

40

AN ORDINANCE

97599

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. Z2003055

The rezoning and reclassification of property from "C-3 ERZD" General Commercial Edwards Recharge Zone District and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District on the property listed as follows:

16.821 acres out of P-25, NCB 14857

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. This ordinance is not severable.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF May 20 03

ATTEST: Jolanda L. Ledezma  
City Clerk

MAYOR: Edward D. Garza  
EDWARD D. GARZA

APPROVED AS TO FORM: [Signature]  
CITY ATTORNEY

03-18

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: 40

DATE: MAY 08 2003

MOTION: *Cover* *Mate*

ORDINANCE NUMBER: 97599

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: 72003 055

TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		<i>absent</i>	
JOHN H. SANDERS District 2		<i>absent</i>	
ANTONIETTE "TONI" MOORHOUSE District 3		<i>absent</i>	
ENRIQUE "KIKE" MARTIN District 4		<i>absent</i>	
NORA X. HERRERA District 5		<i>absent</i>	
ENRIQUE M. BARRERA District 6		<i>/</i>	
JULIAN CASTRO District 7		<i>/</i>	
BONNIE CONNER District 8		<i>/</i>	
CARROLL SCHUBERT District 9		<i>/</i>	
DAVID CARPENTER District 10		<i>/</i>	
EDWARD D. GARZA Mayor		<i>/</i>	

ZC: APPROVAL

STAFF: APPROVAL

**03-18**

# CASE NO: Z2003055

## Staff and Zoning Commission Recommendation - City Council

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**Date:** May 08, 2003

**Zoning Commission Meeting Date:** April 15, 2003

**Council District:** 8

**Ferguson Map:** 548 F2

**Appeal:** No

**Applicant:**

Housing 2000, Inc

**Owner:**

Huebner Land Partnership, Ltd

**Zoning Request:**

From "C-3 ERZD" General Commercial Edwards Recharge Zone District and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District

18 acres out of P-25, NCB 14857

**Property Location:**

12000 Block of Vance Jackson Road

**Proposal:**

To construct a Multi-Family complex

**Neighborhood Association:**

None

**Neighborhood Plan:**

None

**TIA Statement:**

A traffic impact analysis is required.

**Staff Recommendation:**

Approval.

The abutting property to the west of subject property has existing residential use and zoning. There is also an existing nonconforming apartment complex to the south. The requested MF-25 zoning is compatible with other residential uses of properties in the neighboring area, and will have no adverse impact on them.

**Zoning Commission Recommendation:**

Approval

**VOTE**

**FOR** 9

**AGAINST** 1

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Elvin J. Gant, Jr. 207-5876

**Z2003055**

**ZONING CASE NO. Z2003055** April 15, 2003

Applicant: Housing 2000, Inc.

Zoning Request: "C-3" ERZD General Commercial Edwards Recharge Zone District and "I-1"  
ERZD General Industrial Edwards Recharge Zone District to "MF-25" ERZD  
Multi-Family Edwards Recharge Zone District.

Amelia Lopez-Phelps, 703 West 7<sup>th</sup> St., representing the applicant, stated there are proposing to develop a 240 units three story residential complex on the subject property. She stated this would be compatible with the existing surrounding development. This would be a gated community. She stated she has been in contact with the representative from Procom who was going to present this to the president of the neighborhood association and have not received a response. She also stated they would be providing a 30 foot vegetated buffer between the adjoining property owners and the subject property.

Staff stated there were 24 notices mailed out to the surrounding property owners, 2 returned in opposition and 2 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 Commissioner Morell and seconded by Commissioner Grau to recommend approval.

