

CITY OF SAN ANTONIO
Board of Adjustment
Regular Public Hearing Agenda

Cliff Morton Development and Business Services Center
1901 South Alamo Street
Board Room

Monday, February 1, 2010
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Vacant – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
Vacant – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10 Chairman	
Maria Cruz	Paul Klein
Henry Rodriguez	Mimi Moffat
Harold Atkinson	Steve Walkup

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-10-009:** The request of Virginia Losoya, for a special exception to allow a one operator beauty/barber shop, 248 West Cheryl Drive.
5. **CASE NO. A-10-012:** The request of Northwest Hills Christian School, for a complete variance from the regulation that no sign nor part of any sign shall move, flash, rotate, or change its illumination, to erect a free-standing sign with an LED electronic message center, 8511 Heath Circle Drive..
6. **CASE NO. A-10-013:** The request of Pastor Jose D. Montanez, for an 11-foot 4 13/16 inch variance from the requirement that a 20-foot setback be maintained from the south property line, as shown on the plat recorded in Volume 8900, Page 59, Deed and Plat Records of Bexar County, Texas, in order to build an addition 8 feet 7 3/16 inches from the south property line, 210 Calles Street.

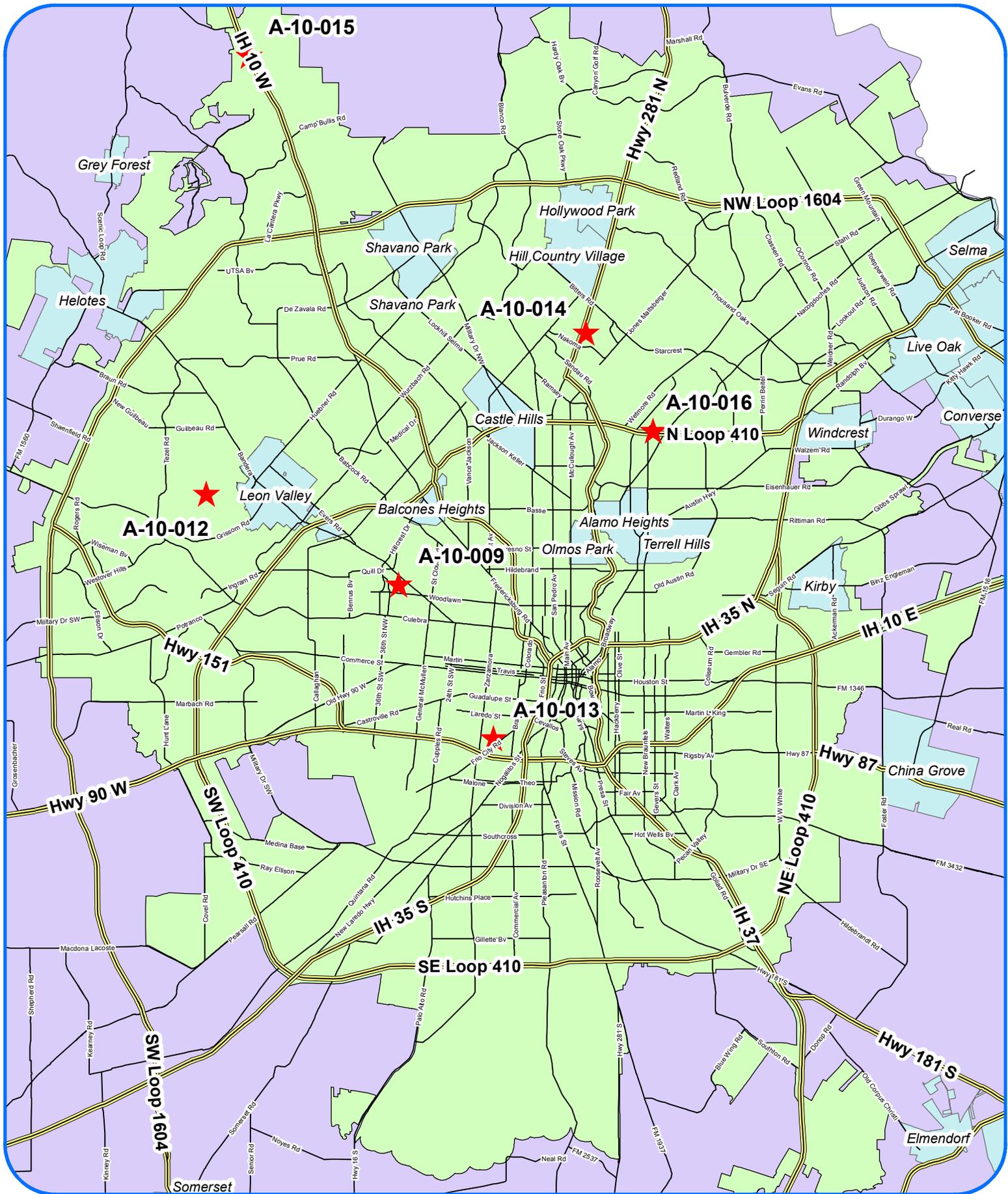
7. **CASE NO. A-10-014:** The request of IBC Bank, for a 206-square foot variance from the requirement that the maximum size for an individual tenant's portion of a freestanding multiple tenant sign in a nonresidential zoning district not exceed 375 square feet, in order to build a freestanding multiple tenant sign with a 581-square foot portion for an individual tenant, 12400 U.S. Highway 281 North.
8. **CASE NO. A-10-015:** The request of Sundial Development, for a 6-foot, 6-inch variance from the Hill Country Gateway Corridor Overlay District requirements that a minimum 25-foot natural buffer be maintained on the front property line for properties along IH-10, in order to allow an 18-foot, 6-inch natural buffer along the front property line, 23103 IH-10 West.
9. **CASE NO. A-10-016:** In accordance with Section 406 of the Unified Development Code (Chapter 35), the Director of the City of San Antonio's Planning and Development Services Department is recommending that the Board of Adjustment revoke Certificate of Occupancy No. 1573107 for the Headliners Showclub, 1039 Northeast Loop 410.
10. Approval of the minutes from the regular meeting on January 11, 2010.
11. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
12. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd

At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

ACCESSIBILITY STATEMENT

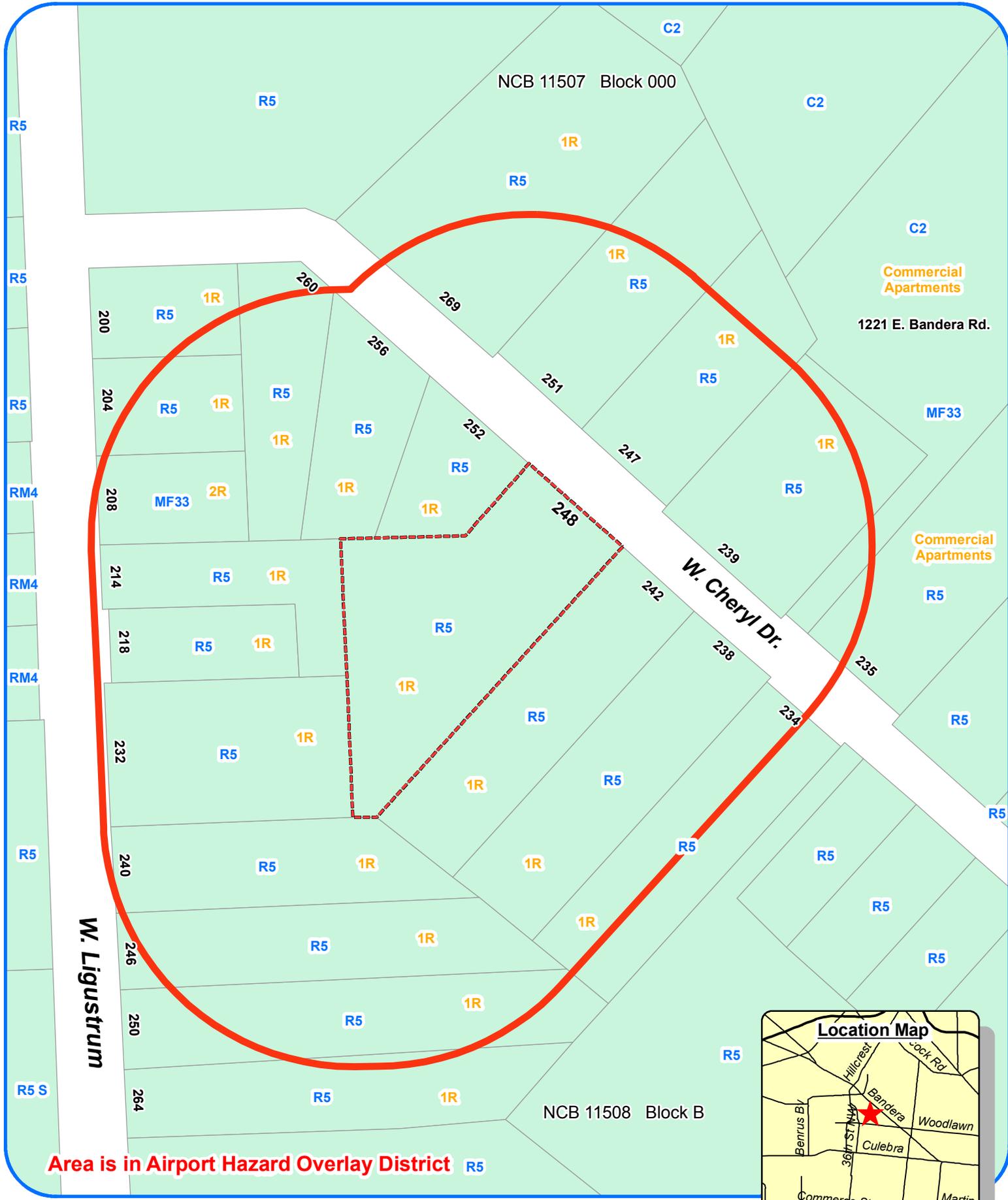
This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Board of Adjustment

Subject Property Locations
Cases for February 1, 2010





Area is in Airport Hazard Overlay District R5



Board of Adjustment
Notification Plan for
Case A-10-009



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 7



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-009
Date: February 1, 2010
Applicant: Virginia Losoya
Owner: Virginia Losoya
Location: 248 West Cheryl Drive
Legal Description: Lot 71A, Block B, NCB 11508
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject: One Operator Beauty/Barber Shop
Prepared By: Mike Farber, Planner

Summary

The applicant is requesting a special exception to allow a one-operator beauty or barber shop.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on January 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 15. Additionally, notice of this meeting was posted at city hall and on the city's internet website on January 29, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	R-5 AHOD	Single-Family Residence
South	R-5 AHOD	Single-Family Residence
East	R-5 AHOD	Single-Family Residence
West	R-5 AHOD	Single-Family Residence

Project Description

The applicant is requesting this special exception to operate a one operator barber or beauty shop. This special exception request may be approved for a four-year period, as this is a subsequent application.

