

AN ORDINANCE 98506

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO: SECTION 1. Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z2003180 C

The rezoning and reclassification of property from "R-6" Residential Single-Family District, "RM-4" Residential Mixed District, "C-2NA" Commercial Nonalcoholic Sales District, "C-3" General Commercial District and "C-3R" General Commercial District, Restrictive Alcoholic Sales to "R-6" C Residential Single-Family District with conditional use to allow for multi-family dwelling of 25 units per acre on the property listed as follows:

11.467 acres out of NCB 8416

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 - 491.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. The City Council approves this Special Use Permit so long as the following: 1. The front set back along Fredericksburg Road shall be no more than 20 feet so that the highest density and non-residential uses on the property are closest to Fredericksburg Road and farthest from the established single-family neighborhood. 2. Parking lot, walkway and exterior building illumination shall be directed on-site as not to offend the established single-family neighborhood. 3. Garbage refuse and recycling areas shall be fully screened from public view.

PASSED AND APPROVED THIS 4th DAY OF December 2003

MAYOR: EDWARD D. GARZA

ATTEST: Glenda L. Ledson City Clerk

APPROVED AS TO FORM: [Signature] CITY ATTORNEY

03-42

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT - NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 4MM

DATE: DEC 04 2003

MOTION: Castro Perez

ORDINANCE NUMBER: 98506

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: 7 2003180 C

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
ROGER O. FLORES JR. District 1		✓	
JOEL WILLIAMS District 2		✓	
RON SEGOVIA District 3		absent	
RICHARD PEREZ District 4		✓	
PATTI RADLE District 5		✓	
ENRIQUE M. BARRERA District 6		✓	
JULIAN CASTRO District 7		✓	
ART A. HALL District 8		✓	
CARROLL SCHUBERT District 9		✓	
CHRISTOPHER "CHIP" HAASS District 10		✓	
EDWARD D. GARZA Mayor		✓	

ZC: RECOMMENDED APPROVAL WITH CONDITIONS

SETBACKS, LIGHTING AND SCREENING

STAFF: APPROVAL WITH CONDITIONS

motion for Z.C. Recommendation

03-42



Bury + Partners

Consulting Engineers and Surveyors

Z2003180

12.493 ACRES

50331-02ZONING.DWG

FN NO.SA03-157.JWR

SEPTEMBER 5, 2003

JOB NO. 50331-02.00

**FIELD NOTE DESCRIPTION
ZONING CHANGE
FROM C2NA, C3R, C3, R6, RM4
TO R6C**

12.493 ACRES OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING A PORTION OF LOT 32, NCB 8416, JEFFERSON PLAZA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8200, PAGE 80, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND A PORTION OF LOTS 4 AND 5, NCB 8416, GEORGE BIHL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 368, PAGE 257, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND THAT CERTAIN 0.124 ACRES TRACT AS DESCRIBED IN VOLUME 9385, PAGE 2114, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS; SAID 12.493 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, AT A POINT MARKING THE NORTHERLY END OF A CURVE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF QUENTIN DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD;

THENCE, N 40° 50' 00" W, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD, A DISTANCE OF 230.76 FEET, TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE, LEAVING THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD AND ALONG THE SOUTHERLY LINE OF THE SAID 12.493 ACRES, THE FOLLOWING COURSES:

S 49° 10' 03" W, A DISTANCE OF 140.00 FEET, TO A POINT;

N 40° 50' 00" W, A DISTANCE OF 104.84 FEET, TO A POINT;

N 06° 10' 00" E, A DISTANCE OF 85.11 FEET, TO A POINT;

S 88° 08' 00" W, A DISTANCE OF 143.87 FEET, TO A POINT;

22003180

S 06° 40' 00" W, A DISTANCE OF 95.51 FEET, TO A POINT LOCATED IN THE NORTHERLY LINE OF AN ALLEY;

THENCE, N 84° 04' 58" W, ALONG THE NORTHERLY LINE OF SAID ALLEY, A DISTANCE OF 839.79 FEET, TO A POINT;

THENCE, LEAVING THE NORTHERLY LINE OF SAID ALLEY AND CONTINUING ALONG THE SOUTHERLY LINE OF THE 12.493 ACRES, THE FOLLOWING COURSES:

N 06° 23' 03" E, A DISTANCE OF 91.51 FEET, TO A POINT;

