

AN ORDINANCE 2016-01-28-0061

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 6.01 acres of land out of NCB 12104, save and except that portion conveyed to the City of San Antonio, from "PUD MF-25 AHOD" Planned Unit Development Low Density Multi-Family Airport Hazard Overlay District to "MF-25 CD AHOD" Low Density Multi-Family Airport Hazard Overlay District with Conditional Use for a Professional Office.

SECTION 2. A description of the property and that portion of the property recorded in Volume 5589 Page 360 of the Deed Records of Bexar County Texas, which is saved and excepted in Section 1 above, are attached as **Attachment "A"**.

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 finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours of operation for the general public shall not be permitted before 7:00 a.m. or after 6:00 p.m.

SECTION 5. 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 6. 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.

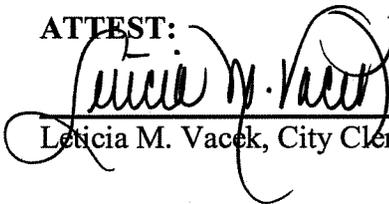
SECTION 7. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 8. This ordinance shall become effective February 7, 2016.

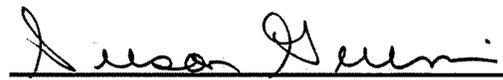
PASSED AND APPROVED this 28th day of January, 2016.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Martha G. Sepeda, Acting City Attorney

Agenda Item:	Z-22 (in consent vote: P-1, Z-1, Z-2, Z-3, Z-5, Z-7, Z-8, Z-9, Z-10, Z-13, Z-14, Z-15, Z-16, Z-17, Z-18, Z-21, Z-22)
Date:	01/28/2016
Time:	02:04:47 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2016037 CD (Council District 10): An Ordinance amending the Zoning District Boundary from "PUD MF-25 AHOD" Planned Unit Development Low Density Multi-Family Airport Hazard Overlay District to "MF-25 CD AHOD" Low Density Multi-Family Airport Hazard Overlay District with Conditional Use for a Professional Office on 6.01 acres of land out of NCB 12104, located at 2876 Nacogdoches Road. Staff and Zoning Commission recommend Approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor	x					
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

WARRANTY DEED

Date: June 29, 1999

Grantor: TOM E. TURNER REVOCABLE TRUST

Grantor's Mailing Address (including county):
2900 Nacogdoches Road, San Antonio, Bexar County, Texas 78217

Grantee: TOM E. TURNER FAMILY FOUNDATION

Grantee's Mailing Address (including county):
2900 Nacogdoches Road, San Antonio, Bexar County, Texas 78217

Consideration: For TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration

Property:

Property located at 2900 Nacogdoches Road, San Antonio, Bexar County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof.

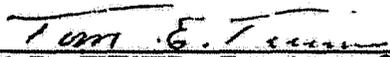
Reservations From and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that effect the property.

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 to hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor 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 conveyance and warranty.

This transfer shall take effect on the death of TOM E. TURNER.

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


TOM E. TURNER, Trustee of the
TOM E. TURNER REVOCABLE TRUST

22016037

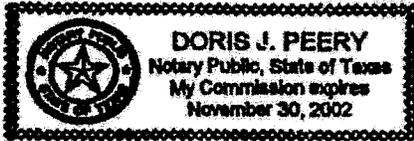
Book D Volm 08267 Page 00369

ACKNOWLEDGMENT

STATE OF TEXAS *

COUNTY OF BEXAR *

This instrument was acknowledged before me on the 29th day of June, 1999 by TOM E. TURNER, Trustee of the TOM E. TURNER REVOCABLE TRUST.



Doris J. Peery
NOTARY PUBLIC, STATE OF TEXAS

72016037

After Recording Return to:
LEONARD LEIGHTON
3003 N.W. Loop 410
San Antonio, Texas 78230

Prepared in the Law Office of
LEIGHTON & LEIGHTON, P.C.
3003 N.W. Loop 410
San Antonio, Texas 78230

Book Volm Page
D 08267 00370

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

SPECIAL WARRANTY DEED

Date: January 1, 2011

Grantor: AT HOLDING – CARSON, LLC, a Texas limited liability company

Grantor's Mailing Address (including county): 1911 Corporate Drive, Suite 102
San Marcos
Hays County, Texas 78666

Grantee: Carson Diversified SA, LP, a Texas limited partnership

Grantee's Mailing Address (including county): 1911 Corporate Drive, Suite 102
San Marcos
Hays County, Texas 78666

Consideration: Ten and No/100 Dollars (\$10.00) and other valuable consideration

Property (including any improvements):

All that certain tract or parcel of land containing 5.172 acres in the City of San Antonio, Bexar County, Texas, out of the Antonio Perez Survey No. 10, Abstract 571, New City Block 12104, being the same tract of land described in Volume 6637, page 716, Deed Records of Bexar County, Texas, and being more particularly described as Tract II in Exhibit "A" attached hereto.