1. Property is located on 18 acres out of NCB 14857 at 12000 Block of Vance Jackson Road.
2. There were 24 notices mailed, 2 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Cardenas-Gamez, Kissling, McGowan, Hophan, Sherrill,  
McAden, Avila, Morell, Mehringer**

**NAYS: None**

### **THE MOTION CARRIED**

### **RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

RECEIVED  
03 APR - 2 PM 2:58  
LAND DEVELOPMENT  
SERVICES DIVISION

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

**To:** Zoning Commission Members  
**From:** Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System  
**Copies To:** Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, PE, Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File  
**Subject:** Zoning Case Z2003055 (Vance Jackson Apartments)

**Date:** April 1, 2003

**SUMMARY**

A request for a change in zoning has been made for an approximate 16.82-acre tract located on the city's northwest side. A change in zoning from "C3-ERZD and I-1 ERZD" to "MF-25 ERZD" is being requested by the applicant Lopez-Phelps and Associates on behalf of the owner, Huebner Land Partnership, Ltd. The change in zoning has been requested to allow for the development of an apartment complex.

**As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".**

**LOCATION**

The subject property is located in City Council District 8 on Vance Jackson, north of Huebner Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

1. Development Description:

The site is currently being utilized for agricultural purposes. The change in zoning will allow for the development of a low-density, multi-family community. The developed site will consist of approximately 240 multifamily residential units. The density will be approximately 18 units per acre.

2. Surrounding Land Uses:

The 16.82 acres will be partitioned out of a 45-acre tract, the remaining acres are undeveloped, currently utilized for cattle grazing. Vulcan quarry is located immediately north of the subject property. Apartment complexes are located to the south and east of the property. Single family residential homes are located immediately west of the property.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted a site investigation on March 28, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. A significant amount of fill material was present on the site. Trash and debris was also found on the property. No significant recharge features were noted during our site investigation, although Edwards outcropping was observed. The Edwards, on the site, is the uppermost member. In some areas it can show the development of features. As noted, no features were observed, nor were there any records of features on the site.

4. Water Pollution Abatement Plan:

As of the date of this report, a Water Pollution Abatement Plan has not been submitted to the Texas Commission on Environmental Quality. A WPAP will be required to be submitted and approved by TCEQ prior to construction.

## **ENVIRONMENTAL CONCERNS**

The environmental concerns associated with this multi-family development being constructed on the Edwards Aquifer Recharge Zone are:

1. Geologic Concerns:

A. A portion of the property lies within the floodplain, and the potential addition of sediment load due to the increase of impervious cover on the site.

2. Standard Pollution/Abatement Concerns:

A. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.

B. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

## ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this multi-family development on the Edwards Aquifer Recharge Zone:

1. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
2. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.
3. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
4. The land uses within the MF-25 zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on the site.
5. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
  - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
  - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
6. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. This is to include any chemicals stored on site for swimming pool maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.

7. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by recognized authorities such as the Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
8. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
9. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval as long as the applicant agrees to abide by all recommendations contained in this document.