N 83° 36' 57" W, A DISTANCE OF 149.93 FEET, TO A POINT;

S 06° 02' 00" W, A DISTANCE OF 91.58 FEET, TO A POINT LOCATED IN THE NORTHERLY LINE OF THE AFOREMENTIONED ALLEY;

THENCE, ALONG THE NORTHERLY AND THE EASTERLY LINE OF SAID ALLEY, THE FOLLOWING COURSES:

N 83° 33' 58" W, A DISTANCE OF 325.56 FEET, TO A POINT;

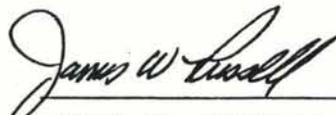
N 15° 17' 04" W, A DISTANCE OF 393.77 FEET, TO A POINT;

THENCE, S 83° 46' 32" E, LEAVING THE EASTERLY LINE OF SAID ALLEY AND ALONG THE NORTHERLY LINE OF SAID 12.493 ACRES, A DISTANCE OF 1450.29 FEET, TO A POINT LOCATED IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD;

THENCE, S 40° 50' 00" E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD, A DISTANCE OF 442.83 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 12.493 ACRES OF LAND, MORE OR LESS.

THIS DESCRIPTION WAS PREPARED FROM RECORD INFORMATION, NO BOUNDARY SURVEY WAS PERFORMED.

BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
10000 SAN PEDRO, SUITE #100
SAN ANTONIO, TEXAS 78216

 7/5/03
JAMES W. RUSSELL DATE
R.P.L.S #4230
STATE OF TEXAS



CASE NO: Z2003180 C

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from October 07, 2003

Date: December 04, 2003

Zoning Commission Meeting Date: October 21, 2003

Council District: 7

Ferguson Map: 581 F6

Appeal: No

Applicant:

Earl and Brown, P. C.

Owner:

Fred Road, LLC; Contact: Don W. Saunders, Attorney for Seller

Zoning Request:

From "R-6" Residential Single-Family District, "RM-4" Residential Mixed District, "C-2NA" Commercial Nonalcoholic Sales District, "C-3" General Commercial District and "C-3R" General Commercial District, Restrictive Alcoholic Sales to "R-6" C Residential Single-Family District with conditional use to allow for multi-family dwelling of 25 units per acre

12.493 acres out of NCB 8416

Property Location:

Fredericksburg Road at Quentin Drive

Proposal:

To develop the site into a senior citizen community

Neighborhood Association:

None

Neighborhood Plan:

Near Northwest Community Plan

TIA Statement:

A Level One traffic impact analysis is required

Staff Recommendation:

Approval. The Near Northwest Community Plan recommends High Density Residential (front portion of tract) and Urban Low Density Residential (rear of tract) for these properties. The development (not to exceed 25 dwelling units per acre) will act as a transition between the existing apartments to the north of the subject property and the existing large-lot single family residential development to the south of the subject property. The rezoning is compatible with the surrounding land uses and zoning districts in the area. Staff recommends the following conditions:

1. The front set back along Fredericksburg Road shall be no more than 20 feet so that the highest density and non-residential uses on the property are closest to Fredericksburg Road and farthest from the established single-family neighborhood.
2. Beyond the front 300 feet of the property building heights shall be limited to no more than 35 feet or 2 ½ stories, whichever is greater.
3. Parking lot, walkway and exterior building illumination shall be directed on-site as not to offend the established single-family neighborhood.
4. Garbage refuse and recycling areas shall be fully screened from public view.
5. The authorization by the conditional zoning shall not exceed 25 units per acre. (Any other use would require a new zoning case)

Zoning Commission Recommendation:

Approval with conditions 1,3 and 4

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Richard Ramirez 207-5018

Z2003180 C

ZONING CASE NO. Z2003180 – October 7, 2003

Applicant: Earl & Brown, P. C.

Zoning Request: “R-6” Residential Single Family District, “RM-4” Residential Mixed District, “C-2NA” Commercial Nonalcoholic Sales District, “C-3” General Commercial District and “C-3R” General Commercial District, Restrictive Alcoholic Sales to “R-6” C Residential Single Family District with a conditional use to allow for a multi-family dwelling of 25 units per acre.

Ken Brown, 111 Soledad, representing the applicant, stated he would like to request a continuance on this case for two weeks.