All that certain tract or parcel of land containing 0.84 acres in the City of San Antonio, Bexar County, Texas, out of the Antonio Perez Survey No. 10, Abstract 571, New City Block 12104, being the same tract of land described in Volume 6653, page 153, Deed Records of Bexar County, Texas, and being more particularly described as Tract I in Exhibit "A" attached hereto.

Assignment and Assumption of Leases:

Grantor hereby assigns to Grantee Grantor's rights and obligations under any Leases under which any portion of the Property is used or occupied by anyone, other than Grantor, and Grantee assumes and agrees to perform the Grantor's (Landlord's) obligations under such Leases arising after this date.

22016037

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made subject to all easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance, and operation of any County Water Improvement Districts or other applicable governmental districts, agencies, authorities.

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 successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's 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 conveyance and warranty, when the claim is by, through, or under Grantor, but not otherwise.

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

AT HOLDING - CARSON, LLC

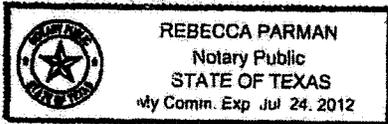
By: W.C. Carson
W. C. Carson, Manager

22016037

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF HAYS

This instrument was acknowledged before me on the 15th day of January, 2011, by W. C. Carson, in his capacity as the Manager of AT HOLDING - CARSON, LLC, a Texas limited liability company.



Rebecca Parman
NOTARY PUBLIC, STATE OF TEXAS

After recording return to:
Carson Properties
1911 Corporate Drive, Suite 102
San Marcos, Texas 78666

Prepared in the Law Office of:
Leighton Law Firm, PLLC
12117 Bee Caves Road, Suite 260
Austin, Texas 78738

EXHIBIT "A"

Tract I:

Being a 0.84 Acre Tract out of the Antonio Perez O.S. No. 10, Being designated as Lot H, NCB 12104 in the tax records of the City of San Antonio, Bexar County, Texas, being more particularly described as follows:

Beginning at a point in the Southeast line of Nacogdoches Road for the North corner of the herein described tract, said point being 826.4 feet along the Southeast line of Nacogdoches Road from its intersection with the West line of Oak Ledge Drive;

Thence S 49°11' W, 150.0 feet along the Southeast line of Nacogdoches Road to a point for the West corner of the herein described tract;

Thence S 36°10' E, 291.2 feet to a point for the South corner of the herein described tract;

Thence N 49°40' E, 100.0 feet to a point for the East corner of the herein described tract;

Thence N 26°35' W, 301.0 feet to the Point of Beginning, containing 0.84 acres, more or less;

Save and Except that portion conveyed to the City of San Antonio by Warranty Deed recorded in Volume 5589, Page 360 of the Deed Records of Bexar County, Texas.

Tract II:

Being Tract I, New City Block 12104, situated within the corporate limits of the City of San Antonio, Bexar County, Texas, and being out of the Antonio Perez Survey #10, Abstract 571, and being more particularly described by metes and bounds as follows:

Beginning at an iron pin found on the line between Tracts "J" and "I", on the new southeast right of way line of Nacogdoches Road, for the most northerly corner of Tract "I" said corner being 528.59 feet southwesterly along the southeast right of way line of Nacogdoches Road from the intersection with the southwest right of way line of Oak Ledge Drive;

Thence South 45°19'00" East along the line between Tracts "I" and "J", a distance of 286.6 feet to an iron pipe found at angle point;

Thence South 19°01'00" East continuing on the line between Tracts "I" and "J" a distance of 438.00 feet to an iron pin found on a northwest line of Lot 6, Block "A", Forest Oaks Subdivision, as recorded in Volume 1625, Page 347, of the Plat Records of Bexar County, Texas, for the most easterly corner of this tract;

