

AN ORDINANCE 2011-05-05-0368

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 1.001 acres out of Tract 17 (also known as Arb 17A, 17B, and 17C), NCB 17994 from "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales.

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 requires that a six-foot tall, solid screen fence shall be maintained along the property boundary in the side and rear yards to insure compatibility with the surrounding properties.

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.

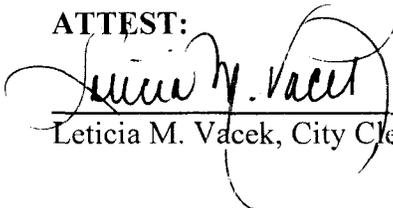
SECTION 8. This ordinance shall become effective May 15, 2011.

PASSED AND APPROVED this 5th day of May 2011.



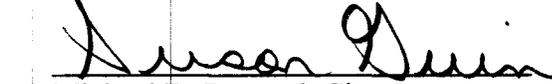
M A Y O R
Julián Castro

ATTEST:

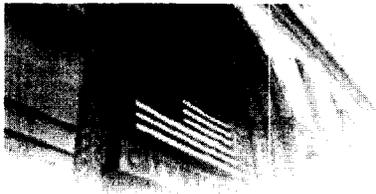


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



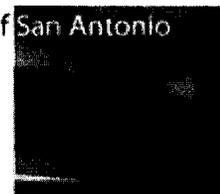
for
Michael D. Bernard, City Attorney



Request for

COUNCIL ACTION

City of San Antonio



Agenda Voting Results - Z-10

Name:	Z-10						
Date:	05/05/2011						
Time:	02:30:56 PM						
Vote Type:	Motion to Appr w Cond						
Description:	ZONING CASE # Z2011020 (District 2): An Ordinance amending the Zoning District Boundary from "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 1.001 acres out of Tract 17 (also known as Arb 17A, 17B, and 17C), NCB 17994 located at 7388, 7390 and 7392 IH 10 East. Staff recommends denial of "C-3 AHOD" General Commercial Airport Hazard Overlay District; with an alternate recommendation of "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales. Zoning Commission recommends denial.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x			x	
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

0.354
Dees

TTT GF# 370NW RW; \$28

72011020

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.

GENERAL WARRANTY DEED



LT1-81-20090155256-1

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BEXAR §

THAT THE UNDERSIGNED, JACQUELINE DIANNE MCNEIL HENDERSON, Individually, and AMY D. THOMAS, Independent Executrix of the Estate of JAMES V. HENDERSON, Deceased, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto WICHAN CHAICHA and JARIYA CHAICHA, herein referred to as "Grantee", all of Grantor's right, title and interest in and to the following described real property, to-wit:

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

This conveyance, is executed, delivered and accepted subject to ad valorem taxes for the current year, rollback taxes due to this conveyance or Grantee's use of the subject property, maintenance fund liens, zoning ordinances, utility district assessments and standby fees, if any, any and all valid utility easements created by the dedication deed or plat of the subdivision in which said real property is located, recorded easements, reservations, mineral reservations and leases, restrictions, covenants, conditions, and rights of way easements, if any, affecting the herein described property.

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, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor,

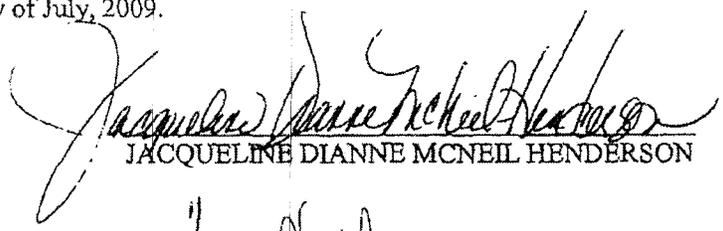


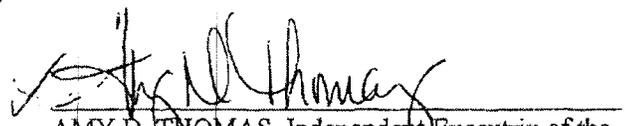
LT2-14124-81-5

Grantor's heirs, executors, administrators, successors and/or assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED the 7th day of July, 2009.