Staff stated there were 62 notices mailed out to the surrounding property owners, 6 returned in opposition and 11 returned in favor and Keystone and Los Angeles Heights are in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner Dutmer to recommend a continuance until October 21, 2003.

1. Property is located on 12.493 acres out of NCB 8416 at Fredericksburg Road and Quentin Drive.
2. There were 62 notices mailed, 6 returned in opposition and 11 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2003180 C – October 21, 2003

Applicant: Earl and Brown, P. C.

Z2003180 C

Zoning Request: "R-6" Residential Single Family District, "RM-4" Residential Mixed District, "C-2NA" Commercial Nonalcoholic Sales District, "C-3" General Commercial District and "C-3R" General Commercial District, Restrictive Alcohol Sales to "R-6" C Residential Single Family District with a conditional use to allow for multi-family dwelling of 25 units per acre.

Ken Brown, 111 Soledad, representing the owner, stated they are requesting this change in zoning to develop a senior citizen community on the subject property. He stated they have agreed with staff's conditions. He further stated they have been working with the neighborhood association of the area who are in support of this request.

FAVOR

David Logan, 1616 Kampmann Blvd., stated he has been working with the developer and his concerns with drainage have been addressed. He stated he is in support of this development.

Joe E. Stehle, 239 Quentin Drive, stated he is for new development and is in support of this request. He feels this would be good for the community.

Staff stated there were 62 notices mailed out to the surrounding property owners, 6 returned in opposition and 11 returned in favor and the Los Angeles Heights Keystone Neighborhood Association is in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner McAden to recommend approval with the following conditions: 1.) The front set back along Fredericksburg Road shall be no more than 20 feet so that the highest density and non-residential uses on the property are closest to Fredericksburg Road and farthest from the established single-family neighborhood. 2.) Parking lot, walkway and exterior building illumination shall be directed on-site as not to offend the established single-family neighborhood. 3.) Garbage refuse and recycling area shall be fully screened from public view.

1. Property is located on 12.493 acres out of NCB 8416 at Fredericksburg Road at Quentin Drive.
2. There were 62 notices mailed, 6 returned in opposition and 11 in favor.
3. Staff recommends approval.

Z2003180 C

AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel
NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (this "Declaration") is executed by and between Southwest Housing Acquisitions Corporation, Fred Road, LLC, a Texas limited liability company (the "Declarant") and Monticello Park Neighborhood Association ("the Interested Party").

Recitals

1. On or about September 2, 2003, the Declarant submitted a zoning application to the City of San Antonio's Planning Department (see zoning Case No. Z2003180). The zoning application encompassed a 12.493 acre tract of land described as Lot 25, A, B, C, 5B, 5C & NW IRR 100 Ft. of 32, Block 2, NCB 8416 and being physically located at the intersection of Fredericksburg and Quentin Drive, San Antonio, Texas (the "Property"). The application was amended by the Declarant on December 4, 2003 to only include a portion of the 11.467 acre portion of the 12.493 acres originally identified in the application. However, in order to obtain support of the above referenced zoning case from the Interested Party, the Declarant has agreed to place certain restrictions on the Property.
2. The Property includes a 0.803 acre tract, hereinafter referred to as the "Commercial Tract" described in Exhibit "A." The Property also includes a 11.554 acre tract which is to be developed as a senior citizen community (the "Multi-Family tract") described in Exhibit "B."
3. The Declarant has agreed to impose the following restrictions upon the Commercial Tract and the Multi-Family Tract, as described above in exchange for the Interested Party's support of the above referenced zoning request.

NOW THEREFORE, in consideration of the mutual covenants and agreements, and other valuable consideration, it is declared that the Property, shall be held, sold and conveyed subject to the following restrictions, covenants and conditions.

A. **Multi-Family Tract**

The Multi-Family Tract shall only be developed as a multi-family dwelling senior citizen community. Residents of the community shall be at least fifty-five (55) years of age.