Thence South 70°50'56" West along the northwesterly line of said Forest Oaks Subdivision, a distance of 304.60 feet to an iron pin found on the northeast line of Oak Forest Estates, Unit 3, as recorded in Volume 4080, Page 286, of the Plat Records of Bexar County, Texas, for the most southerly corner of this tract;

Thence along the northeast line of said Oak Forest Estates, Unit 3, as follows: North 29 deg. 06 min 37 sec. West a distance of 76.77 feet and

North 29 deg. 00 min 06 sec West a distance of 236.88 feet to an iron pin found at a fence corner at the northerly corner of said Oak Forest Estates, Unit 3, and the southeast corner of Tract "H", New City Block 12104;

Thence North 28 deg. 48 min 10 sec West along a fence on the line between Tracts "I" and "H" a distance of 298.98 feet to an iron pin found on the southeast right of way line of Nacogdoches Road for the most westerly corner of this tract, said corner being on a curve northeasterly to the right on said right of way line at a radial bearing North 41 deg 23 min 09 sec West;

Thence northeasterly along said curve to the right, on the southeast right of way line of Nacogdoches Road, said curve having a radius of 1970 feet and a central angle of 8 deg 39 min 48 sec, an arc distance of 297.87 feet to the Point of Beginning and containing 5.172 acres of land;

Save and Except that portion conveyed to the City of San Antonio by Warranty Deed recorded in Volume 5589, Page 360 of the Deed Records of Bexar County, Texas.

72016037

22016037

Doc# 20110007409 Fee: \$28.00
01/12/2011 3:54PM # Pages 4
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

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:

JAN 12 2011



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

U
/mg 6/10/66

Parcels: 6010 & 6010A
Project: Macogdoches Rd. Paving

Vol 5589
Page 360

750553

WARRANTY DEED

STATE OF TEXAS
COUNTY OF BEXAR

KNOW ALL MEN BY THESE PRESENTS:

That we, JACK CONES, Individually and as Independent Executor of the Estate of MARIETTA CARROLL CONES, Deceased, and wife, JANE CONES, of the County of Bexar, State of Texas, for and in consideration of the sum of THREE THOUSAND TWO HUNDRED FIFTY AND NO/100 (\$3,250.00) DOLLARS to us 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 hereby GRANT, SELL and CONVEY unto CITY OF SAN ANTONIO, a municipal corporation, of the County of Bexar, state of Texas, all of the following described real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, to-wit:

PARCEL 6010:

A tract of land out of Tract I, New City Block 12104, San Antonio, Bexar County, Texas, being more particularly described as follows:

BEGINNING at a point on the southeast line of Macogdoches Road, also the most northerly corner of Tract I, New City Block 12104, said point being 325.28 feet southwesterly from the intersection of the Southeast line of Macogdoches Road and the Southwest line of Oak Ledge Drive,

THENCE; South 42° 47' 33" East, along the line common to Tract I and the Marietta Cones Estate Tract, a distance of 1.63 feet to a point on a curve,

THENCE; southwesterly, along a curve to the left with a 1970.00 foot radius, a distance of 297.79 feet to a point on the southwest line of Tract I,

THENCE; North 26° 18' 21" West, along the line common to Tracts I and H, New City Block 12104, a distance of 1.50 feet to a point on the East line of Macogdoches Road,

THENCE, northeasterly, along the southeast line of Macogdoches Road as follows:

North 47° 37' 39" East, a distance of 84.77 feet to a point,

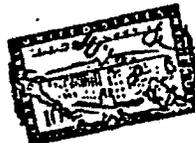
North 58° 32' 27" East, a distance of 213.47 feet to the point of beginning, and containing 0.027 acres of land, more or less.