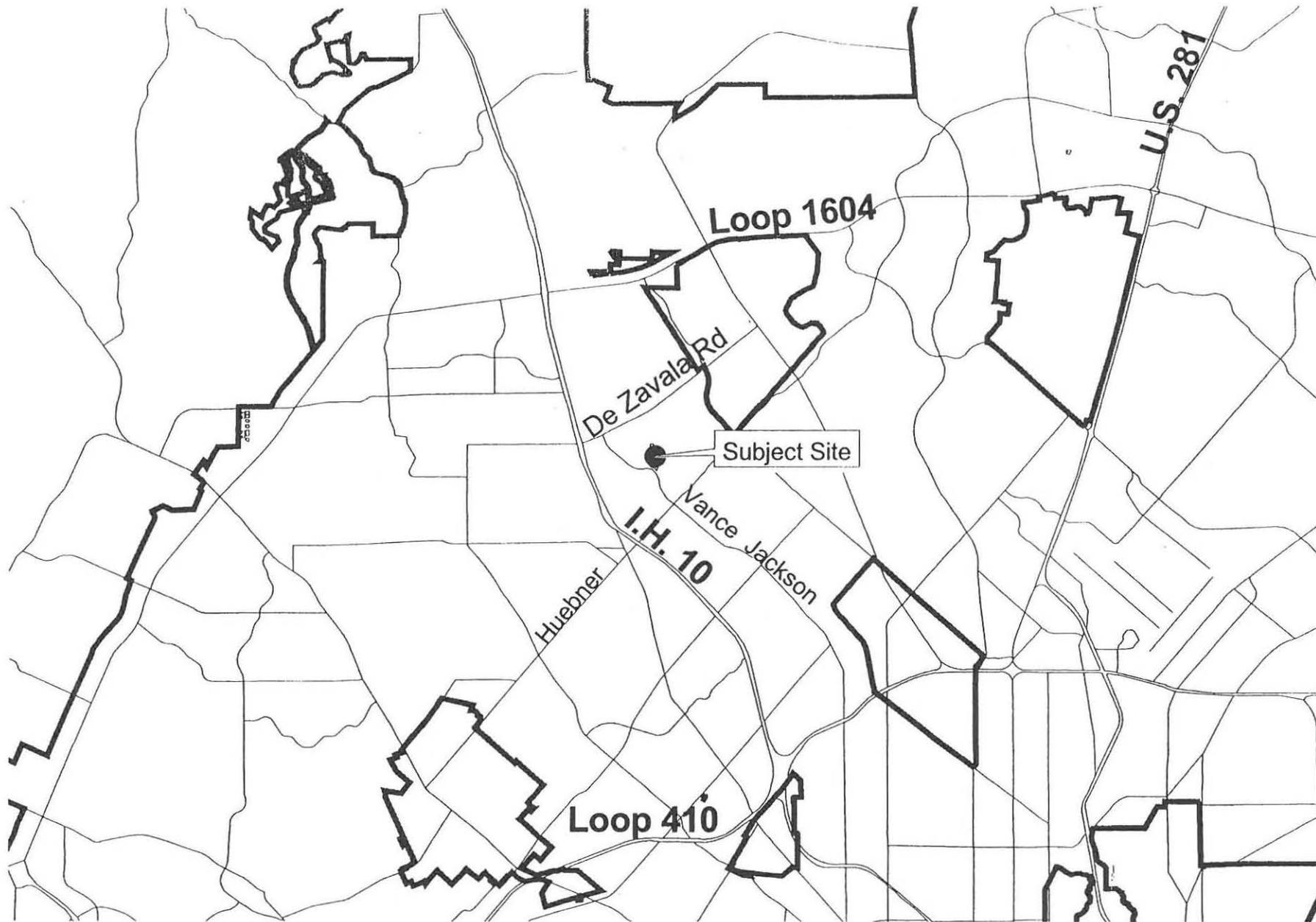


Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department



**Vance Jackson Apartments**

Z2003055

Figure 1

Map Prepared by Resource Protection & Compliance Department KJS 3/31/2003





# Vance Jackson Apartments

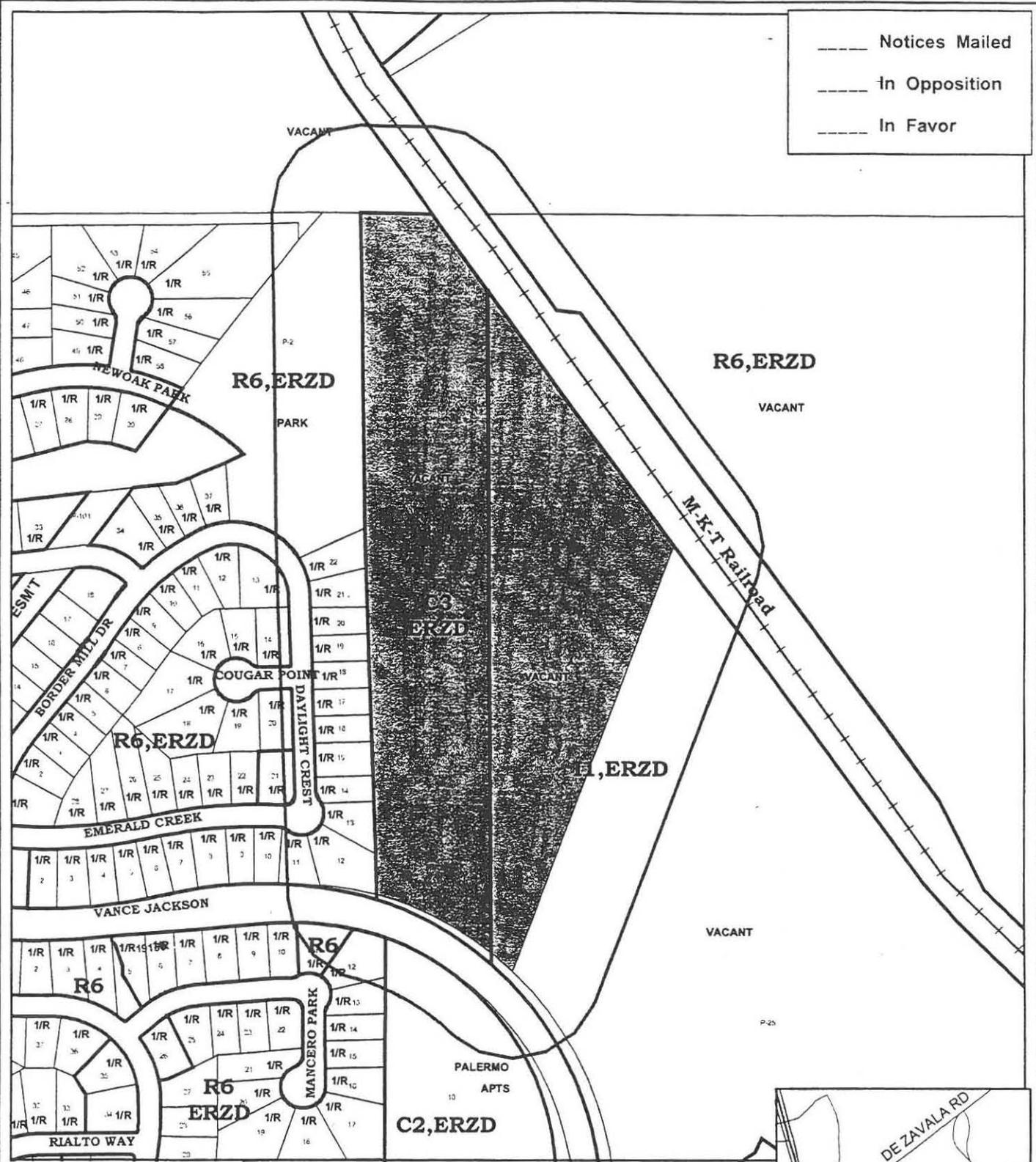
Z2003055

Figure 2

Map Prepared by Resource Protection & Compliance Department KJS 3/31/2003



----- Notices Mailed  
 ----- In Opposition  
 ----- In Favor



# ZONING CASE: Z2003-055

City Council District NO. 8  
 Requested Zoning Change  
 From: "C-3 ERZD, I-1ERZD" To "MF-25 ERZD"  
 Date: May 8, 2003  
 Scale: 1" = 300'

 Subject Property  
 200' Notification

T-9  
 p.549  
 A-1  




Z2003055

## EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A  
16.821 ACRE TRACT OF LAND OUT OF THE  
HUEBNER LAND PARTNERSHIP, LTD. TRACT,  
SAN ANTONIO, BEXAR COUNTY, TEXAS

BEING a 16.821 acre (732,741 square feet) tract of land situated in the B.B.B. & C. Railroad Survey No. 400, Abstract No. 99, New City Block 14857, San Antonio, Bexar County, Texas, being a portion of that certain called 48.74 acre tract of land described in a Warranty Deed to Huebner Land Partnership, Ltd., recorded in Volume 07173, Page 01936, Official Public Records of Bexar County, Texas, said 16.821 acre tract being more particularly described by metes and bounds as follows with bearings based on the most easterly line of Block 5, DeZavala Ten Subdivision, Unit 3, as recorded in Volume 9530, Page 69, Bexar County Deed and Plat Records (B.C.D.P.R.), Bexar County, Texas, having a called bearing of South 00 degrees 32 minutes 06 seconds East:

BEGINNING at a 1/2-inch iron rod found for the northwest corner of the herein described tract, said point marking the common corner of the northeast corner of that certain called 5.323 acre tract of land (Exhibit "D") described in a Warranty Deed to Huntington Place Association, Inc., recorded in Volume 6864, Page 0665, B.C.D.P.R., and the northwest corner of said 48.74 acre tract;