The applicant has proposed hours of operation to be 10:00 am to 5:00 pm, Tuesday and Friday; 10:00 am to 6:00 pm on Thursday; and 9:00 am to 4:00 pm on Saturday. Weekly proposed hours of operation total 29 hours.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the University Park Neighborhood Plan. The property is located within the boundaries of the University Park Neighborhood Association. As of January 25, staff has not received a response from the University Park Neighborhood Association.

Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.01):

1. The special exception will be in harmony with the spirit and purpose of the chapter:

City Response: The requested special exception is in harmony with the spirit and purpose of this chapter in that the existing one-operator beauty/barbershop follows the specified criteria established in Section 35-399.01 of the Unified Development Code.

2. The public welfare and convenience will be substantially served:

City Response: The requested special exception will further serve the public welfare in that this beauty/barbershop has continuously operated within the parameters set forth by Section 35-399.01 and has served as a public convenience within a residential area.

3. The neighboring property will not be substantially injured by such proposed use:

City Response: The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain a single-family residence.

4. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought:

City Response: It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that the existing beauty/barbershop has and will remain confined to 25% or less of the gross floor area of the primary residence.

5. The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:

City Response: The purpose of the district is to promote the public health, safety, morals, or general welfare. The granting of this special exception will not weaken this purpose, nor will it weaken the regulations established for this district.

Staff Recommendation

The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this special exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. The Board of Adjustment has granted previous special exceptions for this beauty shop on:

- October 19, 1997
- October 8, 1998
- November 9, 2001
- December 4, 2003
- December 7, 2005

It appears that the applicant has operated at this location since the previous special exception was granted on December 7, 2005 with no recorded violations. Staff recommends that **A-10-009, 248 West Cheryl Drive, be approved for a four-year period** with hours of operation not to exceed 29 hours.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan



Board of Adjustment
 Plot Plan for
Case A-10-013



Legend

Scale: 1" approx. = 50'
 Council District 5

210 Calles St

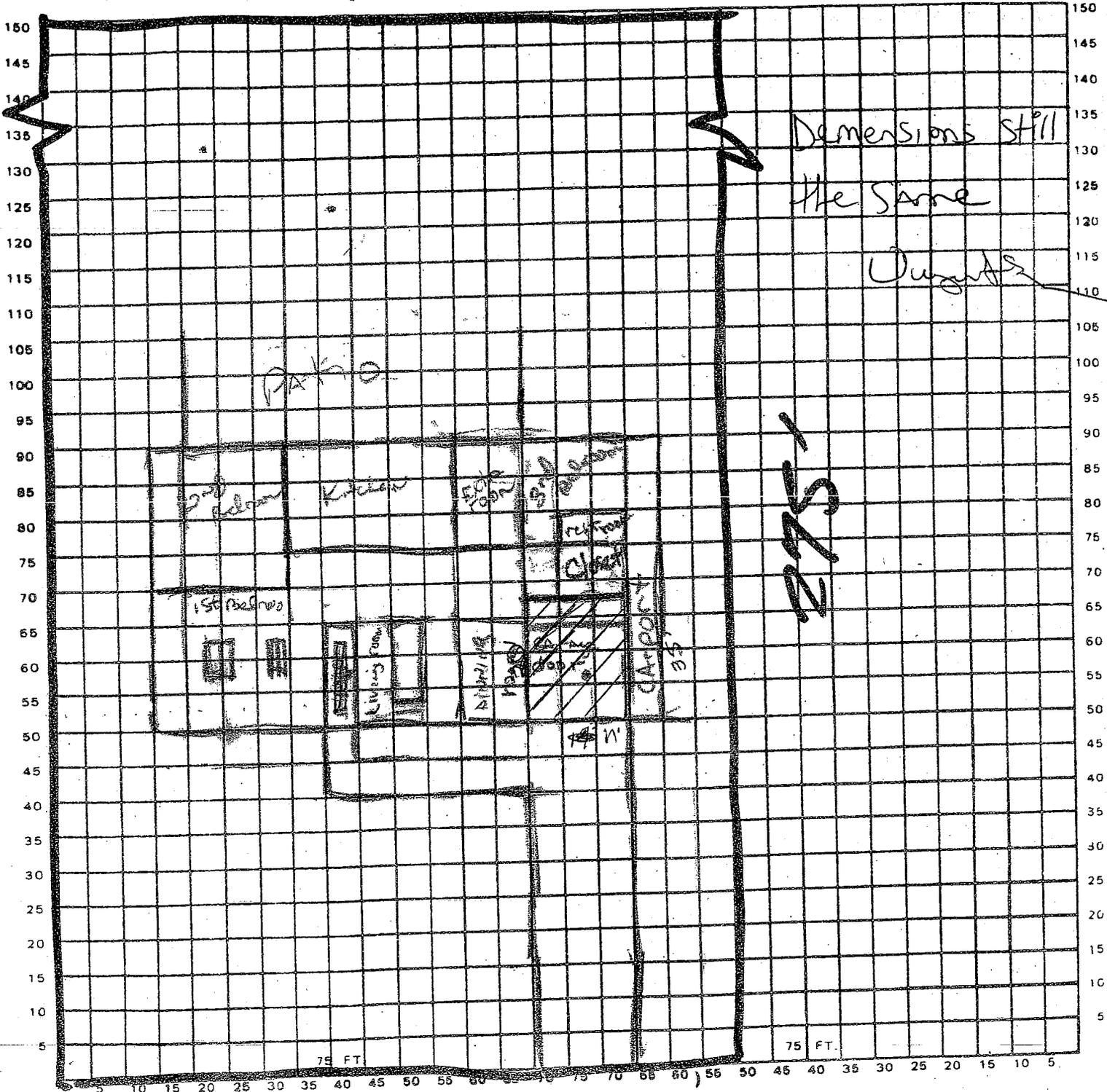
Planning and Development Services Dept
 City of San Antonio
 (1/5/2010) - P. Trinkle

PLOT PLAN

FOR

BLDG. PERMIT

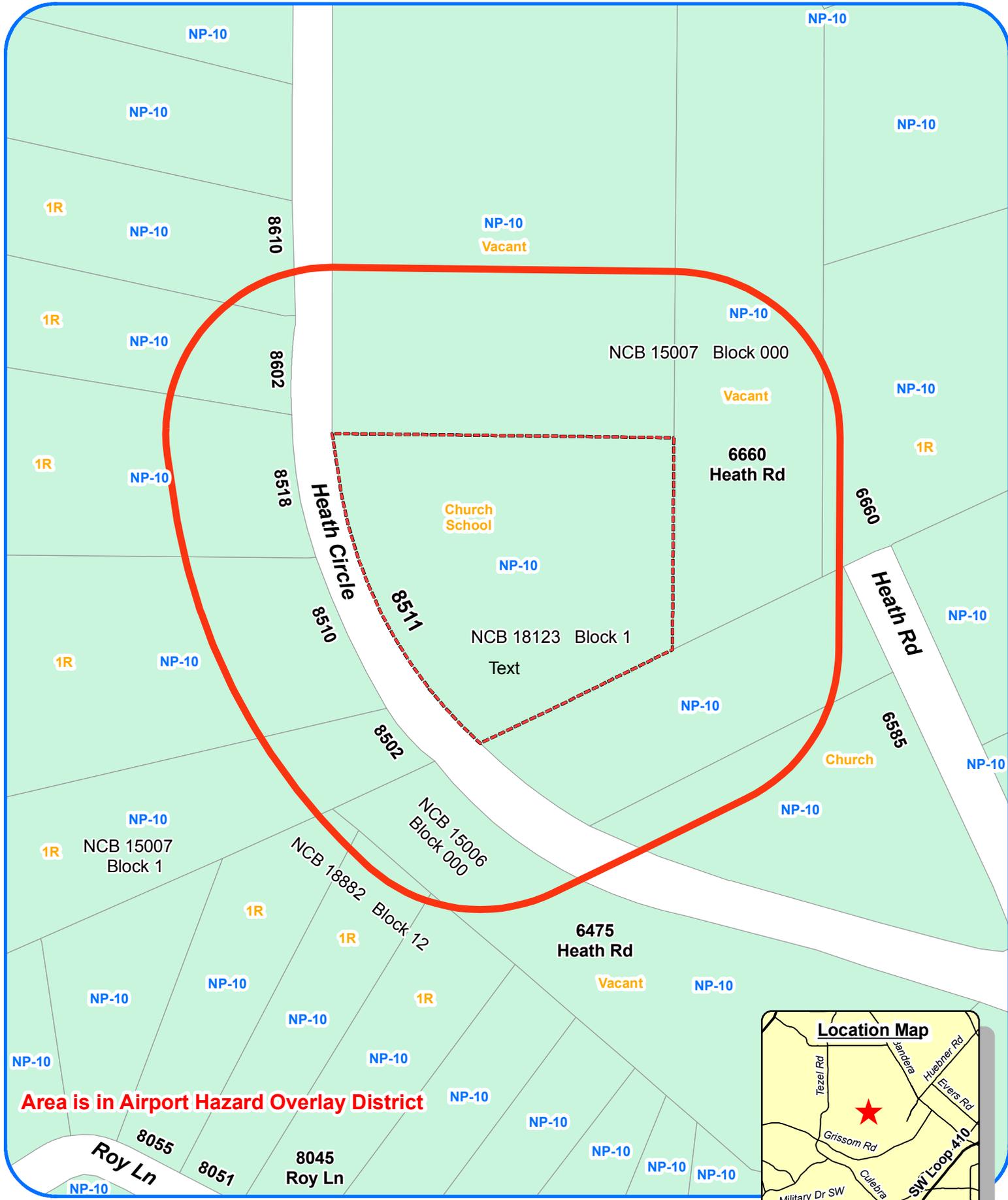
Address 248 W. Cleveland **102'** Lot 71A Block 000 N.C.B. 11508



I certify that the above plot plan shows all improvements on this property

ST
Date

Dugout Soaya
Signature of Applicant



Board of Adjustment
Notification Plan for
Case A-10-012



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 7

Planning and Development Services Dept
 City of San Antonio
 (12/7/2009 - P. Trinkle)



City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-10-012
Date: February 1, 2010
Applicant: Northwest Christian School
Owner: Northwest Hills Baptist Church
Location: 8511 Heath Circle Drive
Legal Description: Lot 2, Block 1, NCB 18123
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District
Subject: Sign Variance
Prepared By: Mike Farber, Planner

Summary

The applicant is requesting a complete variance from the regulation that no sign nor part of any sign shall move, flash, rotate, or change its illumination, to erect a free-standing sign with an LED electronic message center.

