

AN ORDINANCE 2017-12-07-0969

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 0.211 acres out of NCB 18284 from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 NA S AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Specific Use Authorization for Private Social Club/Organization.

SECTION 2. A description of the 0.211 acres of property, recorded in Volume 17309, Page 151 of the Official Public Records of Real Property Bexar County, is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 3. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The specific use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

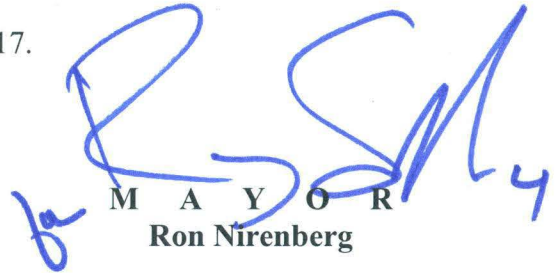
SECTION 4. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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 6. 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.

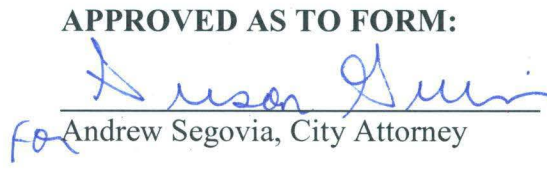
SECTION 7. This ordinance shall become effective December 17, 2017.

PASSED AND APPROVED this 7th day of December 2017.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for _____
Andrew Segovia, City Attorney

Agenda Item:	Z-24 (in consent vote: 19, Z-1, Z-2, Z-6, P-4, Z-7, Z-8, Z-10, Z-11, P-5, Z-12, P-6, Z-13, P-7, Z-15, Z-16, Z-17, P-8, Z-18, Z-19, P-9, Z-20, Z-24, Z-25, Z-26, Z-27, Z-28, P-10, Z-29, Z-31, P-11, Z-32, Z-33, Z-35, P-13, Z-39)						
Date:	12/07/2017						
Time:	04:12:59 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2017280 S (Council District 6): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 NA S AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Specific Use Authorization for Private Social Club/Organization on 0.211 acres out of NCB 18284, located at 7616 Culebra Road. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				x

SG/lj
12/07/2017
Item No. Z-24

Exhibit "A"

claiming or to claim the same or any part thereof, by, through or under Grantors but not otherwise.

Lender has, at the special instance and request of Grantee, paid to Grantor a portion of the purchase price of the Property, out of the proceeds of the Note. The vendor's lien against the Property securing the payment of the Note is hereby assigned, transferred and delivered without recourse to Lender, and Grantor is hereby conveying to Lender the superior title to the Property, subrogating Lender to all the rights and remedies of Grantor in the Property by virtue of said liens.

It is expressly agreed that the Vendor's Lien, as well as the superior title in and to the Property is retained against the Property until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES PROVIDED IN THE PURCHASE AND SALE AGREEMENT BETWEEN GRANTOR AND GRANTEE (THE "PURCHASE AGREEMENT"), GRANTEE ACKNOWLEDGES AND AGREES THAT THE PROPERTY IS BEING CONVEYED "AS IS", "WHERE IS", AND WITH ALL FAULTS. EXCEPT AS EXPRESSLY SET FORTH IN THE PURCHASE AGREEMENT AND THIS DEED, GRANTOR MAKES NO REPRESENTATION OR WARRANTY WHATSOEVER WHETHER EXPRESSED OR IMPLIED WITH RESPECT TO THE PROPERTY (EXCEPT THE WARRANTY OF TITLE), THE AVAILABILITY OF UTILITIES TO THE PROPERTY, ACCESS OF THE PROPERTY TO PUBLIC ROADS, OR THE CONDITION, ADEQUACY OR SUITABILITY OF THE PROPERTY FOR GRANTEE'S PURPOSES, HABITABILITY, TENANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY OR THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND THE PRESENCE OF OR CONTAMINATION BY HAZARDOUS MATERIALS AND GRANTOR HEREBY DISCLAIMS ANY SUCH WARRANTY. GRANTEE HAS INQUIRED AS TO (I) THE PHYSICAL CONDITION OF THE PROPERTY, (II) WHETHER ANY PORTION OF THE PROPERTY LIES IN ANY FLOOD PLAIN, FLOOD WAY OR SPECIAL FLOOD HAZARD AREA, (III) THE GEOLOGICAL AND SOIL CONDITION OF THE PROPERTY, (IV) WHETHER THE PROPERTY COMPLIES WITH ALL CITY OR COUNTY ZONING AND BUILDING REGULATIONS, AND (V) ALL ENVIRONMENTAL CONDITIONS (INCLUDING BUT NOT LIMITED TO THE PRESENCE OF ASBESTOS OR OTHER HAZARDOUS MATERIALS) RELATING TO THE PROPERTY.