THENCE, North 89 degrees 18 minutes 33 seconds East, with the north line of said 48.74 acre tract, a distance of 117.64 feet to a 1/2-inch iron rod with plastic cap stamped "Overby Descamps" found for the northeast corner of the herein described tract, said point also marking the northeast corner of said 48.74 acre tract, and being in the southwesterly right-of-way (R.O.W.) line of Union Pacific Railroad;

THENCE, South 35 degrees 34 minutes 44 seconds East, with the ~~northeasterly line of said 48.74 acre tract, same being the southwesterly R.O.W. line of said Union Pacific Railroad, a distance of 945.00 feet to a point for the most easterly corner of the herein described tract;~~

THENCE, South 20 degrees 33 minutes 28 seconds West, departing the southwesterly R.O.W. line of said Union Pacific Railroad, and crossing through said 48.74 acre tract, a distance of 1,052.73 feet to a point for the southeast corner of the herein described tract, said point being in the curving northerly R.O.W. line of Vance Jackson Road (having a 86 foot wide R.O.W. at this location), said curve being to the left, and from which the radius point bears South 42 degrees 00 minutes 59 seconds West, at a distance of 743.00 feet;

22003058

## Description of 16.821 acre tract

THENCE, in a northwesterly direction, with the northerly R.O.W. line of said Vance Jackson Road, and with said curve to the left, through a central angle of 25 degrees 01 minutes 45 seconds, an arc length of 324.57 feet, and a chord bearing and distance of North 60 degrees 29 minutes 53 seconds West, 322.00 feet to a point for the southwest corner of the herein described tract;

THENCE, North 00 degrees 32 minutes 06 seconds West, departing the northerly R.O.W. line of said Vance Jackson Road, with the west line of said 48.74 acre tract, at a distance of 0.36 feet passing a 1/2-inch iron rod found (Control Monument) marking the southeast corner of Lot 12, Block 5 of said DeZavala Ten Subdivision, Unit 3, continuing with the west line of said 48.74 acre tract, same being the most easterly line of Block 5 of said Subdivision, in all a total distance of 830.91 feet to a 1/2-inch iron rod found (Control Monument) for an angle point of the herein described tract, said point marking the common corner of the northeast corner of Lot 22, Block 5 of said Subdivision, and the southeast corner of said 5.323 acre tract

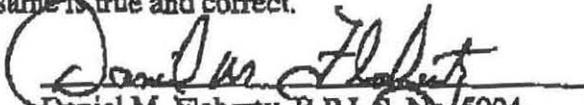
THENCE, continuing with west line of said 48.74 acre tract, same being the east line of said 5.323 acre tract, the following two (2) courses:

- 1) North 00 degrees 31 minutes 27 seconds West, a distance of 507.77 feet to an angle point for corner of the herein described tract;
- 2) North 01 degrees 09 minutes 03 seconds West, a distance of 255.71 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 16.821 acres (732,741 square feet) of land, more or less.

An exhibit drawing of even survey date herewith accompanies this field note description.

This document is not to be used to convey real property

I, Daniel M. Flaherty, Registered Professional Land Surveyor No. 5004, State of Texas, do hereby certify that this field note description and the exhibit drawing attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.

  
Daniel M. Flaherty, R.P.L.S. No. 5004

The Wallace Group, Inc.  
One Chisholm Trail, Suite 130  
Round Rock, Texas 78681  
(512) 248-0065

See attached plat A-RR4063  
15288-FN01.doc



03/18/03

EXHIBIT "A"

22009055

DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION OF A 18.821 ACRE TRACT OF LAND OUT OF THE D.H.B. & C. RAILROAD SURVEY, ABSTRACT NO. 89, N.C.B. 14867 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING A PORTION OF A CALLED 48.74 ACRE TRACT DESCRIBED IN A DEED TO HUBNER LAND PARTNERSHIP, LTD. RECORDED IN VOL. 07173, PG. 01836, OF THE OFFICAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS

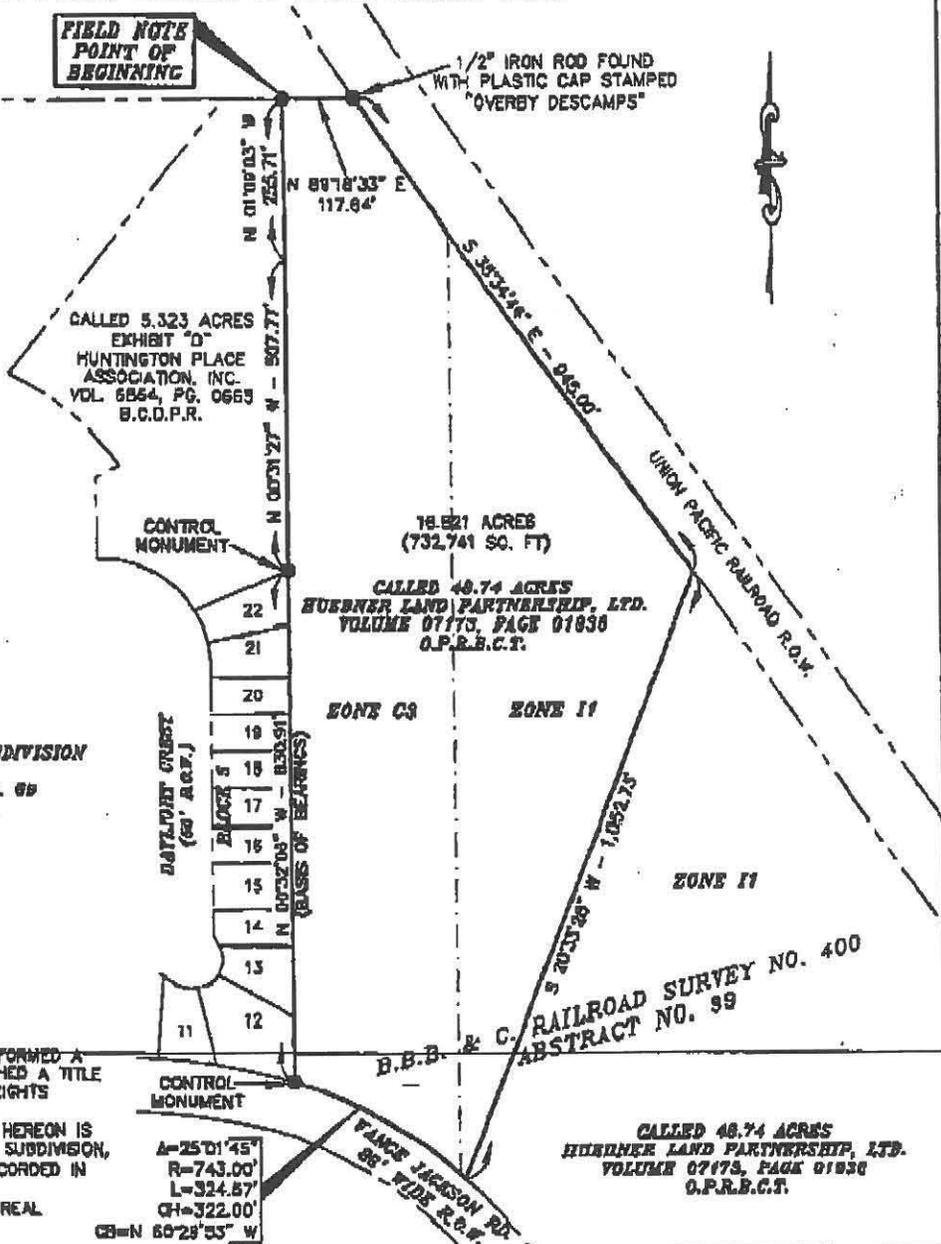
NORTHSIDE I.S.D.

FIELD NOTE POINT OF BEGINNING

1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "OVERBY DESCAMPS"

LEGEND

- = 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
B.C.D.P.R. = BEXAR COUNTY DEED AND PLAT RECORDS
O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.



DEZAVALA TEN SUBDIVISION UNIT 3 VOL. 9630, PG. 09 B.C.D.P.R.

