUEHN, INDIVIDUALLY

Grantor's Mailing Address (including county):

Robert Wayne Kuehn
7227 Pimlico, Bexar County,
Fair Oaks Ranch, Texas 78015

David Laurance Kuehn
105 Coronado Circle
Santa Barbara, California 93108

Grantee: STEPHEN P. HORTON

Grantee: Mailing Address (including county):

538 Everest Drive, Bexar County,
San Antonio, Texas 78209

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and a note of
even date that is in the principal amount of TWO HUNDRED
FORTY-NINE THOUSAND AND NO/100 DOLLARS (\$249,000.00) and is
executed by Grantee, payable to the order of THE FROST
NATIONAL BANK The note is secured by a vendor's lien
retained in favor of THE FROST NATIONAL BANK in this deed
and by a deed of trust of even date from Grantee to JIMMY
R. LOCKE, Trustee.

Property (including any improvements):

✓ A tract of land containing 1.008 acres out of Lot 32,
New City Block 11880, Olmos Park Heights, in the City
of San Antonio, Bexar County, Texas, according to plat
thereof recorded in Volume 980, Page 29, Deed and Plat
Records of Bexar County, Texas, and out of Lot 34, New
City Block 11880, Olmos Park Heights, in the City of
San Antonio, Bexar County, Texas, according to plat
thereof recorded in Volume 980, Page 180, Deed and Plat
Records of Bexar County, Texas; said tract being more
particularly described in Exhibit "A-1", attached
hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the
following matters, to the extent same are in effect at this

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ATTACHMENT A

time: Any and all restrictions, covenants, conditions and easements, if any, relating to the hereinabove described Property, but only to the extent that they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described Property.

The conveyance of improvements is made and accepted in AS IS CONDITION WITH NO WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to 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.

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

The vendor's lien and superior title retained in this deed are transferred to THE FROST NATIONAL BANK, Payee in the note, without recourse on Grantor.

THE FROST NATIONAL BANK, 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 described. The vendor's lien and superior title to the property are retained for the benefit of THE FROST NATIONAL BANK and are transferred to that party without recourse on Grantor.

Executed the 21 day of May, 2004.



 ROBERT WAYNE KUEHN, INDIVIDUALLY
 AND AS INDEPENDENT EXECUTOR OF THE
 ESTATE OF ESTHER BERTHA KUEHN,
 DECEASED

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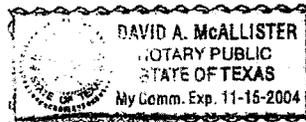
David Laurance Kuehn
DAVID LAURANCE KUEHN, by and thru his
Attorney in Fact Robert Wayne Kuehn

ACKNOWLEDGMENT

STATE OF TEXAS *
*
COUNTY OF BEJAR *

This instrument was acknowledged before me on the 21st day of May, 2004, by ROBERT WAYNE KUEHN INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF ESTHER BERTHA KUEHN, DECEASED.

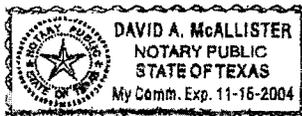
David A. McAllister
Notary Public, State of Texas



ACKNOWLEDGMENT

Texas
STATE OF ~~CALIFORNIA~~ *
*
COUNTY OF Bejar *

This instrument was acknowledged before me on the 21 day of May, 2004, by DAVID LAURANCE KUEHN, INDIVIDUALLY, by his attorney in fact Robert Wayne Kuehn



David A. McAllister
Notary Public,
State of Texas, or
Commissioned In
County, State of California
Texas

ML10768 P0824

AFTER RECORDING RETURN TO:

Mr. Stephen P. Horton
538 Everest Drive
San Antonio, Texas 78209

PREPARED IN THE LAW OFFICES OF:

J. LAWTON STONE, P.C.
24165 IH 10 West, Suite 250
PMB 420
San Antonio, Texas 78257

EXHIBIT "A-1"

FIELD NOTES

A 1.006 acre tract being out of Lot 32 and Lot 34, of New City Block 11880, Olmos Park Heights, situated in the City of San Antonio, Bexar County, Texas, according to a plat thereof recorded in Volume 980, Page 180 Deed and Plat Records of Bexar County, Texas, being the same 1.0 acre tract conveyed to Esther B. Kuehn, and being more particularly described by metes and bounds as follows:

BEGINNING at a Iron Pipe Found, said iron pipe being the southwest corner of the said Kuehn Tract, Lot 34, and the herein described tract, being also the northwest corner of a called 0.2722 acre tract conveyed to John L. Hendricks, et ux, in Volume 6728, Page 1652 and being in the east line of the 50 foot wide right-of-way of Everest Drive;

THENCE, leaving the said Hendricks Tract, with the east line of the said Everest Drive and the west line of the said Kuehn Tract, Lot 34, and the herein described tract, N 00°00'00" W, (Bearing Basis), a distance of 113.85 Feet to a 1/2 Inch Iron Rod Set for the northwest corner of the said Kuehn Tract and the herein described tract, said iron rod being also the southwest corner of a Tract conveyed to Stephen P. Horton in Volume 5270, Page 1062 Real Property Records of Bexar county, Texas;

THENCE, leaving the said Everest Drive and crossing the said Lot 34, with the south line of the said Horton Tract and the north line of the said Kuehn Tract and the herein described tract, N 89°47'55" E, passing at approximately 132 feet the east line of said Lot 34, being also the west line of the said Lot 32 and at 283.26 Feet, a 1/2 Inch Iron Rod Found, for a total distance of 387.48 Feet to a 1/2 Inch Iron Rod Set for the northeast corner of the said Kuehn Tract and the herein described tract, said iron rod being also in the east line of the said Lot 32 and being also in the west line of a Lot 55 of Olmos Park Heights Subdivision;

THENCE, leaving said Horton tract with the west line of the said Lot 55 and the east line of Lot 32, the said Kuehn Tract and the herein described tract S 00°00'00" E, a distance of 112.42 Feet to a 1/2 Inch Iron Rod Set for the southeast corner of Lot 32, the said Kuehn Tract, and the herein described tract, said iron rod being also the southwest corner of the said Lot 55, and being in the north line of a called 0.8127 acre tract conveyed to Sherman Hackberry Company in Volume 9869, Page 31 Real Property Records of Bexar county, Texas;

THENCE, leaving the said Lot 55, with the south line of the said Lot 32, the Kuehn Tract, and the herein described tract, S 89°52'21" W, passing at approximately 155.94 feet a Iron Pipe Found for the northwest corner of a called 0.677 acre tract conveyed to Demund Beck, et ux, in Volume 9496, Page 334 Real Property Records of Bexar County, Texas, being also northeast corner of a called 0.4750 acre tract conveyed to Demund Beck, et ux, in Volume 3899, Page 2094 Real Property Records of Bexar County, Texas, at approximately 255.5 feet the common line of said Lot 32 and Lot 34, for a total distance of 387.48 Feet to the POINT OF BEGINNING and containing 1.006 acres of land, more or less.

NOTE: I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Will Perrin

Will Perrin
Registered Professional Land Surveyor
Texas Registration No. 5443
May 13, 2004