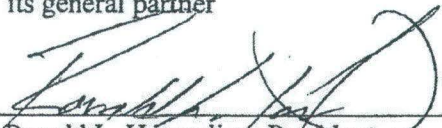
[signature on the following page]

Z2017280

EXECUTED effective as of the 24 day of June, 2015.

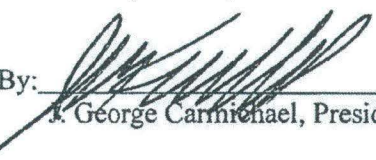
CULEBRA - CROWN MEADOWS, LTD.,
a Texas limited partnership

By: Ashley GP Corp., a Texas corporation,
its general partner

By: 

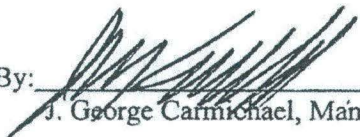
Ronald L. Hensarling, President

CLARKSVILLE, INC.,
a Texas corporation,

By: 

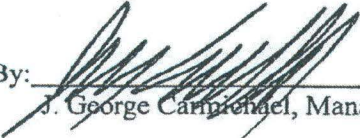
J. George Carmichael, President

CULEBRA ONE, LLC,
a Texas limited liability company

By: 

J. George Carmichael, Manager

INGRAM ONE, LLC,
a Texas limited liability company

By: 

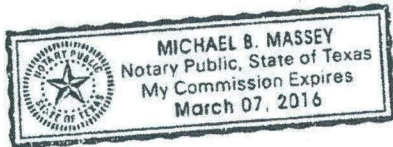
J. George Carmichael, Manager

STATE OF TEXAS

COUNTY OF HARRIS

22017280

This instrument was acknowledged before me on the 23 day of JUNE, 2015, by Ronald L. Hensarling, President of Ashley GP Corp., a Texas corporation, General Partner of Culebra - Crown Meadows, Ltd., a Texas limited partnership, on behalf of said corporation and limited partnership.

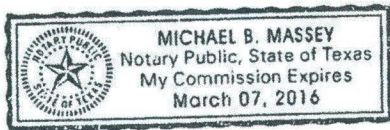


[Signature]
Notary Public

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the 23 day of JUNE, 2015, by J. George Carmichael, President of Clarksville, Inc., a Texas corporation, on behalf of said corporation.

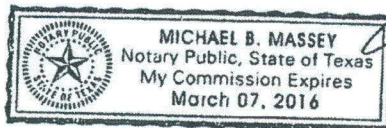


[Signature]
Notary Public

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the 23 day of JUNE, 2015, by J. George Carmichael, Manager of Culebra One, LLC, a Texas limited liability company, on behalf of said limited liability company.

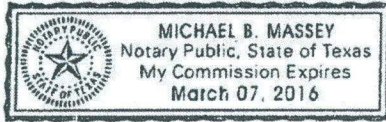



[Signature]
Notary Public

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the 23 day of JUNE, 2015, by J. George Carmichael, Manager of Ingram One, LLC, a Texas limited liability company, on behalf of said limited liability company.