Procedural Requirements

The request was publicly noticed in accordance with Section 247 of Chapter 28 of the City Code. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on January 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 15. Additionally, notice of this meeting was posted at city hall and on the city's internet website on January 29, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	NP-10 AHOD	Vacant
South	NP-10 AHOD	Vacant
East	NP-10 AHOD	Vacant
West	NP-10 AHOD	Single-Family Residences

Project Description

The applicant is requesting a variance from Chapter 28 of the City Code in order to allow an illuminated sign on a residentially zoned parcel. The applicant is citing topographic conditions, in particular the curvature of the nearby portion of Heath Circle Road as the primary hardship. The applicant believes that the illuminated sign is necessary for quick identification of the school from a vehicular point of view. The applicant maintains that the erection of the proposed sign would decrease a potentially hazardous condition of drivers having to take time to identify the school by means of a conventional sign due to the curvature of the road.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Northwest Neighborhood Plan. The property is not located within the boundaries of a Neighborhood Association.

Criteria for Review

According to Section 28-247 of Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

1. The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; **or**

City Response: It does not appear that the site possesses any unique features, in terms of the dimensions, landscaping or topography, which would prohibit the reasonable opportunity to provide adequate legal signage on the site.

2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

City Response: Not Applicable.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:

- A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

City Response: The granting of the requested variance would provide a special privilege to the applicant not enjoyed by others similarly situated or potentially similarly situated. A sign of the design proposed in this request would not be permitted by-right on other residential zoned properties along local streets.

- B. Granting the variance will not have a substantially adverse impact on neighboring properties.

City Response: The granting of the requested variance will have an adverse impact on neighboring properties. The neighboring properties are primarily single-family residences and the sign, as proposed, may have negative visual effects within the neighborhood environment.

- C. Granting the variance will not substantially conflict with the stated purpose of this article.

City Response: Granting the requested variance would conflict with the stated purpose of the article in that the design of the proposed sign would not be in harmony with the function of this portion of Heath Circle Drive as a local street, nor would it be sensitive to the surrounding residential neighborhood.

Staff Recommendation

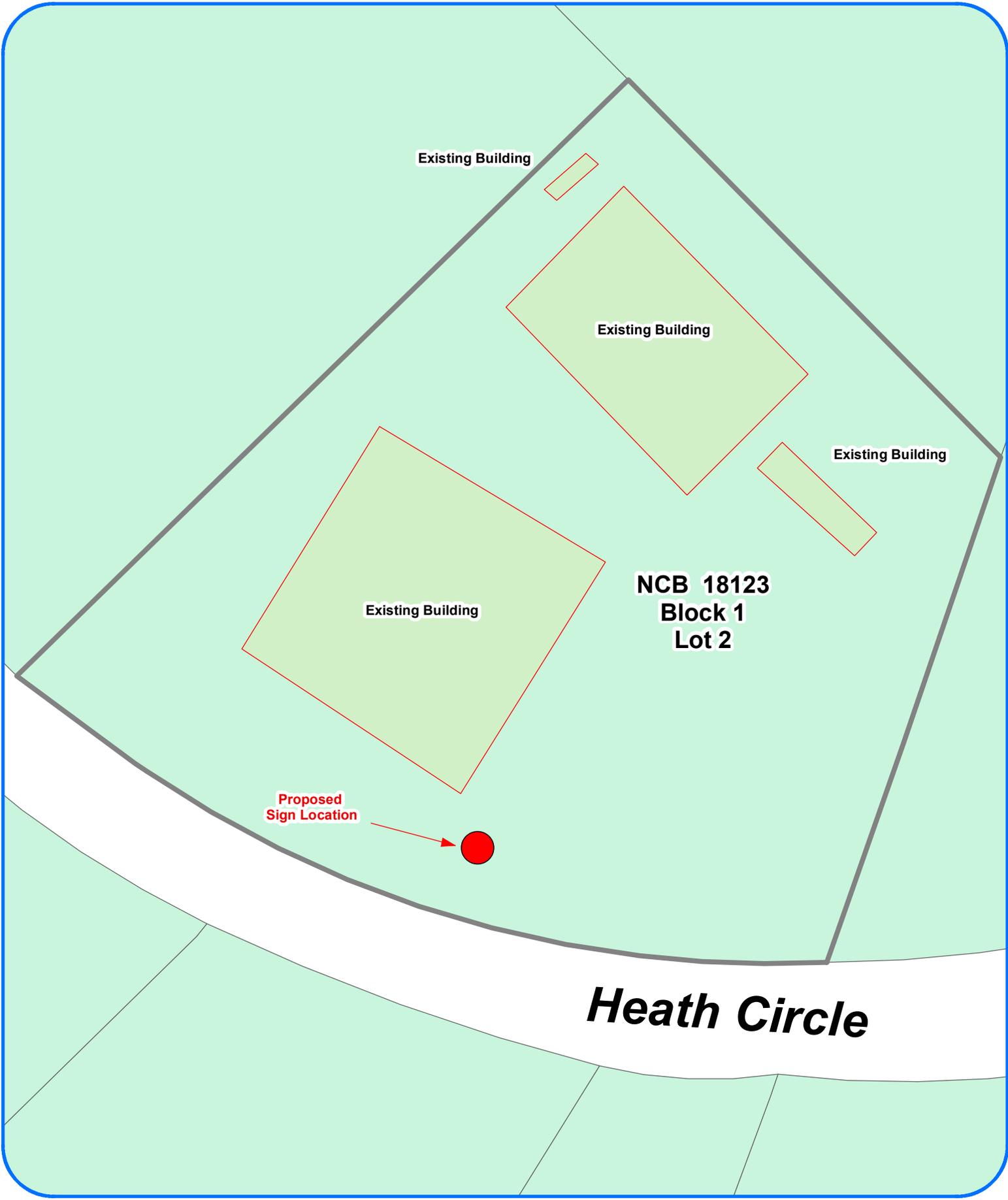
Staff recommends that **A-10-012, 8511 Heath Circle Drive, be denied** because the findings of fact have not been satisfied as presented above. It does not appear to staff that the placement of a conventional sign would create a situation which would make identification of the school more difficult from a vehicular perspective. The proposed sign would not be in harmony with the residential character of the immediate area and could have a negative visual impact on the neighborhood environment.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan



Board of Adjustment
 Plot Plan for
Case A-10-012



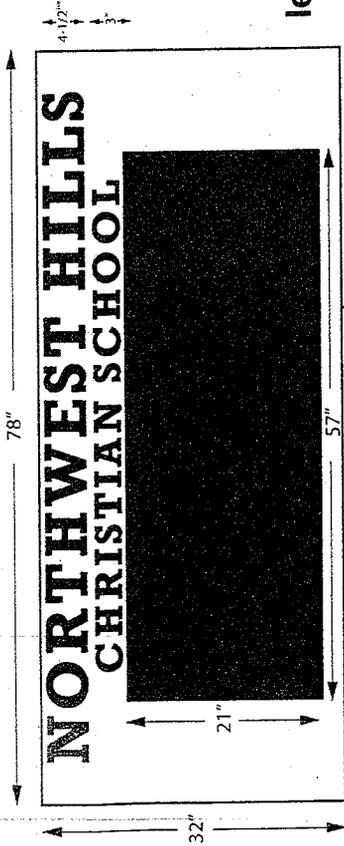
Legend
 ● Proposed Sign

Scale: 1" approx. = 60'
 Council District 7

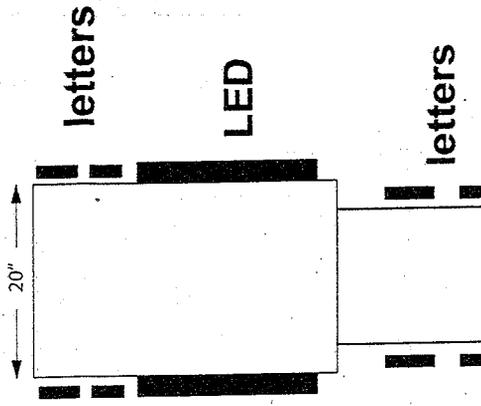
8511 Heath Circle

Planning and Development Services Dept
 City of San Antonio
 (11/30/2009 - P. Trinkle)

PLOT PLAN



stucco sign with led installed inside double sided



stucco column pole cover

8511
HEATH CIRCLE

52"

24"

1"

3"



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-013



- Legend**
- Subject Property
 - 200' Notification Boundary
 - Scale: 1" approx. = 100'
 - Council District 5



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-013
Date: February 1, 2010
Applicant: Pastor Jose D. Montanez
Owner: Central Church of God/Iglesia de Dios Central de San Antonio
Location: 210 Calles Street
Legal Description: Lot 21, NCB 6874
Zoning: "MF-33 AHOD" Multi-family Airport Hazard Overlay District
Subject: Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting an 11.4-foot variance from the requirement that a 20-foot setback be maintained from the south property line, as shown on the plat recorded in Volume 8900, Page 59, Deed and Plat Records of Bexar County, Texas, to build an addition 8.6 feet from the south property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on January 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 15. Additionally, notice of this meeting was posted at city hall and on the city's internet website on January 29, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	R-4	Single-Family Residential
South	R-4	Single-Family Residential
East	R-4	Single-Family Residential
West	R-4	Single-Family Residential

Project Description

The applicant is requesting an 11.4-foot variance from the requirement that a 20-foot setback be maintained from the south property line, as shown on the plat recorded in Volume 8900, Page 59, Deed and Plat Records of Bexar County, Texas, to build an addition 8.6 feet from the south property line. The applicant indicates that the variance is necessary to build an addition to the existing main building which will continue the current building line along Huerta Street. This proposed addition will include an unenclosed exterior stair that will extend to approximately 8 feet 7 inches from the south property line.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Guadalupe Westside Community Plan. The property is not located within the boundaries of a neighborhood association.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. The variance is not contrary to the public interest:

City Response: It does not appear that the granting of the variance would be contrary to the public interest. The current zoning setback would permit a structure closer to the property line than that proposed by the applicant.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

City Response: It does appear that the literal enforcement of the ordinance would result in unnecessary hardship in that the platted setback is significantly in excess of the setback required by the zoning ordinance.