PARCEL 6010A:

A tract of land out of the Estate of Marietta Cones Tract, New City Block 12104, San Antonio, Bexar County, Texas, being more particularly described as follows:

BEGINNING at a point on the Southeast line of Macogdoches Road, also being the most northerly corner of the Marietta Cones Tract, New City Block 12104, said point being 392.89 feet southwesterly from the intersection of the southeast line of Macogdoches Road and the southwest line of Oak Ledge Drive,

THENCE; South 40° 32' 15" East, along the line common to the Marietta Cones Estate Tract and the Mick Williams and Alfred W. Rohde Tract, a distance of 4.89 feet to a point on a curve,



/s/ig 6/10/66
Page 2 of Warranty Deed

Parcels 6010 & 6010A
Project; Nacogdoches Rd. Paving

THENCE; southwesterly, along a curve to the left with a 1970.00 foot radius, a distance of 132.80 feet to a point on the southwest line of the Marietta Cones Tract,

THENCE; North 42° 47' 33" West, along the line common to the Marietta Cones Tract and to Tract I, New City Block 12104, a distance of 1.63 feet to a point on the East line of Nacogdoches Road,

THENCE; northeasterly, along the southeast line of Nacogdoches Road as follows:

North 58° 32' 27" East, a distance of 86.07 feet to a point,

North 63° 45' 04" East, a distance of 46.32 feet to the point of beginning, and containing 0.013 acres of land, more or less;

It is further understood and agreed that the consideration received by the Grantor is also in full payment for all damages to the remaining property, if any, of the Grantor.

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 grantee, its successors and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT and FOREVER DEFEND all and singular the said premises unto the said grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 26 day of June, A. D. 1966.

Jack Cones
JACK CONES, Individually and as Independent Executor of the Estate of MARIETTA CARROLL CONES, Deceased.

Jane Cones
JANE CONES

STATE OF TEXAS
COUNTY OF BEKAR

BEFORE ME, the undersigned authority, on this day personally appeared JACK CONES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as Independent Executor of the Estate of MARIETTA CARROLL CONES, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.



GIVEN under my hand and seal of office, this 24 day of June,

Robert N. Campbell
Notary Public in and for Bekar County, Texas
ROBERT N. CAMPBELL

Vol. 5589
Page 381

STATE OF TEXAS
COUNTY OF BEXAR

Z2016037

BEFORE ME, the undersigned authority, on this day personally appeared JACK CONES and JANE CONES, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said JANE CONES, wife of the said JACK CONES, having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the said JANE CONES, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

WV 5589
PAGE 362

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 24 day of June, A. D. 1966.



Robert N. Campbell, Jr.
Notary Public in and for Bexar County, Texas
ROBERT N. CAMPBELL, JR.

STATE OF TEXAS
COUNTY OF BEXAR
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me and was duly RECORDED in the Volume and Page of the DEED RECORDS of Bexar County, Texas, as stamped herein by me.

JUN 28 1966



James W. Wright
COUNTY CLERK
BEXAR COUNTY, TEXAS

ORDER NO. 59743 - R.F. \$2.40
R.S. \$3.85

WARRANTY DEED

JACK CONES, Individually and as Independent Executor of the Estate of Marietta Carroll Cones, deceased, ET UX, JANE CONES