Notary Public

72017980

EXHIBIT "A"

BEING 4.550 ACRES OF LAND OUT OF LOT 4, BLOCK 4, NEW CITY BLOCK 18284, CROWN MEADOWS SUBDIVISION, RECORDED IN VOLUME 9503, PAGES 75-77 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HIGHWAY MONUMENT FOUND IN THE NORTHWEST R.O.W. LINE OF INGRAM ROAD (86' R.O.W.) AT THE MOST SOUTHERLY POINT OF A CURVE RETURN FROM THE SOUTHWEST R.O.W. LINE OF CULEBRA ROAD (110' R.O.W.);

THENCE, SOUTH 49° 19' 00" WEST, 44.22 FEET ALONG SAID NORTHWEST R.O.W. LINE TO AN IRON PIN FOUND IN SAME FOR THE P.C. OF A CURVE TO THE RIGHT;

THENCE, IN A SOUTHWESTERLY DIRECTION ALONG THE CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 47° 21' 13", A RADIUS OF 657.00 FEET, A TANGENT DISTANCE OF 288.09 FEET, AN ARC LENGTH OF 543.00 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 72° 59' 37" WEST, 527.68 FEET TO AN IRON PIN FOUND IN SAID R.O.W. LINE FOR THE MOST SOUTHERLY CORNER OF THIS TRACT BEING DESCRIBED HEREIN;

THENCE, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INGRAM ROAD, NORTH 00° 38' 28" WEST, 330.26 FEET TO AN IRON PIN FOUND FOR THE MOST WESTERLY CORNER OF THIS TRACT BEING DESCRIBED HEREIN;

THENCE, NORTH 49° 19' 00" EAST, 340.00 FEET TO AN IRON PIN FOUND IN THE SOUTHWEST R.O.W. LINE OF CULEBRA ROAD FOR THE MOST NORTHERLY CORNER OF THIS TRACT BEING DESCRIBED HEREIN;

THENCE, SOUTH 40° 41' 00" EAST, 439.74 FEET ALONG SAID SOUTHWEST R.O.W. LINE TO AN IRON PIN SET IN SAME FOR THE P.T. OF A CURVE TO THE RIGHT;

THENCE, IN A SOUTHWESTERLY DIRECTION ALONG SAID CURVE, HAVING A CENTRAL ANGLE OF 90° 00' 00", A RADIUS OF 25.00 FEET, A TANGENT DISTANCE OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 04° 19' 00" WEST, 35.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.550 ACRES OF LAND, MORE OR LESS.

AND BEING ALSO DESCRIBED AS FOLLOWS ACCORDING TO SURVEY PREPARED BY GE REAVIS ENGINEERING, INC. DATED APRIL 22, 2015:

Being 4.550 acres of land out of Lot 4, Block 4, New City Block 18284, Crown Meadows Subdivision, as recorded in Volume 9503, Pages 75-77 of the Deed and Plat Records of Bexar County, Texas and being more particularly described as follows:

BEGINNING at a Highway Monument found in the northwest R.O.W. line of Ingram Road (86' R.O.W.) at the most southerly point of a curve return from the southwest R.O.W. line of Culebra Road (110' R.O.W.);

22017280

THENCE, South 49°19'00" West, 44.22 feet along said northwest R.O.W. line to an iron pin found in same for the P.C. of a curve to the right;

THENCE, In a southwesterly direction along the curve to the right, having a central angle of 47°21'13", a radius of 657.00 feet, a tangent distance of 288.09 feet, an arc length of 543.00 feet, and a chord bearing and distance of South 72°59'37" West, 527.68 feet to an iron pin found in said R.O.W. line for the most southerly corner of this tract being described herein;

THENCE, departing the northwest R.O.W. line of said Ingram Road, North 00°38'28" West, 330.26 feet to an iron pin found for the most westerly corner of this tract being described herein;

THENCE, North 49°19'00" East, 340.00 feet to an iron pin found in the southwest R.O.W. line of Culebra Road for the most northerly corner of this tract being described herein;

THENCE, South 40°41'00" East, 439.74 feet along said southwest R.O.W. line to an iron pin set in same for the P.T. of a curve to the right;

THENCE, in a southwesterly direction along said curve, having a central angle of 90°00'00", a radius of 25.00 feet, a tangent distance of 25.00 feet, an arc length of 39.27 feet, a chord bearing and distance of South 04°19'00" West, 35.36 feet to the POINT OF BEGINNING and containing 4.550 acres of land, more or less.