18.821 ACRES (732,741 SQ. FT) CALLED 48.74 ACRES HUBNER LAND PARTNERSHIP, LTD. VOLUME 07173, PAGE 01836 O.P.R.B.C.T.

CALLED 48.74 ACRES HUBNER LAND PARTNERSHIP, LTD. VOLUME 07173, PAGE 01836 O.P.R.B.C.T.

NOTES:

- 1.) BE IT KNOWN THAT THE SURVEYOR HAS NOT PERFORMED A COMPLETE ABSTRACT AND HAS NOT BEEN FURNISHED A TITLE COMMITMENT...
2.) THE BASIS OF BEARINGS OF THE SURVEY SHOWN HEREON IS THE MOST EASTERLY LINE OF THE DEZAVALA TEN SUBDIVISION, UNIT 3 WITH A BEARING OF S 00°32'05" E AS RECORDED IN VOL. 9330, PG. 09, B.C.D.P.R.
3.) THIS DOCUMENT IS NOT TO BE USED TO CONVEY REAL PROPERTY

A=25°1'45" R=743.00' L=324.87' CH=322.00' CB=N 89°29'53" W



The Wallace Group, Inc.

One Chisholm Trail, Suite 130, Round Rock, Texas 78681, (512) 248-0065 Engineers ■ Architects ■ Planners ■ Surveyors Waco ■ Killeen ■ Austin ■ Dallas ■ Round Rock

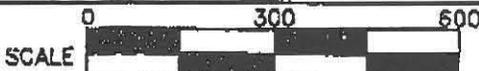
I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 18th DAY OF MARCH 2003.

SURVEYED: 03-13-03

DANIEL M. FLAHERTY, R.P.L.S. NO. 5004



3 OF 3



PLAT NO. RR A-4063 DRAFT DATE 3-18-03 DRAWN BY MJM
WORK ORDER NO. 15288 FIELDBOOK/PG. RR 23/25 TAB # A-4063

Vertical text on the left margin: V:\d\checklep (2)\15288\dwg\15288MSTR.dwg 03/18/2003 09:23:24 AM CST

**STEVEN CHARNQUIST**

ATTORNEY AT LAW

6303 BEVERLY HILL  
SUITE 190  
HOUSTON, TEXAS 77057

TEL 713 784-8142  
FAX 713 784-8351

May 6, 2003

Jerry Morell  
Zoning Commissioner  
City of San Antonio  
c/o City of San Antonio  
Land Development Department  
P.O. Box 839966  
San Antonio, TX 78283-3966

RE: 16.821 gross acre tract of land out of the B.B.B. & C. Railroad Survey, abstract no. 99, N.C.B. 14857 in the City of San Antonio, Bexar County, Texas and being a portion of a called 48.74 acre tract described in a deed to Huebner Land Partnership, Ltd. recorded in vol. 07173, page 01936 of the official public records of Bexar County, Texas.

Dear Mr. Morell:

Attached please find a draft of the proposed deed restrictions agreed to in substance during formal negotiations between Vistas of Vance Jackson, Ltd. (the prospective Purchaser of the above referenced tract) and the Homeowner's Association of the DeZavala Ten Subdivision. The form of said deed restrictions is subject to change upon review and recommendation of Title Company attorneys, but it is the intent of all parties that the substance of same shall remain substantially similar to the draft submitted.

Please note that upon final closing of this transaction, the new title owners shall use its best efforts to begin construction of the wrought iron fence referred to in Deed Restriction No. 4 within sixty (60) days of the date of closing.

Sincerely,

Steven Charnquist  
Attorney for Vistas of Vance Jackson, Ltd.

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF BEXAR     §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Vistas of Vance Jackson, Ltd. is the fee title owner and developer of the following:

16.821 gross acre tract of land out of the B.B.B. & C. Railroad Survey, abstract no. 99, N.C.B. 14857 in the City of San Antonio, Bexar County, Texas and being further described in a deed recorded in vol. \_\_\_\_, page \_\_\_\_ of the official public records of Bexar County, Texas.