3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

City Response: It does appear that the granting of the variance would do substantial justice in that it will allow the church to reasonably use the property and observe the spirit of the ordinance.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

City Response: The granting of the variance will not authorize the operation of a use other than those uses specifically permitted in the "MF-33" zoning district.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

City Response: It does not appear that the granting of the variance will injure the appropriate use of adjacent conforming property, nor will it alter the essential character of the district. The surrounding neighborhood is characterized by residences situated within approximately seven to eight feet from the front property lines, as the plat for this subdivision (Colima Addition No. 8) dictates a 7.5 foot front setback line.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

City Response: The 20-foot platted setback from which the variance is sought is unique to this property, as the surrounding neighborhood possesses 7.5 foot platted setbacks. The variance requested would allow the reasonable use of the property, while still providing some separation between the proposed building and the public right-of-way.

Staff Recommendation

Staff recommends that **A-10-013, 210 Calles Street, be approved** because the findings of fact have been satisfied as presented above. The granting of this variance would allow the reasonable use of the property, while continuing to provide separation between the proposed building and the public right-of-way.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan



Board of Adjustment
Plot Plan for
Case A-10-013



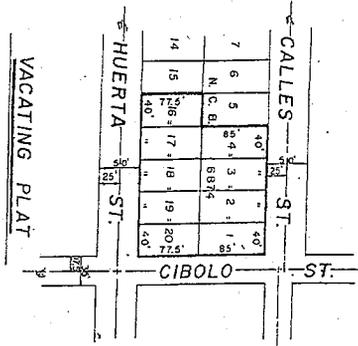
Legend

Scale: 1" approx. = 50'
 Council District 5

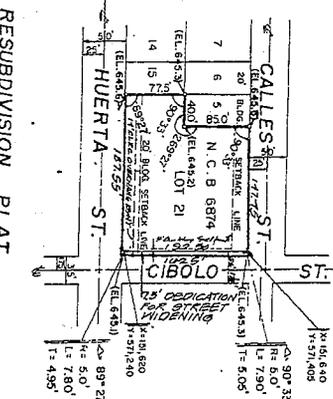
210 Calles St

Planning and Development Services Dept
 City of San Antonio
 (1/5/2010) - P. Trinkle

167720
MAY 12 1980
APR 12 1980



VACATING PLAT



RESUBDIVISION PLAT

SCALE: 1"=100'
NOTATION PMS SET AT
ALL LOT CORNERS



PENTECOSTAL SQUARE SUBDIVISION

BEING A VACATING PLAT OF LOTS 1, 2, 3, 4, 16, 17, 18, 19, AND 20, N.C.B. 6874, (10.668-AC.)
COLIMA ADDITION SECOND 2, SUBDIVISION, RECORDED IN VOLUME 980, PAGE 66 PLAT RECORDS,
BEXAR COUNTY TEXAS, AND A RESUBDIVISION PLAT ESTABLISHING LOT 21, N.C.B. 6874.

FILED FOR RECORD 12 March A.D. 19 80 at 8:12 o'clock A.M.
Recorded & Indexed 26 May A.D. 19 80 at 8:26 o'clock A.M.
ROBERT D. GREEN
County Clerk, Bexar County, Texas
By Armando A. Aranda Deputy

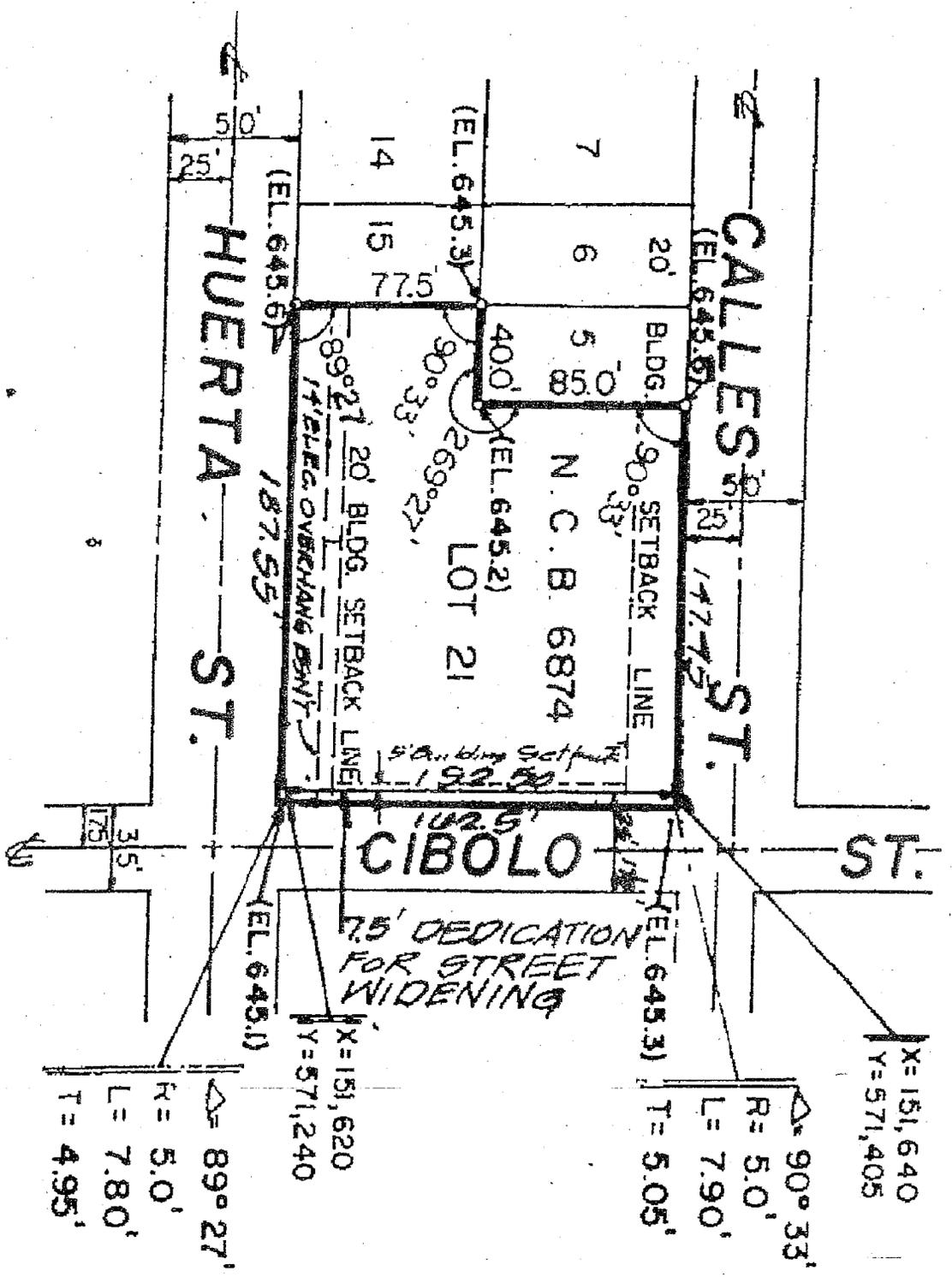
STATE OF TEXAS
COUNTY OF BEXAR
JULY 10 1980
ROBERT D. GREEN
COUNTY CLERK
By Armando A. Aranda Deputy

STATE OF TEXAS
COUNTY OF BEXAR
THE OWNER OF THE THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO,
HEREBY DECLARES THAT LOTS 1, 2, 3, 4, 16, 17, 18, 19, AND 20, N.C.B. 6874, (10.668-AC.) SEC. 2
S.W. 1/4, COR. 10, BE VACATED AND ESTABLISHES THE AREA VACATED AS LOT 21, N.C.B. 6874,
PENTECOSTAL SQUARE SUBDIVISION.

STATE OF TEXAS
COUNTY OF BEXAR
I, Armando A. Aranda, Surveyor, do hereby certify that this plat was prepared and was prepared from an actual survey of the property under my supervision on the date of 12 March 1980 and that the same is true and correct and was prepared from an actual survey of the property under my supervision on the date of 12 March 1980 and that the same is true and correct and was prepared from an actual survey of the property under my supervision on the date of 12 March 1980.