JACQUELINE DIANNE MCNEIL HENDERSON

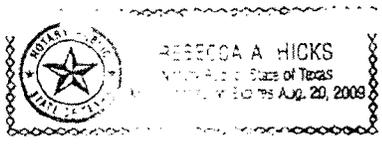

AMY D. THOMAS, Independent Executrix of the
Estate of JAMES V. HENDERSON, Deceased

Grantee's Address, And After Recording Return To:

Wichan and Jariya Chaicha
San Antonio, TX 782__

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

The foregoing instrument was acknowledged before me on the 10th day of July, 2009, by JACQUELINE DIANNE MCNEIL HENDERSON.




NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF ALABAMA §

COUNTY OF Madison §

The foregoing instrument was acknowledged before me on the 7th day of ~~July~~ ^{August}, 2009, by AMY D. THOMAS, Independent Executrix of the Estate of JAMES V. HENDERSON, Deceased, on behalf of said estate.



[Signature]
NOTARY PUBLIC, STATE OF ALABAMA

My Commission Expires November 9, 2011

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
 PH: 210.534.6700 Fax: 210.534.9673

METES AND BOUNDS DESCRIPTION OF 0.354 OF AN ACRE TRACT OF LAND

July 23, 2009

Being 0.354 of an acre tract of land, out of the W.E. McIntyre Tract containing 9.96 acres, being Tract No. 17 of the Sam Lifshutz Subdivision of 68.7 acres, an unrecorded plat, out of the Guadalupe Torres Survey No. 38, Abstract 739, County Block 5090, Bexar County, Texas and being the same 0.35 of an acre tract of land as recorded in Volume 7263, Page 769, Real Property Records, Bexar County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING: At a 1/2" iron rod found on the southeast right-of-way line IH 10 East (200' R.O.W.) and being a northeast corner of a 10.812 acre tract of land, *part of which is also known as Tract 16*, as recorded in Volume 8355, Page 53, Real Property Records, Bexar County, Texas, being the west corner of a 0.33 of an acre tract of land, as recorded in Volume 8888, Page 1335, Real Property Records, Bexar County, Texas and being the west corner of a 16' Ingress/Egress Easement as recorded in Volume 1328, Page 339 Real Property Records, Bexar County, Texas;

THENCE: S 19°55'00" E, along the southwest property line of said 0.33 acre tract, and along the southwest property line of a 0.32 of an acre tract of land, as recorded in Volume 1328, Page 339, Real Property Records, Bexar County, Texas and of said 16' Ingress/Egress Easement, a distance of 333.90 feet to a 1/2" iron rod set, for west corner and the **POINT OF BEGINNING** of this tract;

THENCE: N 68°10'55" E, along the southeast boundary line of said 0.32 of an acre tract, a distance of 100.06 feet to a 1/2" iron rod set, for the east corner of said 0.32 of an acre tract, for a west property line of said 10.812 acre tract, *part of which is also known as the remaining portion of Tract 17*, for the north corner of this tract;

THENCE: S 19°55'00" E, a distance of 155.92 feet, to a 1/2" iron rod found, for a re-entrant corner of said 10.812 acre tract, for the east corner of this tract;

THENCE: S 70°05'00" W, a distance of 100.00 feet, to a 1/2" iron rod found, for a re-entrant corner of said 10.812 acre tract, for the south corner of this tract;

THENCE: N 19°55'00" W, a distance of 152.60 feet to the **POINT OF BEGINNING** and containing 0.354 of an acre tract of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
 Registration No. 5464
 Job # 9-4288-015

A drawing of even job number and date was also prepared.



2009-08-11

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:

AUG 11 2009



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20090155256 Fees: \$32.00
08/11/2009 2:27PM # Pages 5
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

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.

GENERAL WARRANTY DEED



THE STATE OF TEXAS
COUNTY OF BEXAR

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§
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KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, CLARENCE R. DIXON, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto WICHAN CHAICHA and JARTYA CHAICHA, herein referred to as "Grantee", the following described real property, to-wit:



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

This conveyance, is executed, delivered and accepted subject to ad valorem taxes for the current year, rollback taxes due to this conveyance or Grantee's use of the subject property, maintenance fund liens, zoning ordinances, utility district assessments and standby fees, if any, any and all valid utility easements created by the dedication deed or plat of the subdivision in which said real property is located, recorded easements, reservations, mineral reservations and leases, restrictions, covenants, conditions, and rights of way easements, if any, affecting the herein described property.