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

MAY 27 2004

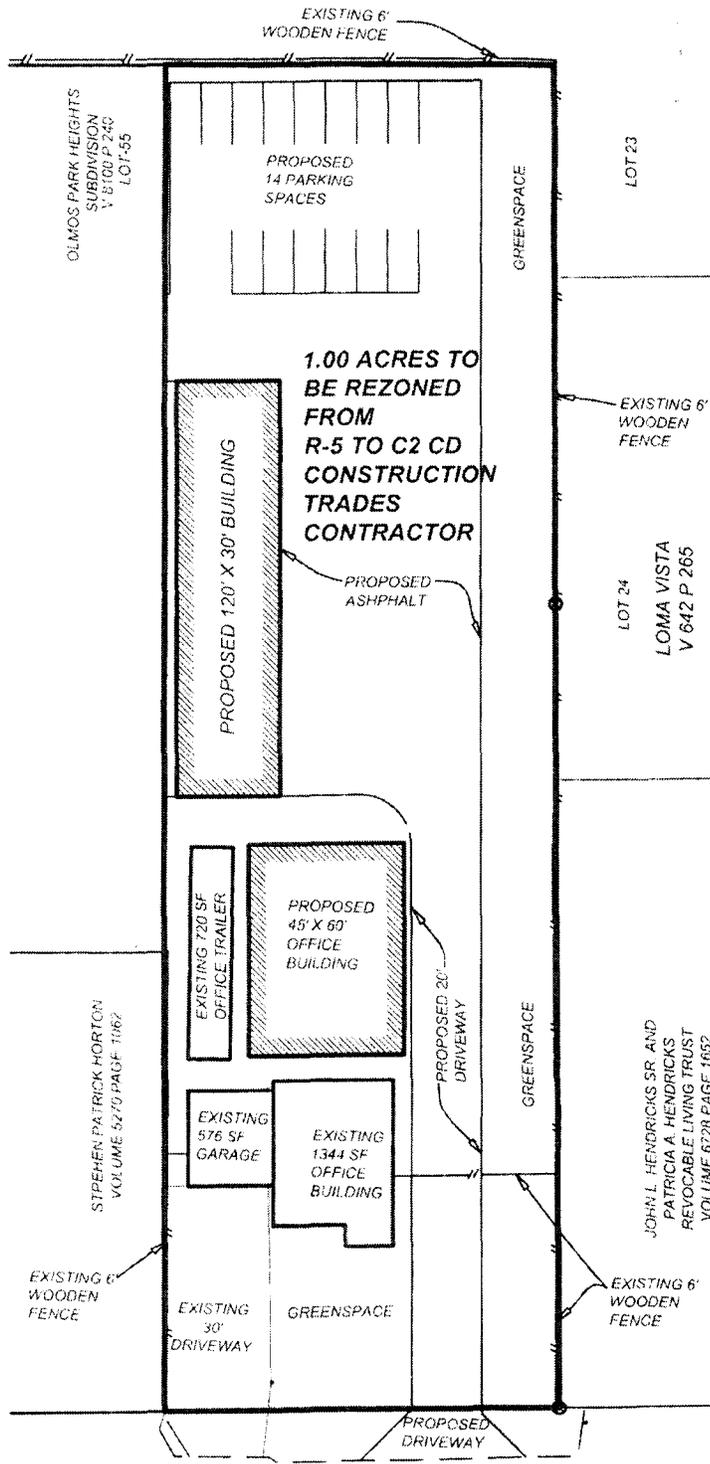


Berry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20040119846
Pages 5
05/27/2004 04:35:28 PM
Filed & Recorded in
Official Records of
BEXAR COUNTY
BERRY RICHHOFF
COUNTY CLERK
Fees \$22.00

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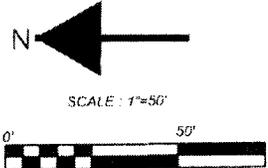


I, STEPHEN P. HORTON, THE PROPERTY OWNER, ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF REZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE UNIFIED DEVELOPMENT CODE. ADDITIONALLY, I UNDERSTAND THAT CITY COUNCIL APPROVAL OF A SITE PLAN IN CONJUNCTION WITH A REZONING CASE DOES NOT RELIEVE ME FROM ADHERENCE TO ANY/ALL CITY-ADOPTED CODES AT THE TIME OF PLAN SUBMITTAL FOR BUILDING PERMITS.

TABULATIONS:
 TOTAL LOT AREA = 43,865 SF
 TOTAL BUILDING AREA = 8,940 SF
 TOTAL PAVED AREAS = 25,114 SF
 TOTAL IMPERVIOUS COVER = 34,054 SF
 TOTAL OPEN SPACE = 9,811 SF

TYPICAL PARKING: 9' X 18'

LEGAL DESCRIPTION:
 NCB 11880 LOT S 113.85' OF LOT 32 AND 34



Date: Feb 23, 2012, 4:18pm User ID: blpatt
 File: S:\Draw 2012\12-010 526 EVEREST\Working Site Plan-Blpatt.dwg



1445 BLANCO, SUITE 100
 SAN ANTONIO, TEXAS 78204
 PHONE (214) 979-6444
 FAX (214) 979-0444

REZONING SITEPLAN FOR
 526 EVEREST
 SAN ANTONIO, TX

REVISIONS	ISSUE DATE
JOB NO.	DESIGNER
DATE	CHECKED
DRAWN BY	TAS
SHEET: 1 OF 1	

THIS DOCUMENT HAS BEEN EXCLUDED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON ORIGINAL HARD-COPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

ATTACHMENT B