167720
MAY 12 1980
APR 12 1980
VOL 8900
59

RESUBDIVISION PLAT



CALLES STREET

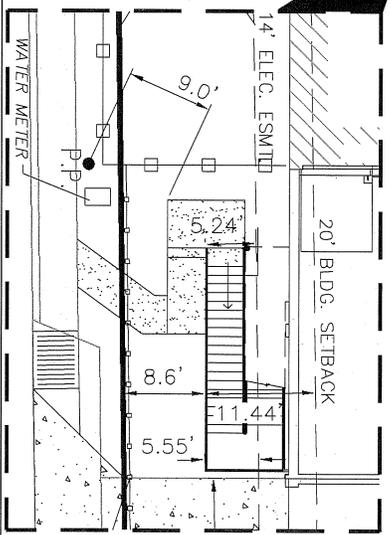
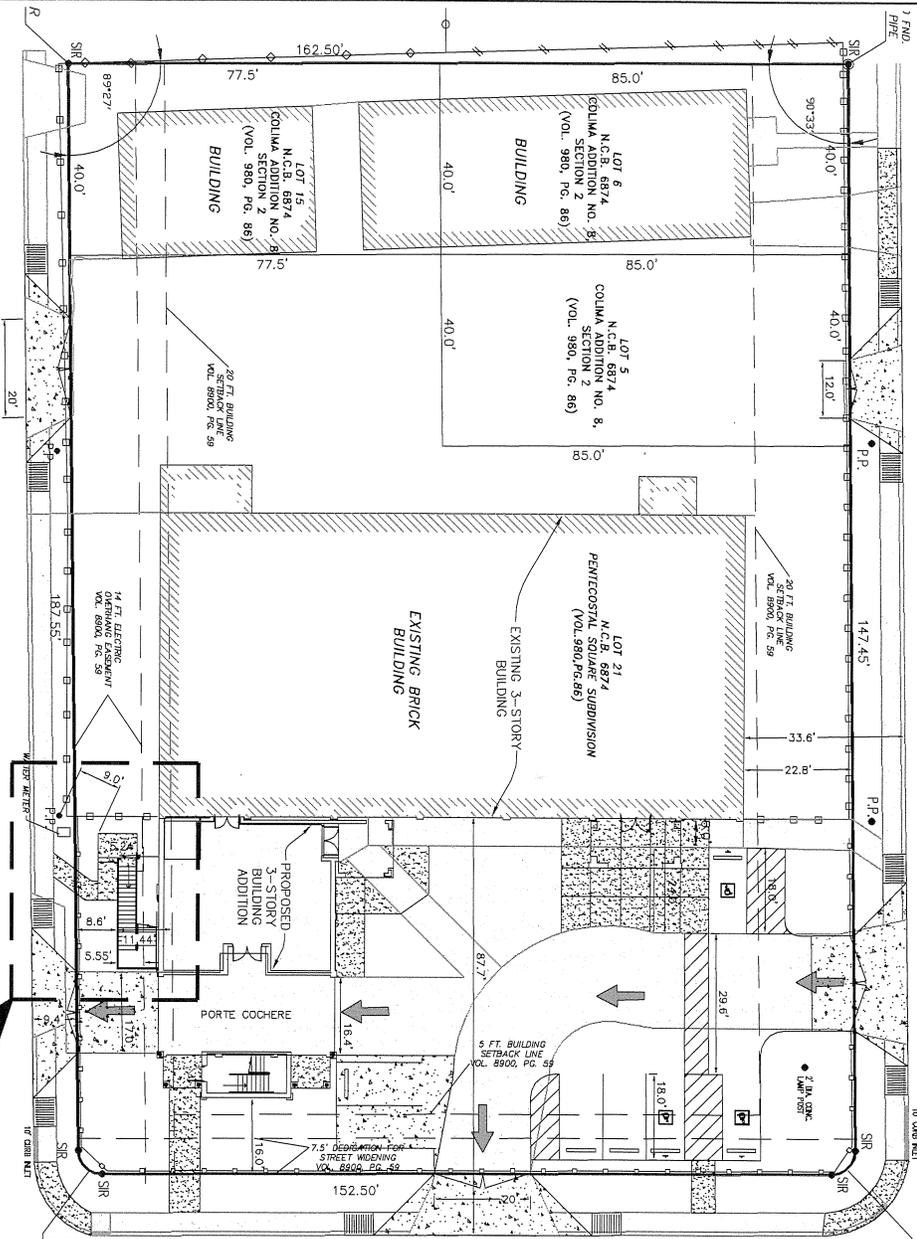
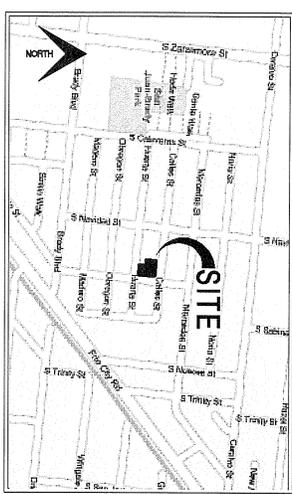
(50' R.O.W.)
 APPROX. 29' PAVEMENT WIDTH

HUERTA STREET

(50' R.O.W.)
 APPROX. 29' PAVEMENT WIDTH

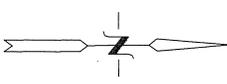
CIBOLO STREET

(42.5' R.O.W.)
 APPROX. 23' PAVEMENT WIDTH



A/P# P1539318

SCALE: 1" = 40'



LEGAL DESCRIPTION

LOTS 5, 6, AND 15, NEW CITY BLOCK 6874, COLIMA ADDITION NO. 8, SECTION 2, THEROPE RISING OCEAN OR PLAT THEREOF, PAGE 86, REED AND PLAT VOLUME 980, BEXAR COUNTY, TEXAS.
 LOT 21, NEW CITY BLOCK 6874, PENICOCOSTAL SQUARE SUBDIVISION, ACCORDED TO MAP OR PLAT THEREOF, RECORDED IN VOLUME 8900, PAGE 59, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

SITE ADDRESS

210 CALLES ST.,
 SAN ANTONIO, TEXAS 78207

REVISIONS

No.	DATE	DESCRIPTION

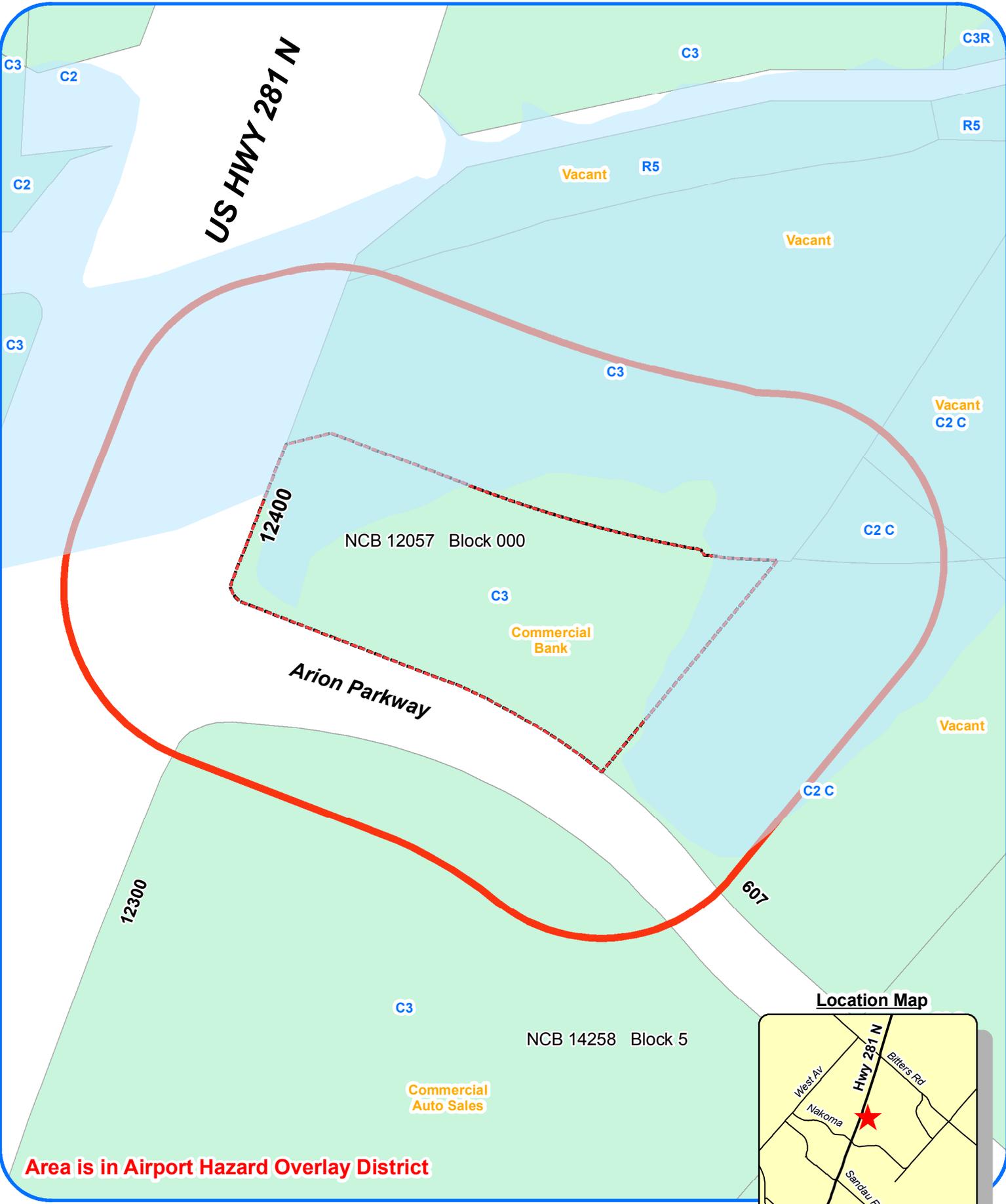
SCH2 CIVIL ENGINEERS, LLC
 1700 East North
 Commerce, Suite 200
 Office: 214-344-5566
 Fax: 214-344-5549
 sch2@sch2.com

SITE PLAN EXHIBIT

REMODEL AND ADDITION
 CENTRAL CHURCH OF GOD
 SAN ANTONIO, TEXAS

JOB NO.: 09060
 DATE: 12-30-09
 DESIGN BY: ACS
 DRAWN BY: ACS
SHEET
EXH-1

US HWY 281 N



Location Map



Area is in Airport Hazard Overlay District

Board of Adjustment
Notification Plan for
Case A-10-014



Legend

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 150'
- Council District 9

Planning and Development Services Dept
 City of San Antonio
 (1/4/2010 - P. Trinkle)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-014
Date: February 1, 2010
Applicant: IBC Bank
Owner: International Bank of Commerce
Location: 12400 U.S. Highway 281 North
Legal Description: Lot 17, NCB 12057
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Subject: Sign Variance
Prepared By: Jacob Floyd, Planner

Summary

A 206-square foot variance from the requirement that the maximum size for an individual tenant's portion of a freestanding multiple tenant sign in a nonresidential zoning district not exceed 375 square feet, to build a freestanding multiple tenant sign with a 581-square foot portion for an individual tenant.