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, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs.

executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED the 22 day of October, 2009.

GRANTOR:


CLARENCE R. DIXON

Grantee's Address. And After Recording Return To:

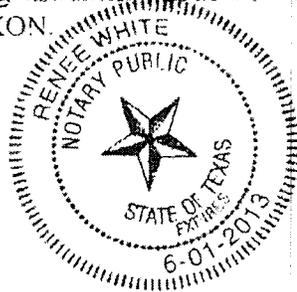
Wichan and Jariya Chaicha
14006 Arcenknoll
San Antonio, TX 78258

STATE OF TEXAS

§
§
§

COUNTY OF BEXAR

The foregoing instrument was acknowledged before me on the 22 day of October, 2009, by CLARENCE R. DIXON.




NOTARY PUBLIC, STATE OF TEXAS

Z2011020

Any provision herein which restricts the sale, or use of the described real property because of type 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:

OCT 23 2009



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20090207824 Fee: \$28.00
10/23/2009 2:53AM # Pages 4
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY, CARBON OR
PHOTO COPY, DISCOLORED PAPER ETC.

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

METES AND BOUNDS DESCRIPTION OF A 0.316 OF AN ACRE OF LAND

October 13, 2009

Being 0.316 of an acre tract of land, out of the W.E. McIntyre Tract containing 9.96 acres, being Tract No. 17 of the Sam Lifshutz Subdivision of 68.7 acres, an unrecorded plat, out of the Guadalupe Torres Survey No. 38, Abstract 739, County Block 5090, Bexar County, Texas, and being the same 0.32 of an acre tract of land as recorded in Volume 1328, Page 339, Real Property Records, Bexar County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING: at a 1/2" iron rod found on the southeast right-of-way line of IH 10 East (200' R.O.W), and being a northeast corner of a 10.812 acre tract of land, *part of which is also known as Tract 16*, as recorded in Volume 8355, Page 53, Real Property Records, Bexar County, Texas, being the west corner of a 0.331 acre tract of land, as recorded in Volume 8888, Page 1335, Real Property Records, Bexar County, Texas and being the west corner of a 16' Ingress/Egress Easement as recorded in Volume 1328, Page 339, Real Property Records, Bexar County, Texas;

THENCE: S 19°55'00" E, along the southwest property line of said 0.331 of an acre of land and of said 16' Ingress/Egress Easement, a distance of 192.00 feet, to a 1/2" iron rod found, for the west corner and the **POINT OF BEGINNING** of this tract;

THENCE: N 70°05'00" E, along the southeast boundary line of said 0.331 of an acre of land, a distance of 75.00 feet, to a 1/2" iron rod found, being the southeast corner of said 0.331 of an acre of land, being a point on the most northwesterly boundary line of said 10.812 acre tract of land, for the north corner of this tract;

THENCE: S 19°55'00" E, a distance of 10.00 feet, to a 1/2" iron rod set, being a northwesterly corner of said 10.812 acres of land, for a re-entrant corner of this tract;

THENCE: N 70°05'00" E, a distance of 25.00 feet, to a 1/2" iron rod found, being a re-entrant corner of said 10.812 acres of land, for the northeast corner of this tract;

THENCE: S 19°55'00" E, along the westerly boundary line of said 10.812 acres of land, a distance of 128.58 feet, to a 1/2" iron rod found, being a point on the westerly boundary line of said 10.812 acres of land, being the north corner of a 0.354 of an acre tract of land, as recorded in Volume 14124, Page 81, Real Property Records, Bexar County, Texas, for the east corner of this tract;

THENCE: S 68°10'55" W, along the northeast boundary line of said 0.354 of an acre of land, a distance of 100.06 feet, to a 1/2" iron rod found, being the west corner of said 0.354 of an acre of land, being a point on the northeasterly boundary line of said 10.812 acres of land, being the south corner of said 16' Ingress/Egress Easement, for the south corner of this tract;

THENCE: N 19°55'00" W, a distance of 141.90 feet to the **POINT OF BEGINNING** and containing 0.316 acres of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.F.L.S.