B. **Commercial Tract**

Prohibition of Uses

None of the following uses or operations will be made, conducted or permitted by Declarant on or with respect to all or any part of the Commercial Tract:

1. Any sexually oriented business including, but not limited to, the following: (a) adult book store, theater or establishment selling or exhibiting graphic sexual

materials or (b) bar, saloon, tavern, restaurant or night club featuring nude or semi-nude dancers or waitresses; and

2. No stand alone bar, saloon or tavern.
3. Bingo parlor or gambling establishment.
4. Package liquor sales.
5. Drive-thru restaurants.
6. Pawnshops.
7. Thrift stores.
8. Automotive repair, and automotive sales of new or used vehicles.
9. Illegal businesses

General Provisions

1. Failure to enforce any covenant or restriction shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. All waivers must be in writing and signed by the party to be bound.
2. Declarant agrees that invalidation of any of these covenants or restrictions by judgment or court order shall in no way effect any other provision, and all other provisions shall remain in full force and effect.
3. Declarant agrees that these restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the Property. Consequently, they shall run with the Property and shall be binding on all parties having any right, title or interest in the Property in whole or part, and their heirs, successors, and assigns.
4. Declarant agrees that the covenants, conditions, and restrictions of this Declaration shall be effective for a term of ten (10) years from the date this Declaration is recorded, after which period, the covenants, conditions and restrictions shall be automatically extended for successive periods of five (5) years. The covenants, conditions and restrictions of this Declaration may be amended or terminated by an instrument signed by the Declarant, its successors and assigns and an authorized representative of the Interested Party. Neither any amendment nor any termination shall be effective until recorded in the Bexar County Real Property Records, and all requisite Government approvals, if any, have been obtained.
5. Declarant agrees that if any controversy, claim or dispute arises relating to this instrument, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees and costs.

6. This Declaration shall be liberally construed to effectuate its purpose of providing certain protections for the Interested Party in order to ensure the Property and the uses thereon are compatible with the existing uses in the immediate area.
7. It is understood and agreed by the parties to this Declaration that upon the sale of the Property by the Declarant or any other purchaser or developer of the Property, the Declarant shall be released from any and all liability and responsibility under this Declaration, excepting only liability that the Declarant may already have for any breach of Declarant's obligations under this Declaration that occurred prior to the sale of the Property by the Declarant.
8. Declarant hereby agrees that upon receipt of notice from the Interested Party of any violation of these restrictive covenants, it will use its best efforts to resolve the alleged default of said restrictive covenant within thirty (30) days of said notice. All notices of alleged violations must be in writing.

WHEREFORE, this Declaration is executed this ____ day of _____, 2003 at San Antonio, Texas.

**Southwest Housing Acquisitions Corporation,
Fred Road, LLC, a Texas limited liability corporation**

By: _____

Name: _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on _____ day of _____ 2003, by _____, its _____ on behalf of Southwest Housing Acquisitions Corporation, Fred Road, LLC, a Texas limited liability company.

Notary Public, State of Texas

Monticello Park Neighborhood Association

By: David R. Logan

Name: David R. Logan

Title: President - Monticello Park N. A.

STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me on _____ day of _____ 2003, by _____, its _____ on behalf of Monticello Park Neighborhood Association.

Notary Public, State of Texas



Bury + Partners

Consulting Engineers and Surveyors

0.803 ACRES
34,974 SQ. FT.
50331-02.PLAT.DWG

FN NO.50331-02A.JWR
NOVEMBER 24, 2003
JOB NO. 50331-02.92

FIELD NOTE DESCRIPTION PROPOSED LOT 35

0.803 ACRES (34,974 SQ. FT.) OF LAND BEING A PORTION OF LOT 4 AND LOT 5, NCB 8416, GEORGE BIHL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 368, PAGE 257, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND A PORTION OF LOT 25, NCB 8416, A RESUBDIVISION OF THE GEORGE BIHL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5580, PAGE 288, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND A PORTION OF LOT 32, NCB 8416, JEFFERSON PLAZA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8200, PAGE 80, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND BEING A PORTION THAT CERTAIN 6.459 ACRES, AND ALL OF THAT CERTAIN 0.426 ACRES, AS DESCRIBED IN VOLUME 6888, PAGE 1939, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS AND FURTHER BEING ALL OF PROPOSED LOT 35, BLOCK 2, NCB 8416, PROPOSED REPLAT OF JEFFERSON PLAZA; SAID 0.803 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, AT A FOUND $\frac{1}{2}$ INCH IRON ROD LOCATED IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD AND MARKING THE NORTHEASTERLY CORNER OF THAT CERTAIN 3.41 ACRES, AS DESCRIBED IN VOLUME 6888, PAGE 1928, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, SAME BEING THE MOST EASTERLY CORNER OF LOT 29, NCB 8416, RESUBDIVISION PLAT OF LOTS 26, 27, 28 AND 29, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6100, PAGE 84, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS;

