

AN ORDINANCE **83508**

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 35-3007 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. Z95235

The rezoning and reclassification of property from Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District and "B-3" Business District listed below as follows:

Temp. "R-1" to "R-1"
8.775 acres out of NCB 12190

Temp. "R-1" to "B-3"
68.090 acres out of NCB 12190
I.H. 35 North and Eisenhower Road

Field notes describing the above mentioned tracts 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 35-1024.

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. This ordinance is not severable.

PASSED AND APPROVED THIS 25th DAY OF January 19 56.

ATTEST: Ann S. Rodriguez
City Clerk

W. E. [Signature]
MAYOR

APPROVED AS TO FORM: [Signature]
City Attorney

96-04

February 3, 1995
Project No. 40194.18

**DESCRIPTION OF 2.396 ACRES
OUT OF N.C.B. 12190**

R-1

Description of a 2.396 acre tract of land out of New City Block (N.C.B.) 12190, and being more particularly described as follows:

BEGINNING at a point on the south right-of-way line of Galahad Road, said point being the northwest corner of Lot 16, Block 8, N.C.B. 13690, Camelot Subdivision, Unit 5A, as recorded in Volume 6500, Page 16 of the Bexar County Deed and Plat Records, and being the northeast corner of this tract;

THENCE S.00°11'29"E., along the west property lines of Lots 1 thru 16, Block 8, N.C.B. 13690, of the said Camelot Subdivision, Unit 5A and Camelot Subdivision, Unit 3, as recorded in Volume 5300, Page 22 of the Bexar County Deed and Plat Records, a distance of 1391.75 feet to a point being the southwest corner of said Lot 1, Block 8, N.C.B. 13690;

THENCE S.89°46'31"W., a distance of 75.00 feet to a point, being the southwest corner of this tract;

THENCE N.00°11'29"W., along a line parallel to and 75.00 feet west of the said west property lines of Lots 1 thru 16, Block 8, N.C.B. 12690, a distance of 1391.83 feet to a point on the aforementioned south right-of-way line of Galahad Road;

THENCE N.89°50'12"E., along the said south right-of-way line of Galahad Road, a distance of 75.00 feet to the **POINT OF BEGINNING**; and containing 2.396 acres of land, more or less.

February 3, 1995
Project No. 40194.18

**DESCRIPTION OF 6.379 ACRES
OUT OF N.C.B. 12190**



Description of a 6.379 acre tract of land out of New City Block (N.C.B.) 12190, and being more particularly described as follows:

BEGINNING at a point being the southwest corner of Lot 1, Block 8, N.C.B. 13690, Camelot Subdivision, Unit 3, as recorded in Volume 5300, Page 22 of the Bexar County Deed and Plat Records;

THENCE N.89°46'31"E., along the south line of said Camelot Subdivision, Unit 3, a distance of 587.75 feet to a point being the northwest corner of Lot 32, Missionary Church Subdivision, as recorded in Volume 9515, Page 50 of the Bexar County Deed and Plat Records;

THENCE S.00°28'01"E., along the west line of said Missionary Church Subdivision, a distance of 607.10 feet to a point being the southwest corner of Lot 33, of the said Missionary Church Subdivision;

THENCE N.82°01'15"E., along the south property line of said Lot 33, Missionary Church Subdivision, a distance of 137.45 feet to a point on the west right-of-way line of Fratt Road;

THENCE S.00°22'00"E., along the said west right-of-way line of Fratt Road, a distance of 188.55 feet to a point being the southeast corner of this tract;

THENCE S.89°46'31"W., a distance of 305.94 feet to a point;

THENCE N.00°28'01"W., along a line parallel to and 170.00 feet west of the said west line of the Missionary Church Subdivision, a distance of 487.10 feet to a point;

THENCE S.89°46'31"W., along a line parallel to and 290.00 feet from the said south line of Camelot Subdivision, Unit 3, a distance of 419.14 feet to a point;

THENCE N.00°11'29"W., a distance of 290.00 feet to the **POINT OF BEGINNING**; and containing 6.379 acres of land, more or less.