EXHIBIT "B"

22017280

PERMITTED EXCEPTIONS

1. Restrictive covenants recorded in Volume 2974, Page 1638, of the Official Public records, Bexar County, Texas.
2. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed herein or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
3. A 25 foot building setback line along the street property line as set forth on the recorded plat and dedication In Book 9503, Page 75.
4. Easement as shown on the recorded plat and dedication, in Book 9503, Page 75:
Purpose: Electric, Telephone & Cable Television Easement
Location: 10 foot along the Ingram Road property line
5. Easement:
Purpose: Electric and Gas Easement of varying width
Recorded: in Volume 3222, Page 1183, of the Official Public records, of Bexar County, Texas.
6. Easement:
Purpose: Underground Electric Easement 20' in width
Recorded: in Volume 3382, Page 1460, of the Official Public records, of Bexar County, Texas.
7. Terms, conditions and stipulations contained in Agreement:
Recorded: County Clerk's File No. 20040097077, Official Public Records, Bexar County, Texas.
Type: Landlord's Agreement Regarding Equipment
8. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §§499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

Z2017280

Doc# 20150113837
Pages 9
06/25/2015 8:41AM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$54.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
06/25/2015 8:41AM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard C. Rickhoff

Exhibit "A"

SG/lj
12/07/2017
Item No. Z-24

Exhibit "B"



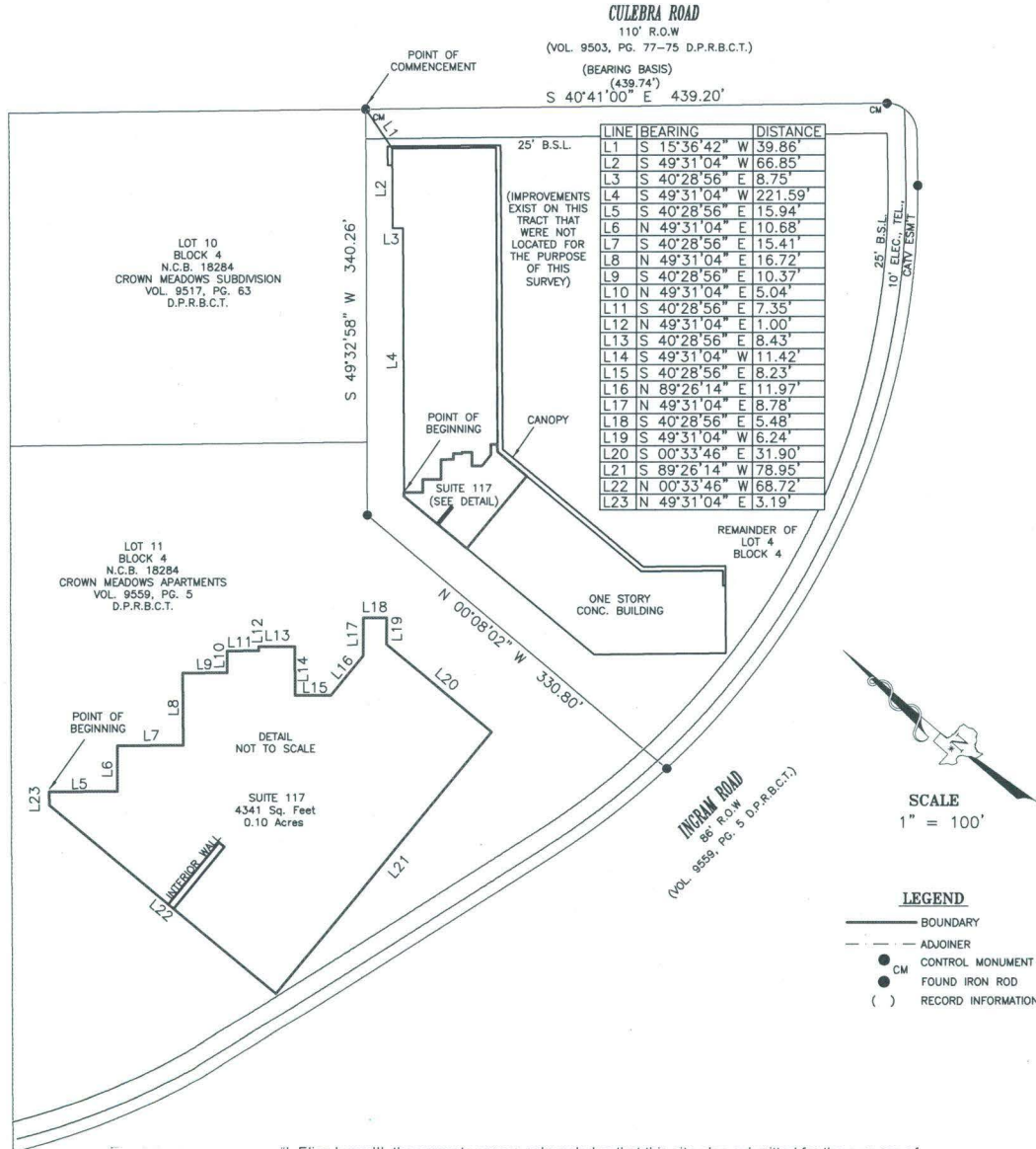
13300 Old Blanco Rd #301
San Antonio, TX 78216
(210)369-9509