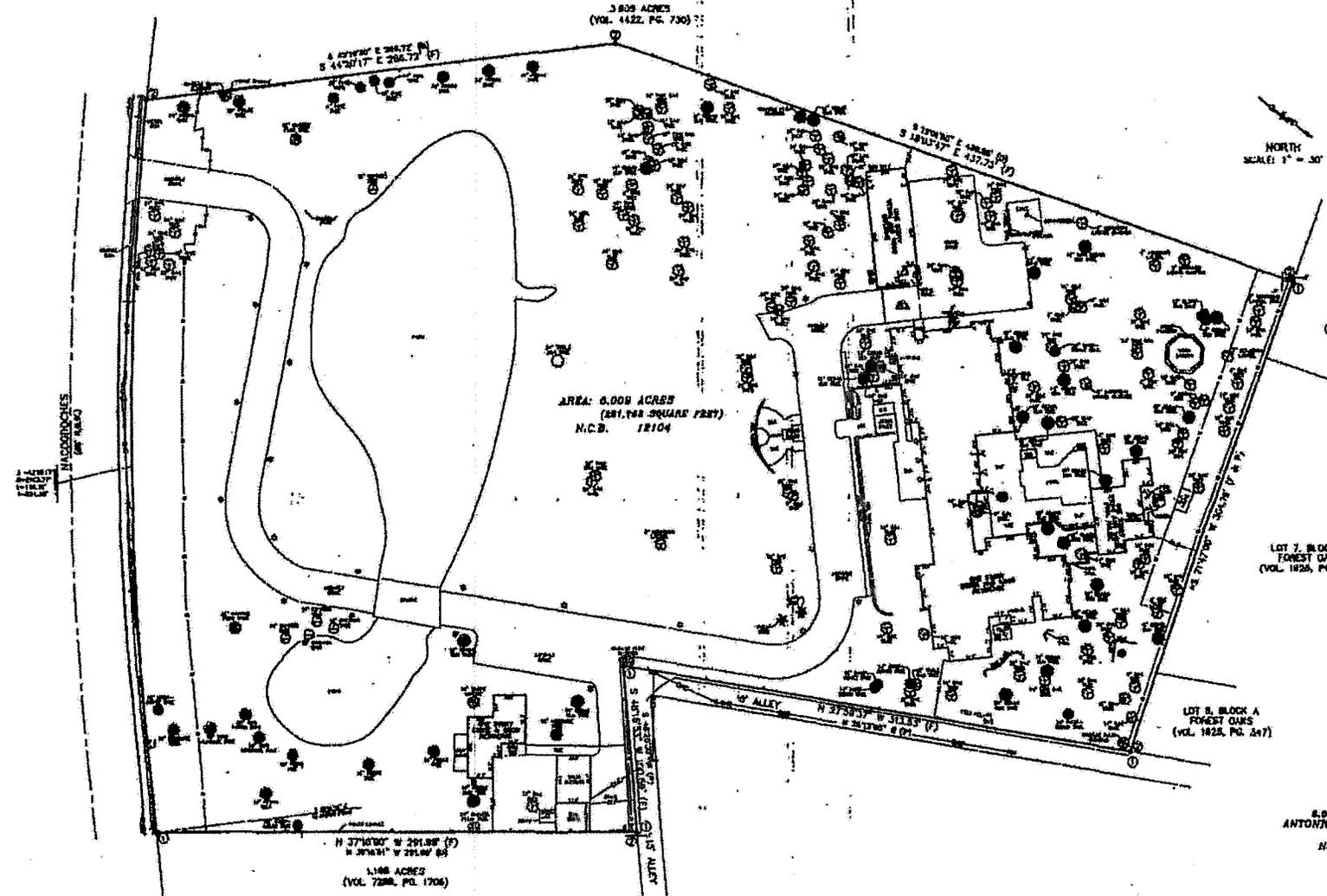
FILED FOR RECORD
IN MY OFFICE

EX. 25 1966

CITY OF SAN ANTONIO

RETURN TO:
W. S. CLARK, Chief
Land Division
CITY OF SAN ANTONIO
CITY HALL
SAN ANTONIO, TEXAS 78205

THIS SURVEY IS LIMITED TO THE... CONTAINS TO THE...
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- KEY:
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NORTH
 SCALE: 1" = 30'

AREA: 6.009 ACRES
 (241,708 SQUARE FEET)
 N.C.B. 12104

LOT 6, BLOCK A
 FOREST OAKS
 (VOL. 1826, PG. 347)

LOT 7, BLOCK A
 FOREST OAKS
 (VOL. 1826, PG. 347)

LOT 8, BLOCK A
 FOREST OAKS
 (VOL. 1826, PG. 347)

SURVEY OF
 6.009 ACRES OUT OF THE
 ANTONIO FERRE SURVEY NO. 10
 ABSTRACT 671
 NEW CITY BLOCK 12104
 CITY OF SAN ANTONIO
 MAP NO. 12104

NO.	DATE	BY	REVISION
1	12/15/11	J. S. [Signature]	INITIAL
2	12/15/11	J. S. [Signature]	INITIAL
3	12/15/11	J. S. [Signature]	INITIAL
4	12/15/11	J. S. [Signature]	INITIAL
5	12/15/11	J. S. [Signature]	INITIAL
6	12/15/11	J. S. [Signature]	INITIAL
7	12/15/11	J. S. [Signature]	INITIAL
8	12/15/11	J. S. [Signature]	INITIAL
9	12/15/11	J. S. [Signature]	INITIAL
10	12/15/11	J. S. [Signature]	INITIAL

DATE: 12/15/11
 DRAWN BY: J. S. [Signature]
 CHECKED BY: J. S. [Signature]

22016037

DATE OF THIS SURVEY: 12/15/11
 BY: J. S. [Signature]
 LICENSE NO. 12104
 REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS

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 STATE OF TEXAS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 12104

Attachment B