February 3, 1995
Project No. 40194.18

DESCRIPTION OF 68.090 ACRES
OUT OF N.C.B. 12190

B-3

Description of a 68.090 acre tract of land out of New City Block (N.C.B.) 12190, and being more particularly described as follows:

BEGINNING at a point being on the east right-of-way line of Interstate Highway 35, said point being the northwest end of a cut-off from the north right-of-way line of Eisenhower Road;

THENCE N.10°11'05"E., along the said east right-of-way line of Interstate Highway 35, a distance of 1836.45 feet to a point being the southwest corner of Lot 41, Windsor Park South Subdivision, Unit 1, as recorded in Volume 9525, Page 170 of the Bexar County Deed and Plat Records;

THENCE along the south and east boundaries of said Lot 41, the following courses:

S.79°48'55"E., a distance of 810.00 feet to a point; and

N.10°11'05"E., a distance of 650.18 feet to a point on the south right-of-way line of Galahad Road, said point being the northeast corner of said Lot 41;

THENCE N.89°50'13"E., along the said south right-of-way line of Galahad Road, a distance of 165.10 feet to a point 75.00 feet west of the west property line of Lot 16, Block 8, N.C.B. 13690, Camelot Subdivision, Unit 5A, as recorded in Volume 6500, Page 16 of the Bexar County, Deed and Plat Records;

THENCE S.00°11'29"E., a distance of 1391.83 feet along a line parallel to and 75.00 feet west of the west property lines of Lots 1 thru 16, Block 8, N.C.B. 13690, of the said Camelot Subdivision Unit 5A, and Camelot Subdivision, Unit 3, as recorded in Volume 5300, Page 22 of the Bexar County Deed and Plat Records;

THENCE N.89°46'31"E., a distance of 75.00 feet to a point being the southwest corner of said Lot 1, Block 8, N.C.B. 13690;

THENCE S.00°11'29"E., along an extension of the west property line of said Lot 1, Block 8, N.C.B. 13690, a distance of 290.00 feet to a point;

THENCE N.89°46'31"E., parallel to and 290.00 feet south of the south line of said Camelot Subdivision, Unit 3, a distance of 419.14 feet to a point;

THENCE S.00°28'01"E., parallel to and 170.00 feet west of the west line of the Missionary Church Subdivision, as recorded in Volume 9515, Page 50, of the Bexar County Deed and Plat Records, a distance of 487.10 feet to a point;

THENCE N.89°46'31"E., a distance of 305.94 feet to a point on the west right-of-way line of Fratt Road;

THENCE S.00°22'00"E., along the said west right-of-way line of Fratt Road, a distance of 278.99 feet to a point of intersection with the north right-of-way line of Eisenhower Road;

THENCE along the north right-of-way line of Eisenhower Road, the following courses:

S.89°57'31"W., a distance of 1682.42 feet to a point;

N.89°42'15"W., a distance of 208.86 feet to a point;