Procedural Requirements

The request was publicly noticed in accordance with Section 28-247 of Chapter 28 Signs and Billboards, of the City Code. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on January 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 15. Additionally, notice of this meeting was posted at city hall and on the city's internet website on January 29, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	C-3	Vacant, Commercial
South	C-3	Commercial Auto Sales
East	C-2 C	Vacant
West	C-3, C-2	Commercial, Expressway

Project Description

A 206-square foot variance from the requirement that the maximum size for an individual tenant's portion of a freestanding multiple tenant sign in a nonresidential zoning district not exceed 375 square feet, to build a freestanding multiple tenant sign with a 581-square foot portion for an individual tenant. The applicant indicates that the intent of the increased size is to improve the visibility of the sign from the expressway.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a neighborhood or community plan or a registered neighborhood association.

Criteria for Review

According to Section 28-247 of Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

1. The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; **or**

City Response: It does not appear that the strict enforcement of this article would prohibit any reasonable opportunity to provide adequate signs on the site. The applicant has not provided sufficient evidence of the existence of unique dimensions, topography, or other features to justify the granting of the variance. While the application does state that without the variance the sign would not be visible from the expressway due to trees, nearby structures, and the curve of the expressway, no evidence is provided to give credence to the claim that increasing the size of an individual tenants portion would remedy this hardship.

2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

City Response: It does not appear that the denial of the variance would cause a cessation of a longstanding commercial use of the property. Although the applicant states that the denial of the variance "would cause irreparable damage to the tenants in this commercial property" by denying the right to properly advertise their business and service, it does not appear that the sign as it currently exists is insufficient to serve this purpose. Additionally, the applicant has not provided evidence showing such damage to tenants.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:

A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

City Response: It does appear that the granting of the variance would provide a privilege not enjoyed by similarly situated properties as a sign face area of this size would not be otherwise be permitted.

- B. Granting the variance will not have a substantially adverse impact on neighboring properties.

City Response: It does not appear that the granting of the variance will have a substantially adverse impact on neighboring properties as the surrounding area is of a predominantly commercial character.

- C. Granting the variance will not substantially conflict with the stated purposes of this article.

City Response: Granting the variance will substantially conflict with the stated purposes of this article by not recognizing the relationship between the scale and function of a street and on-premise signs. Furthermore, the extreme degree of the variance requested is in conflict with the essential nature of this appeals process, specifically its intent to grant relief from a code requirement that cannot be met due to a unique intervening condition.

Staff Recommendation

Staff recommends that **A-10-014, 12400 U.S. Highway 281 North, be denied** because the findings of fact have not been satisfied as presented above. Furthermore, the magnitude of the variance requested is greatly in excess of what would be considered reasonable, as the additional area proposed would be over half again as much as permitted by right and only 69 square feet less than the total size allowed for a freestanding multiple tenant sign.

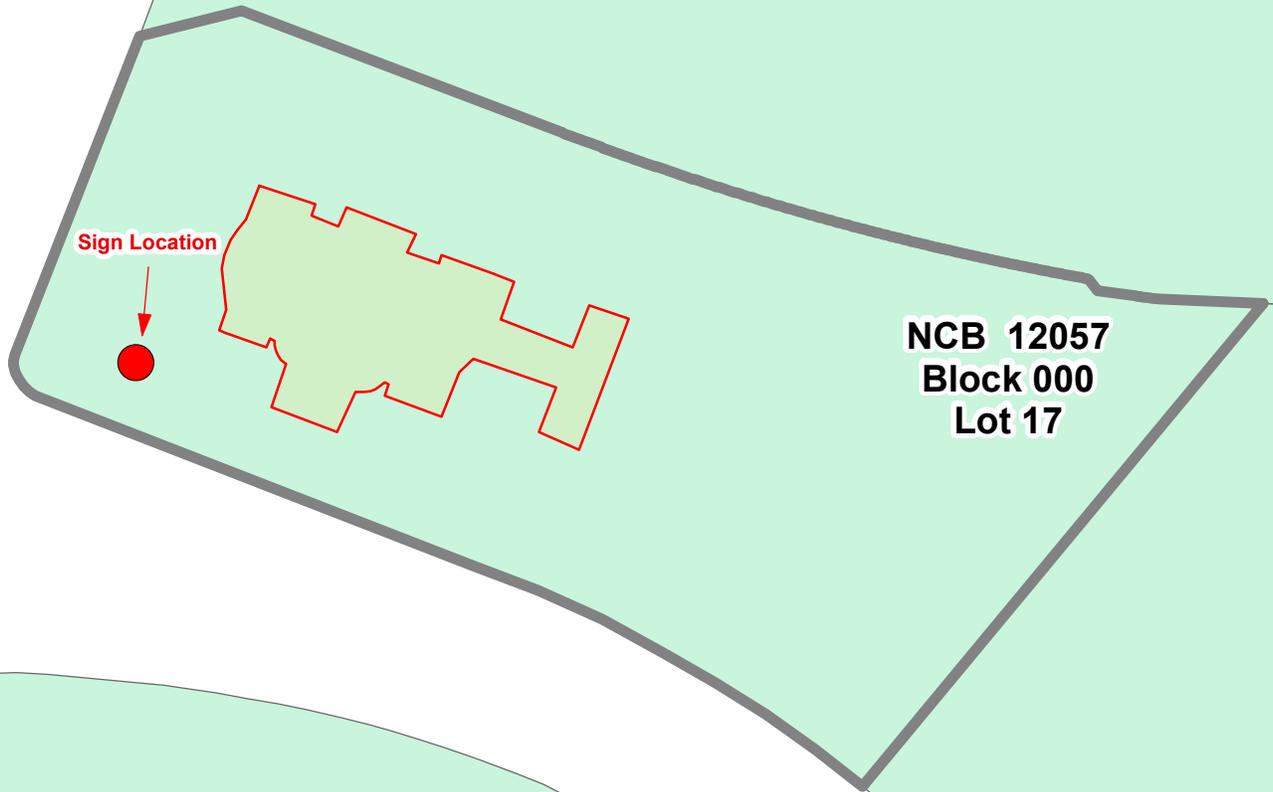
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Drawings

US HWY 287 N



**NCB 12057
Block 000
Lot 17**

Arion Parkway

Board of Adjustment
Plot Plan for
Case A-10-014



Legend

 **Sign**

Scale: 1" approx. = 100'
Council District 9

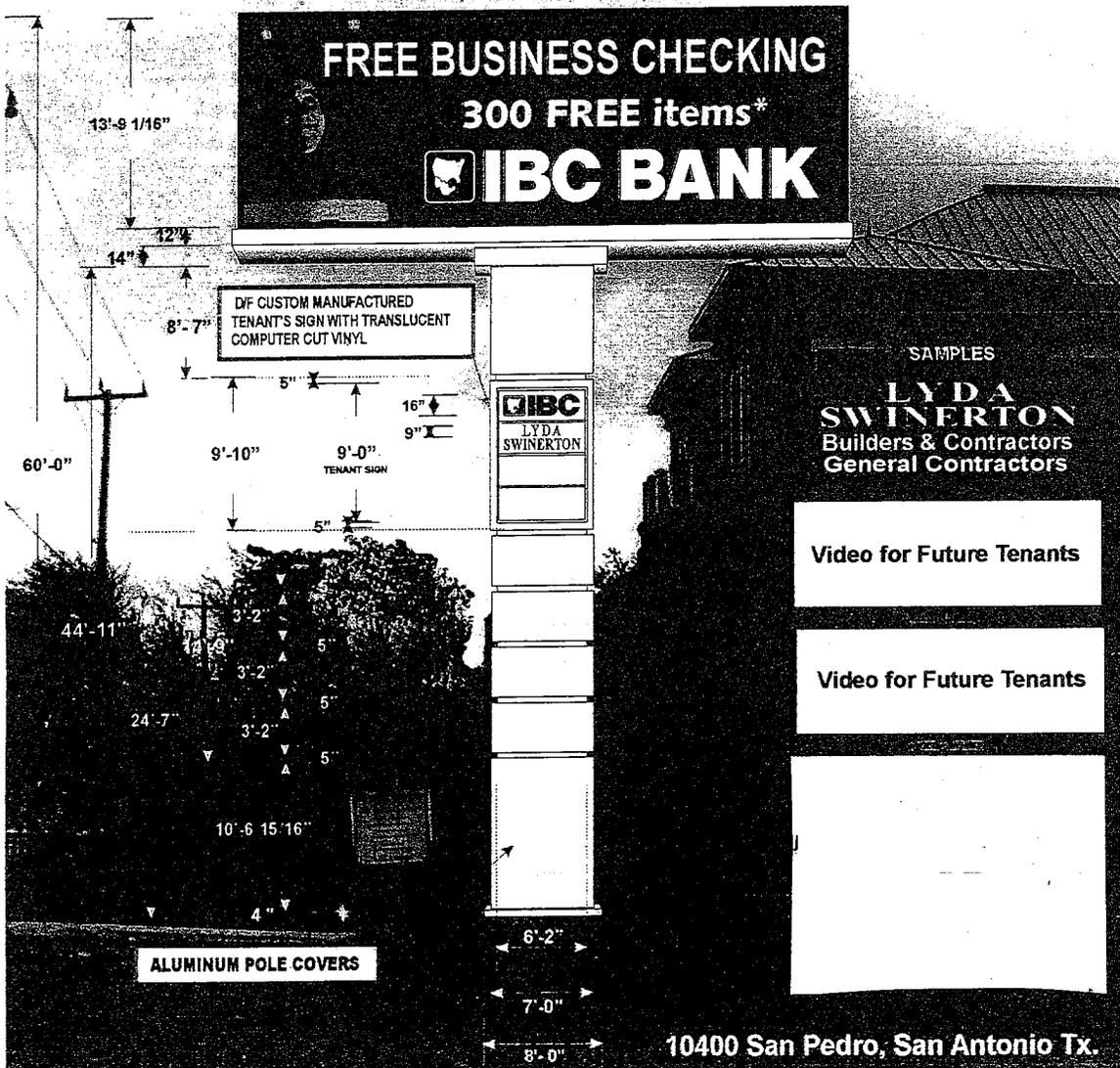
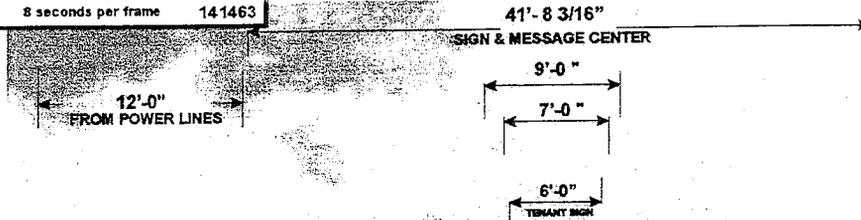
12400 San Pedro Ave