THENCE, S 40° 56' 26" E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD, A DISTANCE OF 201.29 FEET, TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP, FOR THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE, S 40° 56' 26" E, CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD, A DISTANCE OF 241.59 FEET, TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP;

THENCE, LEAVING THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD AND INTO AND ACROSS SAID LOT 32, THE FOLLOWING COURSES:

S 49° 03' 36" W, A DISTANCE OF 140.54 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP;

N 41° 42' 29" W, A DISTANCE OF 104.84 FEET, TO A FOUND ½ INCH IRON ROD;

N 05° 17' 31" E, A DISTANCE OF 84.97 FEET, TO A FOUND ½ INCH IRON ROD LOCATED IN THE SOUTHERLY LINE OF THE SAID 6.459 ACRE TRACT;

THENCE, S 88° 11' 53" W, ALONG THE SOUTHERLY LINE OF THE 6.459 ACRE TRACT, A DISTANCE OF 142.05 FEET, TO A FOUND ½ INCH IRON ROD MARKING THE NORTHEASTERLY CORNER OF THAT CERTAIN 1.577 ACRE TRACT, AS DESCRIBED IN VOLUME 6888 PAGE 1939, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS;

THENCE, INTO AND CROSS THE SAID 6.459 ACRES, THE FOLLOWING COURSES:

N 06° 39' 02" E, A DISTANCE OF 67.14 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP;

N 88° 11' 53" E, A DISTANCE OF 90.38 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP;

N 48° 59' 20" E, A DISTANCE OF 71.09 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 0.803 ACRES OF LAND, MORE OR LESS.

I, JAMES W. RUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
10000 SAN PEDRO, SUITE #100
SAN ANTONIO, TEXAS 78216

James W. Russell 11/24/03

JAMES W. RUSSELL DATE
R.P.L.S #4230
STATE OF TEXAS



b **Bury + Partners**
 Consulting Engineers and Surveyors

11.554 ACRES
 503,280 SQ. FT.
 50331-02.PLAT.DWG

FN NO.50331-02B.JWR
 NOVEMBER 24, 2003
 JOB NO. 50331-02.92

FIELD NOTE DESCRIPTION
PROPOSED LOT 34

11.554 ACRES (503,280 SQ. FT.) OF LAND BEING A PORTION OF LOT 4 AND LOT 5, NCB 8416, GEORGE BIHL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 368, PAGE 257, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND INCLUDING A PORTION OF LOT 25, NCB 8416, A RESUBDIVISION OF THE GEORGE BIHL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5580, PAGE 288, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 3.41 ACRES AS DESCRIBED IN VOLUME 6888, PAGE 1928, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS AND A PORTION OF THAT CERTAIN 6.459 ACRES, AND ALL OF THOSE CERTAIN 0.459 ACRES, AND 1.577 ACRES, AS DESCRIBED IN VOLUME 6888, PAGE 1939, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS AND ALL OF THAT CERTAIN 0.124 OF AN ACRE AS DESCRIBED IN VOLUME 9385, PAGE 2114, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS; AND FURTHER BEING ALL OF PROPOSED LOT 34, BLOCK 2, NCB 8416, PROPOSED REPLAT OF JEFFERSON PLAZA SAID 11.554 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A FOUND $\frac{1}{2}$ INCH IRON ROD LOCATED IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD AND MARKING THE NORTHEASTERLY CORNER OF THE SAID 3.41 ACRES, SAME BEING THE MOST EASTERLY CORNER OF LOT 29, NCB 8416, RESUBDIVISION PLAT OF LOTS 26, 27, 28 AND 29, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6100, PAGE 84, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS;

THENCE, S $40^{\circ} 56' 26''$ E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD, A DISTANCE OF 201.29 FEET, TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP;

THENCE, LEAVING THE SOUTHWESTERLY RIGHT OF WAY LINE OF FREDERICKSBURG ROAD AND INTO AND ACROSS SAID LOTS 4 AND 5, THE FOLLOWING COURSES:

S $48^{\circ} 59' 20''$ W, A DISTANCE OF 71.09 FEET, TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP;