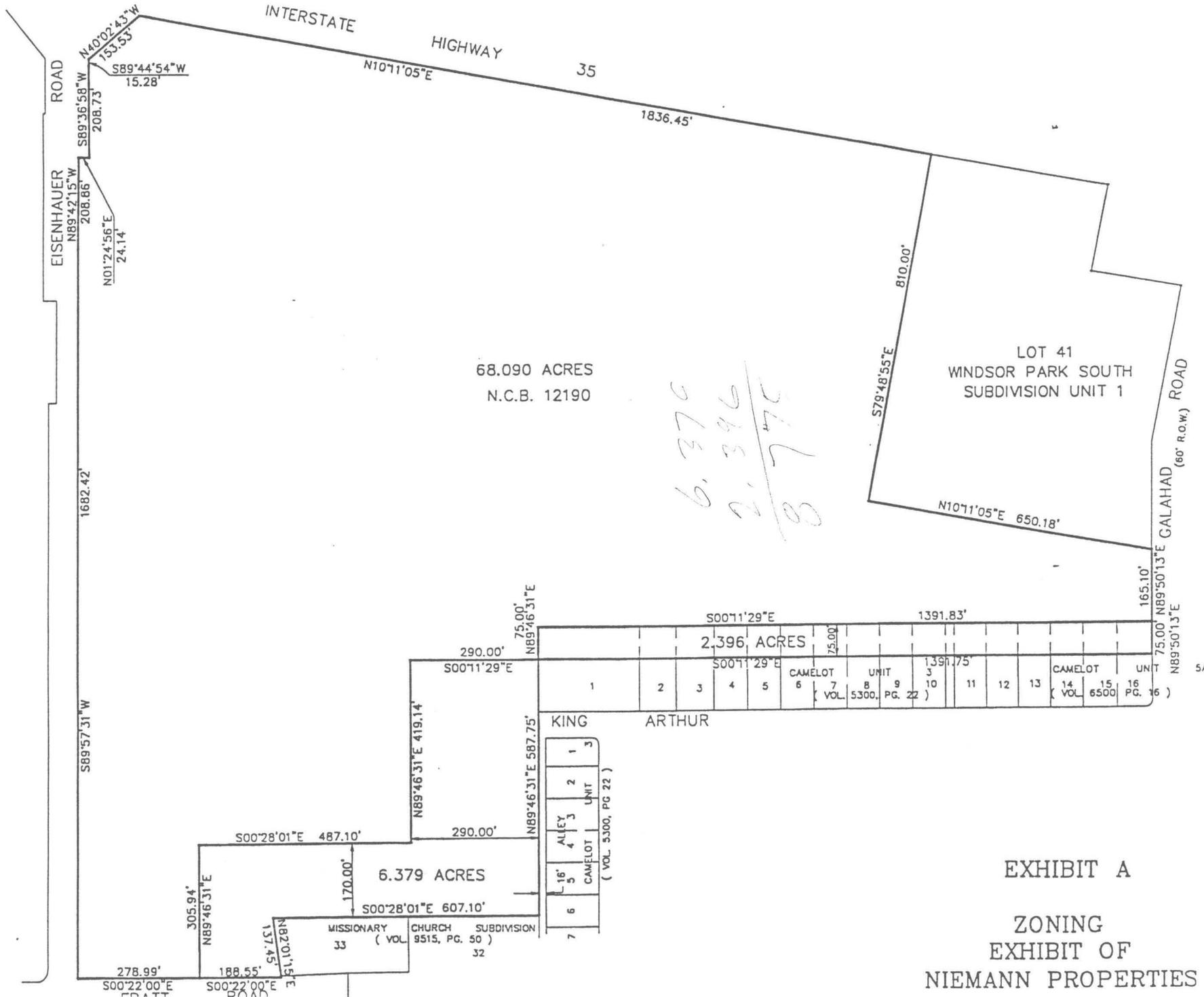
N.01°24'56"E., a distance of 24.14 feet to a point;

S.89°36'58"W., a distance of 208.73 feet to a point; and

S.89°44'54"W., a distance of 15.28 feet to a point on the aforementioned cut-off of the north right-of-way line of Eisenhower Road and the east right-of-way line of Interstate Highway 35;

THENCE N.40°02'43"W., along the said cut-off, a distance of 153.53 feet to the **POINT OF BEGINNING**, and containing 68.090 acres of land, more or less.

68.0
6.3
2.3
===
76.8



68.090 ACRES
N.C.B. 12190

6.376
2.396
8.772

290.00'			S00°11'29"E			75.00'			S00°11'29"E			1391.83'			75.00'			S00°11'29"E			165.10'		
S00°11'29"E			2,396 ACRES			S00°11'29"E			1391.75'			CAMELOT UNIT			14			15			16		
1			2			3			4			5			6			7			8		
CAMELOT			UNIT			3			10			11			12			13			CAMELOT UNIT		
(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)			(VOL. 5300, PG. 22)		

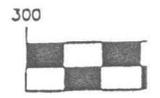


EXHIBIT A
ZONING
EXHIBIT OF
NIEMANN PROPERTIES

W.F. CASTI
Engineers -
1039 W. Hildeb

Zoning Case No.: Z95235

Date: December 5, 1995

Council District: 2

Appeal: No

Applicant: Fred Niemann, Jr.