Planning and Development Services Dept
City of San Antonio
(1/5/2010) - P. Trinkle

**MULTI TENANT FULL
COLOR VIDEO SIGN**

**FULL COLOR VIDEO
HYB-28-RGB-Z-H-D**

A: Matrix: 144 x 448 **28mm**
 LED's per pixel: (min. of 5)
 LED color capability: 281 Trillion
 Horizontal viewing angle:
 140 degrees
 CAPABLE OF: Text, Animation,
 Pictures & Video Capability
 Resolution: 73728 Pixels Per
 Sign Face
 Brightness: 5000 NIT's Min.
 Sign programmed to 5000 NITS
 and to change copy no faster than
 8 seconds per frame 141463



APPROVED BY: _____ DATE: _____
 ©Copyright 2009, by AAA Electrical Signs

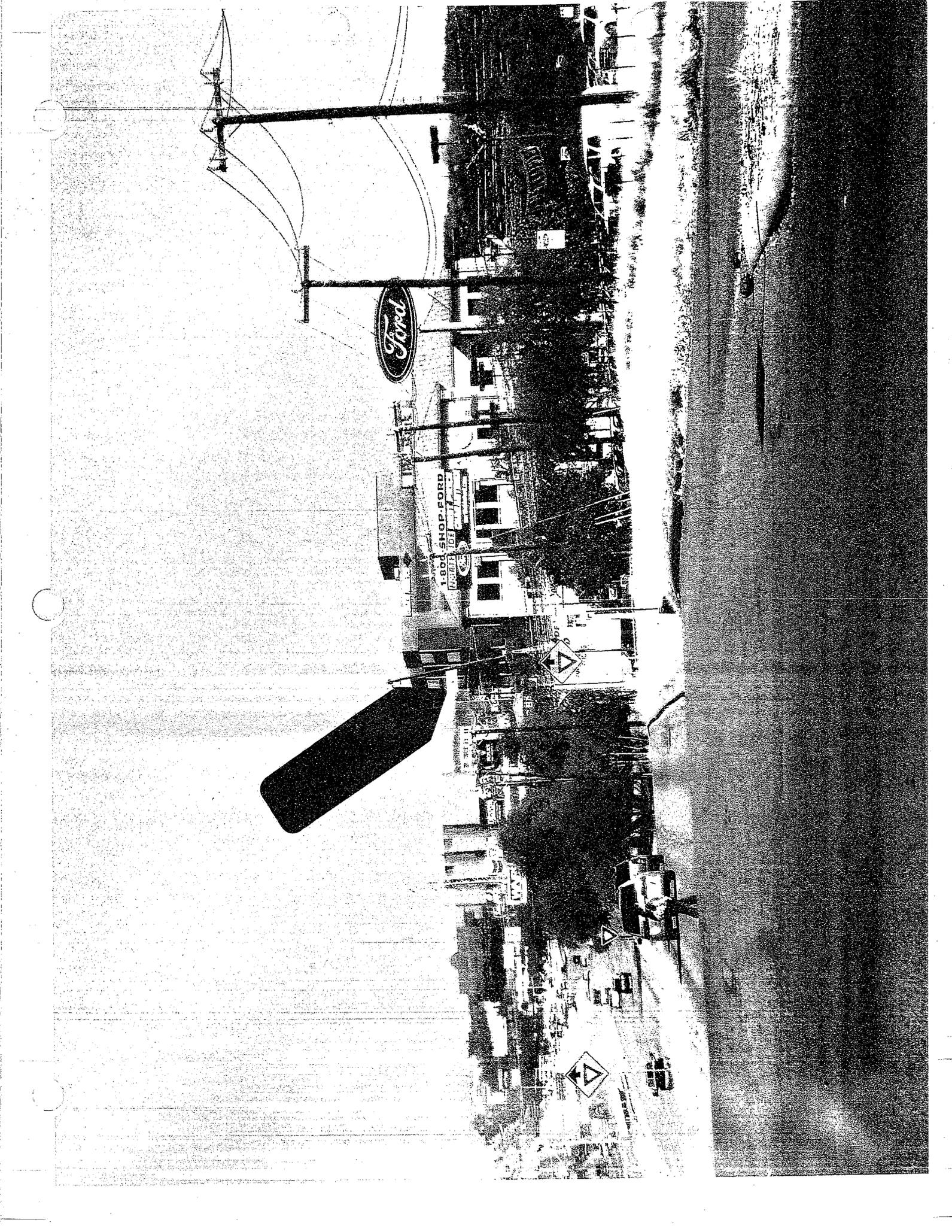
THIS DRAWING IS THE SOLE PROPERTY OF AAA ELECTRICAL SIGNS AND IS THE ORIGINAL WORK OF THE ENGINEER. IT SHALL BE KEPT IN THE COMPANY'S RECORDS BY THE ENGINEER OR HIS SUCCESSOR. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AAA ELECTRICAL SIGNS. ANY VIOLATION OF THIS AGREEMENT SHALL BE SUBJECT TO LEGAL ACTION.



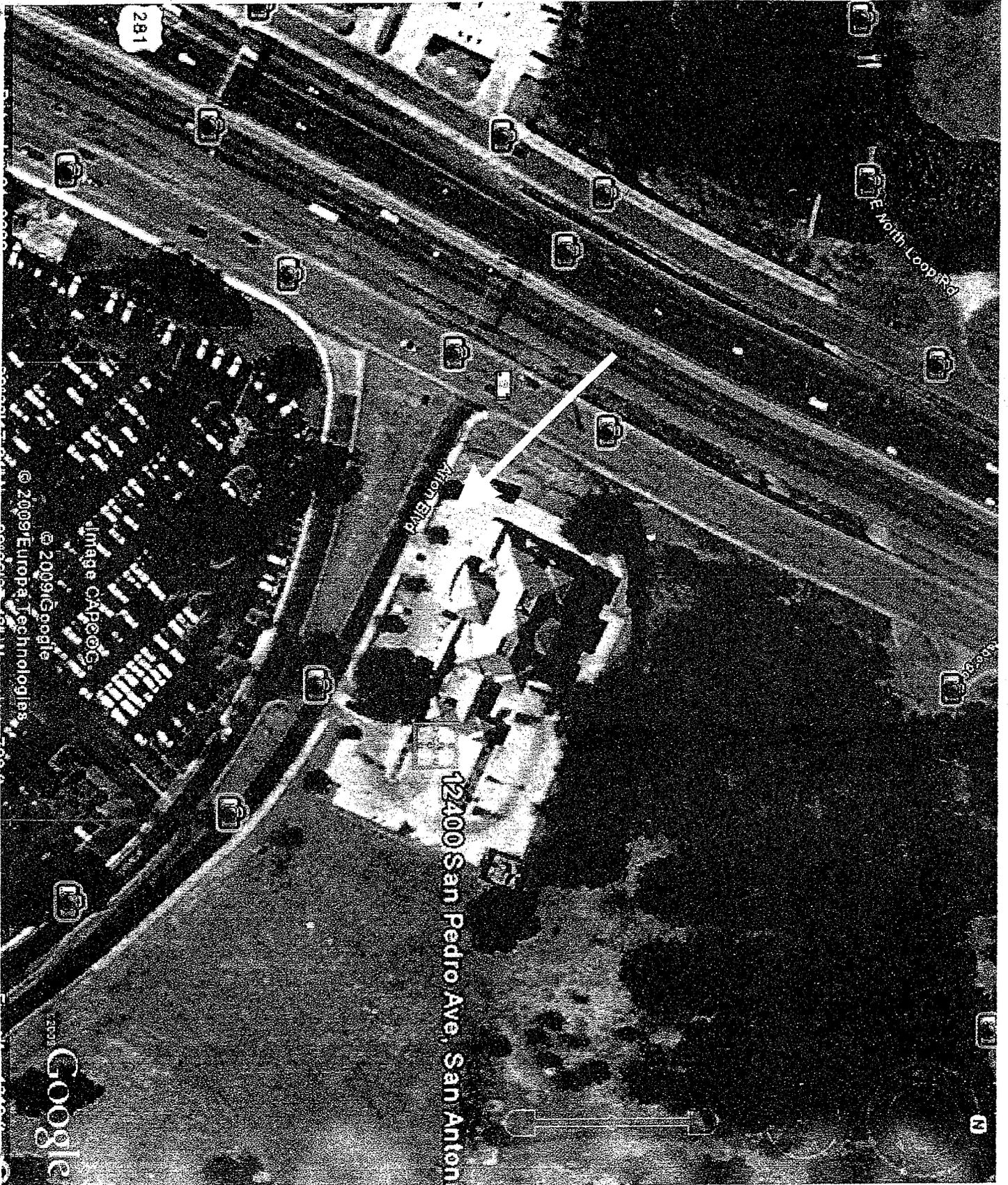
CLIENT: IBC	CLIENT ADDRESS: SAN ANTONIO, TX 10200 San Pedro
DRAWN BY: <i>Jan Herrera</i>	DATE: 10-1-2009 (REVISED DATE(S))
SCALE: IBC SAN ANTONIO 144x448 28mm 1/8"=1'-0"	DRAWING NO. 894-2009
DISC -50-2009	THIS PRINT IS FOR CONCEPTUAL PURPOSES ONLY. ACTUAL FABRICATION DETAILS MAY VARY.