S 88° 11' 53" W, A DISTANCE OF 90.38 FEET, TO A FOUND ½ INCH IRON ROD;

S 06° 39' 02" W, AT A DISTANCE OF 67.14 FEET PASSING THE NORTHEASTERLY CORNER OF THE SAID 1.577 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 162.76 FEET, TO A FOUND ½ INCH IRON ROD LOCATED IN THE NORTHERLY LINE OF A 15.00 FEET WIDE ALLEY;

THENCE, N 83° 50' 28" W, ALONG THE NORTHERLY LINE OF SAID ALLEY, SAME BEING THE SOUTHERLY LINE OF THE SAID 1.577 ACRE TRACT AND SAID 0.124 ACRE TRACT, A DISTANCE OF 840.38 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP MARKING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 0.316 ACRES, AS DESCRIBED IN VOLUME 5793, PAGE 379, DEED RECORDS OF BEXAR COUNTY, TEXAS;

THENCE, N 06° 15' 52" E, ALONG THE EASTERLY LINE OF THE SAID 0.316 ACRE TRACT, SAME BEING THE WESTERLY LINE OF THE 0.124 ACRES, A DISTANCE OF 90.03 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP MARKING THE NORTHWESTERLY CORNER OF THE 0.124 ACRES, SAME BEING THE NORTHEASTERLY CORNER OF THE 0.316 ACRES;

THENCE, N 83° 53' 42" W, ALONG THE NORTHERLY LINE OF THE SAID 0.316 ACRE TRACT, A DISTANCE OF 149.77 FEET, TO A FOUND ½ INCH IRON ROD MARKING THE NORTHWESTERLY CORNER OF THE 0.316 ACRES, SAME BEING THE NORTHEASTERLY CORNER OF THE SAID 0.459 ACRE TRACT;

THENCE, S 06° 08' 22" W, ALONG THE WESTERLY LINE OF THE 0.316 ACRE TRACT, SAME BEING THE EASTERLY LINE OF THE 0.459 ACRES TRACT, A DISTANCE OF 89.88 FEET, TO A FOUND ½ INCH IRON ROD LOCATED IN THE NORTHERLY LINE OF A 15.00 FEET WIDE ALLEY;

THENCE, N 83° 49' 54" W, ALONG THE NORTHERLY LINE OF SAID ALLEY, SAME BEING THE SOUTHERLY LINE OF THE SAID 0.459 ACRE TRACT, A DISTANCE OF 325.33 FEET, TO A FOUND ½ INCH IRON ROD LOCATED IN THE NORTHEASTERLY LINE OF A 15.00 FEET WIDE ALLEY;

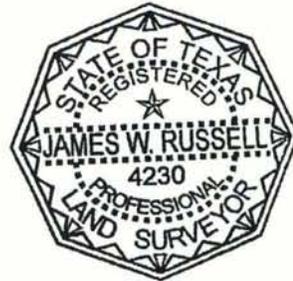
THENCE, N 15° 12' 23" W, ALONG THE NORTHEASTERLY LINE OF SAID ALLEY, A DISTANCE OF 393.03 FEET, TO A FOUND ½ INCH IRON ROD MARKING THE SOUTHWESTERLY CORNER OF LOT 26, NCB 8416, RESUBDIVISION PLAT OF LOTS 26, 27, 28 AND 29, NCB 8416, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6100, PAGE 84, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; SAME BEING THE NORTHWESTERLY CORNER OF THE AFOREMENTIONED 3.41 ACRES;