Owner: Fred Niemann, Jr.

Zoning Request: Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District and "B-3" Business District.

Property Location:

Temp. "R-1" to "R-1"
8.775 acres out of NCB 12190

Temp. "R-1" to "B-3"
68.090 acres out of NCB 12190
I.H. 35 North and Eisenhower Road

Properties are bounded on the west by I.H. 35 North, to the north by Galahad Drive, to the east by Fratt Road and to the south by Eisenhower Road.

Zoning Commission Recommendation:

Approval

VOTE:
FOR 9
AGAINST 0
ABSTAIN 0

Applicants Proposal:

Business and residential uses

Case History and Discussion:

1. Property has access onto I.H. 35 N. Expressway and Eisenhower Road, a secondary arterial. Along both of these thoroughfares "B-3" zonings have been established. There is "B-3" zoning to the south with "B-3R" and "B-2" to the north.
 2. Along the eastern boundary of the property there is a single family subdivision which will be buffered by "R-1" zoning that is being proposed by the applicant.
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Staff Recommendation:

Approval

ZONING CASE NO. Z95235

Applicant: Fred Nieman, Jr.

Zoning Request: Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District and "B-3" Business District.

Mr. Ralph Bender, representing the applicant, stated they are requesting the change of zoning for business and residential uses. He stated they have worked with the Camelot Homeowners Association for the past seven years. He stated they have prepared a land use agreement that involves the following issues; one was an agreement to extend the existing single family homes that are adjacent to the property to provide and dedicate an additional depth of 75 feet. He also stated there is currently a drainage easement channel immediately behind the existing single family houses which will be filled in and the drainage channel will be redirected onto the bounds of the Niemann property. He further stated it has been agreed upon that there will be a solid privacy fence erected, there will also be land and development restrictions placed on the commercial property which will involve specifications and design control for any speaker and sound system that may occur on the commercial property. He also stated the lighting system will be controlled which is specified in the agreement. He further stated there is a list of prohibited uses that will be prohibited on the commercial property. He also stated signage is a very critical issue and they have developed a pallet of sign criteria which is also part of the agreement.

IN FAVOR

Mr. Richard Phillips, 7431 King Arthur, stated he is in favor of the request.

Ms. Carol Marine, 7331 King Arthur, stated she is in favor of the request and also stated the Camelot Homeowners Association supports the rezoning.

Mr. Wayne Marine, 7331 King Arthur, stated she is in favor of the request because of the great deal of work and effort who worked on the project.

Mr. Orson Kinney, 5534 Merlin, stated he is in favor of the request.

Ms. Anne Kinney, 5534 Merlin, stated she is in favor of the request and supports the proposal.

Mr. Earl Post, 2900 Mossrock, #250, representing the Niemann Family, stated he is in favor of the request because alot of work and effort has gone into this project.

Mr. Earl Gilley, 5003 Merlin Drive, stated he is in favor of the request.

IN OPPOSITION

Ms. Norma J. Rogers, 5022 Guinevere Dr., stated she is in opposition of the request because she has objections to the closing of King Arthur Street.

Mr. Charles Gwinn, 5226 Galahad, stated he is in opposition of the request because of the traffic hazards it will bring into the area.

Mr. Mike Yasbek, stated he is in opposition of the request because it will make it difficult for ambulance and police services to get in and out.

REBUTTAL

Mr. Ralph Bender, stated they are not closing or cutting off access to King Arthur, they are merely realigning the street and will be redirecting King Arthur to Fratt Road. This will be a positive enhancement to the Camelot Subdivision.

Mr. Oscar Serrano, Asset Management Dept., informed the Commission on the procedures of street closures and realignment.