AND WHEREAS, the said owner desires that all of the said property above described be subject to like restrictions for the mutual benefit and protection of themselves and persons, both material and corporate, who may hereafter purchase, or acquire any interest in said property, or any portion thereof.

NOW THEREFORE, in consideration of the premises, said owner hereby declares said property to be subject to the following restrictions, reservations, and conditions and binding upon themselves, and upon each and every person and corporation who or which shall hereafter become the owners of said property, or any portion thereof, their heirs, successors and assigns, to-wit:

1. These restrictions shall be effective until June 1, 2013, and shall automatically be extended thereafter for successive periods of ten years; provided, however, that the owner of record at any given time of the said property above described may, with the unanimous written consent of the owners of record at such time of lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 of the DeZavala Ten Subdivision, Units 3, as depicted on the plat recorded in Volume 9530, Pages69-72, Bexar

County, Texas Records (the "DeZavala adjacent land owners"), record a written instrument signed by the owner and all of the DeZavala adjacent land owners agreeing to change said restrictions in whole or in part;

2. No building or driveway shall be located nearer than thirty (30) feet to the west lot line. For clarification purposes, the west lot line is the lot line shared with DeZavala Ten Subdivision, Unit 3. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building;
3. To protect the DeZavala adjacent land owners against noise, glare, unsightliness, or other objectionable features, owner shall maintain the 30-foot setback along the west lot line (as created in Restriction 2 above) with suitable plantings, including Red Tip Photinia along all open parking facing the DeZavala adjacent land owners as well as the maximum retention of existing vegetation, as is reasonably necessary but only to the extent as same will be consistent with and complimentary to other landscaping on said property above described. The adequacy, type, and arrangement of such landscaping, other than the aforementioned Red Tip Photinia, shall be at the sole discretion of owner;
4. Owner shall erect and maintain a wrought iron fence, approximately six (6) feet high and of a style consistent with and complimentary to other iron fencing erected on the property, along the west lot line from a point beginning at the intersection of the west lot line and the southeastern corner of Lot 12 of the DeZavala Ten Subdivision, Unit 3, running north approximately 830.91 feet to the northeastern corner of Lot 22 of the DeZavala Ten Subdivision, Unit 3.  
— Thereafter, owner shall erect and maintain a chain-link fence along the west lot line from a point beginning at northeastern corner of Lot 22 of the DeZavala Ten Subdivision, Unit 3, running north approximately 763.48 feet to the intersection of the west lot line and the north lot line of said property above described. If any portion of the fence contemplated herein shall be located at a point or place that is in violation of any city, county, state, federal, or other regulation or restriction, the

fence shall be removed or modified but only to the minimal extent necessary to remedy such violation.

EXECUTED at \_\_\_\_\_, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2003.

Vistas of Vance Jackson, Ltd.

By: VOVJ, LLC

Its: General Partner

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By: David B. Hendricks

Its: Managing Member

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF BEXAR       §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared David B. Hendricks, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_, 2003.

\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF TEXAS

THE 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 stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Bexar County, Texas on \_\_\_\_\_, 2003

\_\_\_\_\_  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

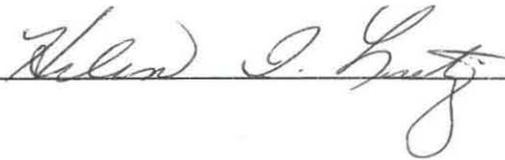
# Affidavit of Publisher

STATE OF TEXAS,

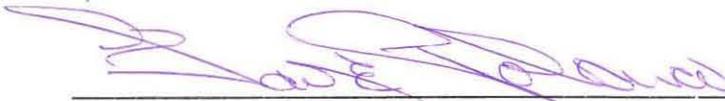
COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is the 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 97599 hereto attached has been published in every issue of said newspaper on the following days, to-wit: May 16, 2003.



Sworn to and subscribed before me this 16th day of May, 2003.



Notary Public in and for Bexar County, Texas



**PUBLIC NOTICE**

**AN ORDINANCE 97599**

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 18 acres out of P-25, NCB 14857 from "C-3 ERZD" General Commercial Edwards Recharge Zone District and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District provided that the recommendations of the Aquifer Studies Office are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
5/16