Registration No. 5464

Job # 9-4288-045

A drawing of even job number and date was also prepared.



\$ 11.00 01601645 (off) 0.33 Acres

Z2011020
FILED BY
ALAMO TITLE
2001-0086147

GP#01001645

WARRANTY DEED

STATE OF TEXAS §
COUNTY OF BEXAR §

KNOW ALL MEN BY THESE PRESENTS:

THAT, FRANK M. GONZALES and wife, LOURDES B. GONZALES, hereinafter called Grantor, (whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS and other good and valuable considerations to Grantor in hand paid by WICHAN CHAICHA and JARIYA CHAICHA, hereinafter called Grantee, (whether one or more), the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, whose mailing address is as hereinafter set forth, the following described real estate, together with all improvements thereon, situated in Bexar County, Texas, being more particularly described as follows, to-wit:

0.33 acres of land out of the West part of a 9.96 acre tract being Tract No. 17 of the Sam Lifshutz Subdivision of 68.7 acres of the Guadalupe Torres Survey No. 38, Abstract 739, in New City Block 17994, in the City of San Antonio, Bexar County, Texas, said 0.33 acre parcel being more particularly described in Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances therunto in anywise belonging, unto the said Grantee, Grantee's heirs, successors or assigns forever. And Grantor does hereby bind Grantor, Grantor's heirs, successors or assigns TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee herein, Grantee's heirs, successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

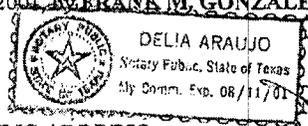
This conveyance is made subject to any and all restrictions, easements, setback lines, covenants, conditions and reservations of record affecting the property herein conveyed.

EXECUTED ON 22nd day of May, 2001.
[Signature]
FRANK M. GONZALES
[Signature]
LOURDES B. GONZALES

(ACKNOWLEDGMENT)

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was ACKNOWLEDGED before me, on this the 22nd day of May, 2001 by FRANK M. GONZALES and LOURDES B. GONZALES.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

GRANTEE'S MAILING ADDRESS:
AFTER RECORDING RETURN TO
Wichan Chaicha
19006 GreenKnoll
San Antonio, TX 78258

Prepared in the Law Offices of:
West & West
Attorneys at Law, P.C.
2929 Mossrock, Suite 204
San Antonio, Texas 78230

1018888 PD 1335

A certain tract of land containing THIRTY-THREE (0.33) HUNDREDTHS OF an acre out of the West part of the W. E. McINTYRE tract formerly containing 9.96 acres and being Tract No. 17 of the SAM LIPSHUTZ SUB-DIVISION of 68.7 acres out of GUADALUPE TORRES SURVEY NO. 38, ABSTRACT 739, County Block 5090. The said 0.33 of an acre fronts on the south side of Interstate Highway No. 10, about 10 miles in an easterly direction from the Court House in Bexar County, Texas, being more particularly described as follows:

BEGINNING at an iron pipe on the south right-of-way line of Interstate Highway 10, for the Northwest Corner of this Tract; said Point of Beginning being 200.00 feet South 19° 55' East, and 2406.8 feet easterly along the south line of U. S. Highway 90 from the Northwest Corner of SAM LIPSHUTZ 68.7 acres tract;

THENCE with south right-of-way line of Interstate Highway 10, North 70° 05' East, 75.0 feet to an iron pipe, the Northeast Corner of this Tract;

THENCE South 19° 55' East, 192.00 feet to an iron pipe, the Southeast Corner of this Tract;

THENCE South 70° 05' West, 75.00 feet to an iron pipe, the Southwest Corner of this Tract;

THENCE with west line of said Tract 17, being the east line of Tract 16, North 19° 55' West, 192.00 feet to the Place of BEGINNING.

RECORDER'S MEMORANDUM

AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER, ETC.

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 the date and at the time stated hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

Filed for Record in:
BEXAR COUNTY, TX
GERRY RICKHOFF, COUNTY CLERK

MAY 23 2001

On May 23 2001
At 4:21pm



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Receipt #: 439739
Recording: 5.00
Doc/Mgmt: 6.00
Doc/Num: 2001-0086147
Deputy -Ana Rosas

VOL 8888 PG 1336