APPLICANT: THE ROYAL CARD HOUSE, LLC
ADDRESS: 7616 CULEBRA ROAD, SUITE 117
CITY, STATE, ZIP: SAN ANTONIO, TX 78251
SURVEY TYPE: RE-ZONING EXHIBIT



SKETCH TO ACCOMPANY DESCRIPTION OF

A 0.100 ACRE TRACT OUT OF LOT 4, BLOCK 4, NEW CITY BLOCK 18284, CROWN MEADOWS SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 9503, PAGES 75-77 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, KNOWN AS 7616 CULEBRA ROAD, SUITE 117



"I, Elias Luna III, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted Codes at the time of plan submittal for building permits.

NOTES

1. BEARINGS AND DISTANCES BASED ON RECORD PLAT VOLUME 9503, PAGES 75-77, DEED AND PLAT RECORDS BEXAR COUNTY, TEXAS.
2. THIS IS NOT A BOUNDARY OR TITLE SURVEY. THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, AND DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR, ANY INFORMATION REGARDING RECORDED EASEMENTS, SETBACKS AND ADJOINERS THAT MAY AFFECT THE QUALITY OF TITLE MAY NOT BE SHOWN.

ACCORDING TO FEMA MAP NO.48029C0360G WITH AN EFFECTIVE DATE OF FEBRUARY 16, 1996 AND A REVISION DATE OF SEPTEMBER 23, 2010, THIS PROPERTY LIES WITHIN ZONE X AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. THIS INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE MAP REVISIONS BY FEMA.

I, Caesar A. Garcia, a Registered Professional Land Surveyor do hereby certify that the above plat represents an actual on the ground survey performed under my direct supervision and is true and correct to the best of my knowledge and belief and that there are no visible encroachments, overlapping of improvements and no discrepancies, shortages of area and conflicts in the boundary lines except as shown. I further certify that this survey meets the minimum standards established by the Texas Board of Professional Land Surveying.



CAESAR A. GARCIA
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5904

This survey is based on a title report issued by the title company listed above. Commitment No./OF No. # shown above. This survey is hereby acknowledged and accepted as is

X _____
X _____

Exhibit "B"