Staff stated there were 57 notices mailed out to the surrounding property owners, 6 returned in opposition and 12 plus 5 at the hearing returned 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 Ms. Dudley and seconded by Ms. Thuss to recommend approval of the request as submitted for the following reasons:

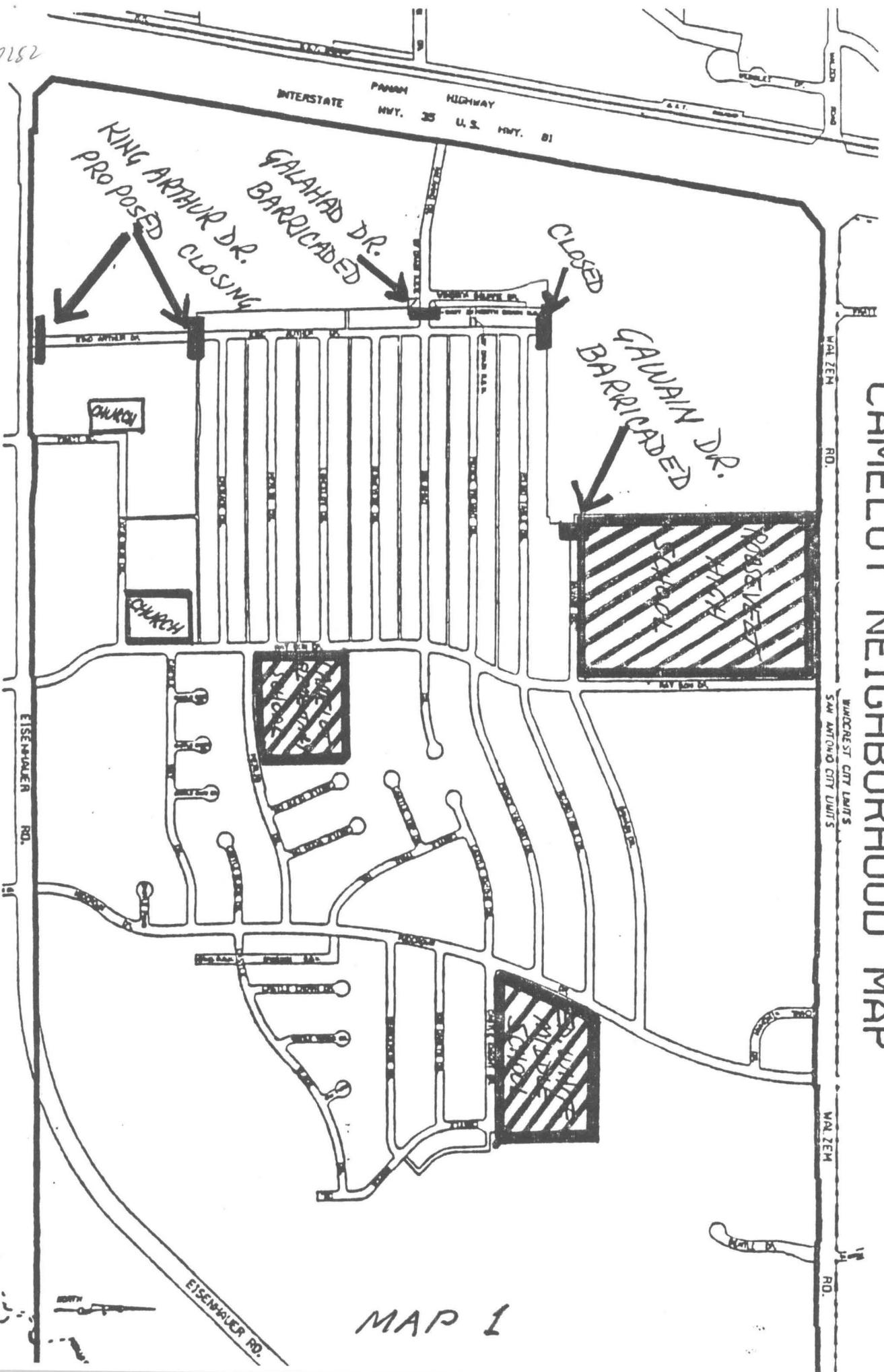
1. Property is located on 8.775 acres out of NCB 12190, 68.090 acres out of NCB 12190, properties are bounded on the west by I.H. 35 North, to the north by Galahad Drive.
2. There were 57 notices mailed out, 6 returned in opposition and 12 plus 5 at the hearing returned in favor.
3. Staff recommended approval.