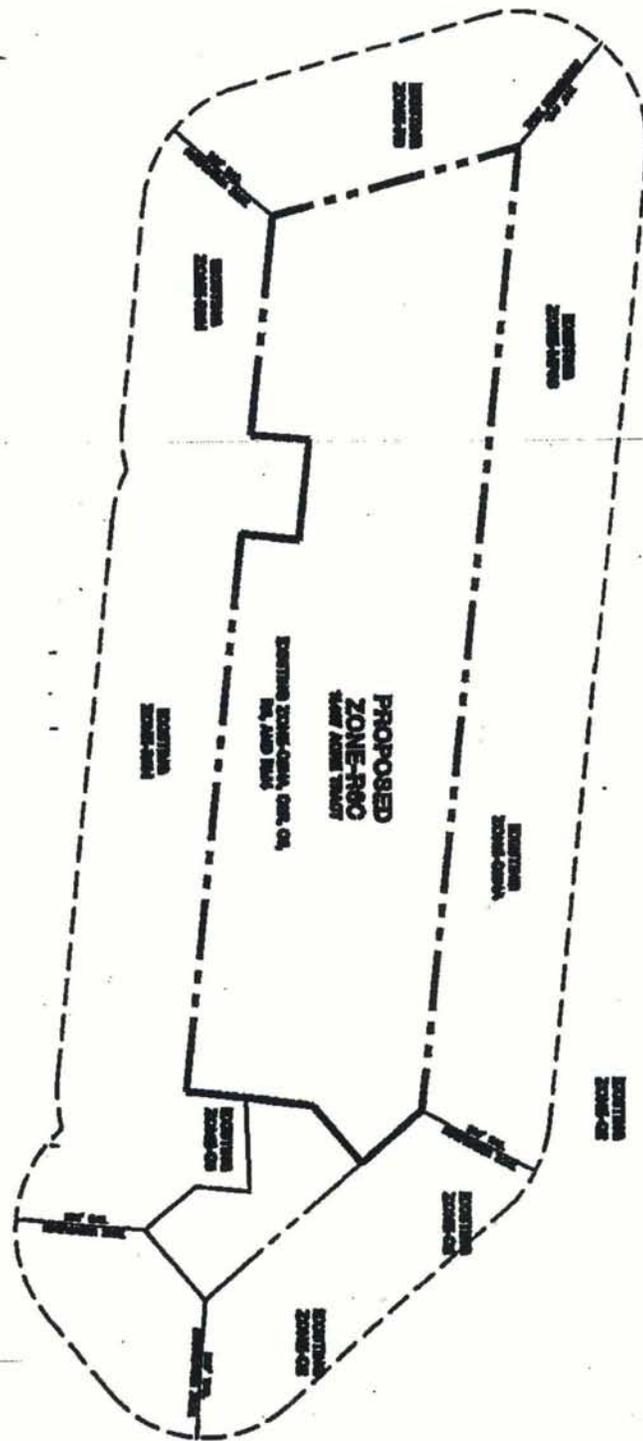
THENCE, S 83° 46' 32" E, ALONG THE NORTHERLY LINE OF SAID 3.41 ACRES, SAME BEING THE SOUTHERLY LINE OF LOTS 26, 27 AND 29, A DISTANCE OF 1450.25 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 11.554 ACRES OF LAND, MORE OR LESS.

I, JAMES W. RUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
10000 SAN PEDRO, SUITE #100
SAN ANTONIO, TEXAS 78216

James W. Russell 11/24/03
JAMES W. RUSSELL DATE
R.P.L.S #4230
STATE OF TEXAS





NOTE:
 THE INFORMATION SHOWN ON THIS
 DRAWING IS BASED ON AVAILABLE
 DATA FROM THE CITY OF SAN
 ANTONIO. ALL INFORMATION SHOULD
 BE VERIFIED.



*Rec'd w/Amendal
 Ord*

Bury+Partners
 Consulting Engineers and Surveyors
 San Antonio, Texas
 Tel 210/625-8000 Fax 210/625-0529
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11.467 ACRE TRACT
SOUTHWEST HOUSING DEVELOPMENT
ZONING DIAGRAM

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 11.467 acres out of NCB 8416, From "R-6" Residential Single-Family District, "RM-4" Residential Mixed District, "C-2NA" Commercial Nonalcoholic Sales District, "C-3" General Commercial District and "C-3R" General Commercial District, Restrictive Alcoholic Sales to "R-6" C Residential Single-Family District with conditional use to allow for multi-family dwelling of 25 units per acre. provided that the conditions approved by City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
12/15

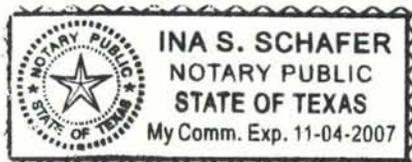
Affidavit of Publisher

STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day appeared Helen I. Lutz, who being by me duly sworn, sa that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio-City Clerk-Ordinance 98506 hereto attached has been published in every issue of said newspaper on the following days, to-wit: December 15, 2003.

Helen I. Lutz

Sworn to and subscribed before me this 15th day of December, 2003.



Ina S. Schaffer

Notary Public in and for Bexar County, Texas