AYES: Williams, Reyes, Thuss, Dudley, Menendez, Brown, Vazquez, Borrego, Arellano

NAYS: None

THE MOTION CARRIED.

04-7182



CAMELOT NEIGHBORHOOD MAP

MAP 1

EXHIBIT "B"

EISENHAUER ROAD

INTERSTATE HIGHWAY 35

B-3 N.C.B. 12190

EXISTING DRAIN ESMT.

PROPOSED DRAINAGE ESMT.

GALAHAD (60' R.O.W.) ROAD

8' PRIVACY FENCE WITH METAL POLES

ZONING LINE

PROPOSED DRAIN ESMT.

10' SANITARY SEWER ESMT.

ZONING LINE

30" DRAIN (S.W.T.)

75' WIDE BUFFER

16' UTILITY EASEMENT

KING ARTHUR

B-3

ZONING LINE

CRUSADE DRIVE

ALLEY

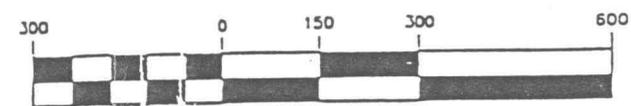
CAMELOT UNIT

MISSIONARY CHURCH SUBDIVISION
-CHA SON & ESMT.

FRATT ROAD



GRAPHIC SCALE



(IN FEET)

1 inch = 300 ft.

EXHIBIT B
EXHIBIT OF
PROPOSED LAND USE
NIEMANN PROPERTIES



SURVEY ORDER NO. 40194.18
DRAWN BY FB
CHECKED BY JN

W.F. CASTELLA & ASSOCIATES, INC.
Engineers - Surveyors - Planners
1039 W. Hildebrand - San Antonio, Texas 78201 - (210)734-5351

I speak in opposition to the rezoning.

As presented, the rezoning seems to be contingent on the approval of rerouting of King Arthur and this is what I am really against.

First, we were assured on at least 2 different occasions, by officers of the neighborhood association, as late as last month, that the rezoning of the property had nothing to do with King Arthur. Contact with city officials has also indicated that they have not, as yet, received any request for rerouting.

Yet the association president had sign an agreement in September with the property owners that made the rezoning contingent on the rerouting of King Arthur. It is hard for me to see what benefit the rezoning would provide the present property owner if King Arthur was not rerouted.

While rerouting of King Arthur is not a part, per se, of the rezoning request, one has no value without the other. I will not raise the many very valid reasons for not rerouting King Arthur at this time, but will save them for when that matter is considered by the council. Needless to say the vast majority of Camelot 1 residents are against any rezoning that will result in rerouting of King Arthur.

The agreement on rezoning was made by the property owner and officers of the association prior to its presentation to the full association membership. The membership had no way of gaining knowledge of its contents until after the fact. This raises the following question.

Presented by Mr. Wm. M. Twesten

The association has city approval to function. As an adjunct to the city, does not the law requiring the dates of meetings of the associations officers, and that the agendas for those meetings, be made known, apply? If so, then there would be a question as to the legality of the meetings that were held regarding the rezoning agreement.

I also question the propriety of the residents on King Arthur participating in anyway in the proposed rezoning and rerouting of King Arthur. The proposal includes the deeding of land to a depth of 75 feet immediately adjacent to the rear of property owned by most residents on King Arthur, and the building of an 8 foot fence at the rear of that property, by the owner requesting rezoning of the property. Since one of those who will benefit from the agreement is President of the Neighborhood Association, I feel that if this does not present a conflict of interest, it is improper at best.

I respectfully request that rezoning, per the agreement, be denied.