Texas State Electrical Sign License #18035





PLOT PLAN





City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-015
Date: February 1, 2010
Applicant: Sundial Development
Owner: Arboretum Place Partners, L.L.C.
Location: 23103 I.H. 10 West
Legal Description: Lot 132, Block 1, NCB 18338
Zoning: "O-1 GC-1 MLOD-1" Office Hill Country Gateway Corridor Overlay Military Lighting Overlay District and "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District
Subject: Landscape Buffer Variance Request
Prepared By: Mike Farber, Planner

Summary

The applicant is requesting a 6-foot, 6-inch variance from the Hill Country Gateway Corridor Overlay District requirements that a minimum 25-foot natural buffer be maintained on the front property line for properties along IH-10 in order to allow an 18-foot, 6-inch natural buffer along the front property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on January 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 15. Additionally, notice of this meeting was posted at city hall and on the city's internet website on January 29, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	C-2 GC-1 MLOD	Vacant
South	C-3 GC-1 MLOD	Commercial Motor Sports Sales
East	PUD GC-1 MLOD	Vacant
West	R-6 GC-1 MLOD	Single-Family Residences

Project Description

The applicant is requesting a variance in order to allow an 18-foot, 6-inch natural barrier along the portion of the property that fronts on the IH-10 West frontage road instead of the 25-foot natural buffer required per the Hill Country Gateway Corridor Overlay District Site Development Standards. These development standards mandate that a 25-foot natural buffer is required for all developments along this portion of IH-10 West.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a Neighborhood Plan or Neighborhood Association.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. The variance is not contrary to the public interest:

City Response: It does not appear that the granting of the requested variance will be contrary to the public interest. Existing structures that encroach into the required 25 foot natural buffer already exist to the immediate north and south, thus the proposed encroachment would appear to be in keeping with the character of the area.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

City Response: It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. There do not appear to be any physical or topographic conditions existing on the property that would necessitate the placement of the parking lot as proposed.

3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

City Response: Staff does not believe that the spirit of the ordinance will be observed nor substantial justice done through the granting of the variance. Building the proposed parking area to meet the required 25 foot natural buffer would not cause a cessation of the commercial use of the property.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

City Response: The granting of the variance will not authorize the operation of a use other than those uses specifically authorized in "C-2" and "O-1" zoning districts.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

City Response: It does not appear that the granting of the variance will substantially injure the appropriate use of adjacent conforming property nor does it appear that it would alter the essential character of the district. As was stated previously, the properties to the north and south have existing structures/parking areas that encroach into the required natural buffer.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

City Response: There do not appear to be any unique circumstances existing on the property to which the plight of the owner could be attributed. The applicant does not provide justification with regard to unique circumstances on the property that would necessitate the granting of the requested variance, citing primarily the need for more parking as the primary hardship.

Staff Recommendation

Staff recommends that **A-10-015, 23103 IH-10 West, be denied** because the findings of fact have not been satisfied as presented above. The plight of the owner appears to be self-created and not the due to any unique physical characteristic of the property or the surrounding area. The applicant has not provided sufficient evidence to warrant the granting of the variance based on the criterion stated above, citing mainly the need for greater parking as the rationale for the variance request. Furthermore, the applicant states that the area of the property on which the requested parking would be situated would be unusable space if not for the parking spaces. According to the Hill Country Gateway Corridor Overlay District Site Development Standards, at least seventy-five percent (75%) of the first twenty-five (25) feet of the property must be landscaped with native plant material and native trees. It does not appear that the implementation of these landscaping standards would result in unusable land. Staff does not believe that the aforementioned rationale is grounds for the granting of the requested variance.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan

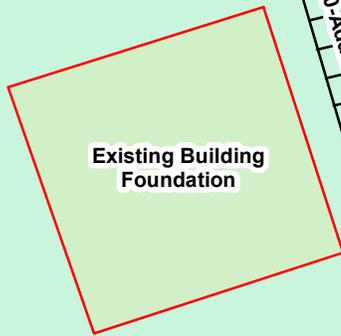
IH 10 W

Variance to change landscape buffer to 18'-6"

25' Landscape Setback

10' Additional Parking Spaces

NCB 18338
Block 1
Lot 132



Steeplebrook Homeowners Assoc

Board of Adjustment
Plot Plan for
Case A-10-015

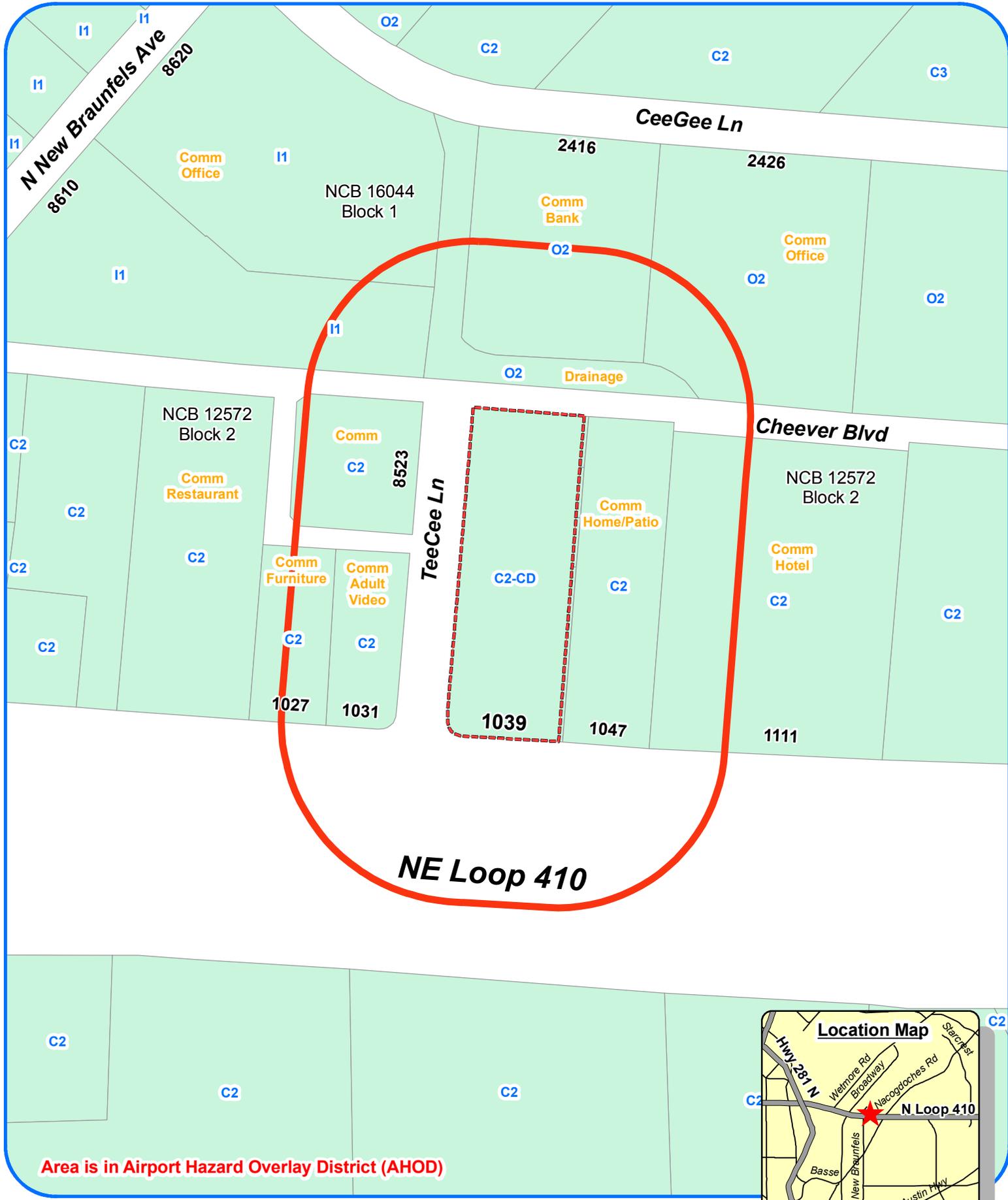


Legend

Scale: 1" approx. = 50'
Council District 8

23103 IH 10 W

Planning and Development Services Dept
City of San Antonio
(1/5/2010) - P. Trinkle



Area is in Airport Hazard Overlay District (AHOD)



Board of Adjustment
Notification Plan for
Case A-10-016



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 10

Planning and Development Services Dept
 City of San Antonio
 (1/14/2010 - P. Trinkle)



City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-10-016
Date: February 1, 2010
Applicant: City of San Antonio
Owner: Headliners Showclub
Location: 1039 NE Loop 410
Legal Description: Lot 28, Block 2, NCB 12572
Zoning: "C-2 CD" Commercial Airport Hazard Overlay District with a Conditional Use for a Nightclub
Subject: Revocation of Certificate of Occupancy No. 1573107
Prepared By: Rudy Niño, Jr. Senior Planner

Summary

In accordance with Section 406 of the Unified Development Code (Chapter 35), the Director of the Planning and Development Services Department is recommending that the Board of Adjustment take action to terminate the Certificate of Occupancy of the Headliners Showclub.

Public Notice

The request was publicly noticed in accordance with Sections 403 and 406 (c) of the Unified Development Code (herein referred to as UDC) and 406 (c). A notice was hand-delivered to the Headliners Showclub on January 7, 2010. Notice of this meeting was posted at city hall and on the city's internet website on January 28, 2010, in accordance with Section 551.043(a) of the Texas Government Code. Additionally, notices of this public hearing were mailed to owners of property within 200 feet of the subject property (in accordance with Ordinance 2009-12-10-1026) on January 19, 2010.

Surrounding Zoning/Land Use

North	O-2	Commercial Uses
South	C-2	Commercial Uses
East	C-2	Commercial Uses
West	C-2	Commercial Uses

Background

The Director of the Planning and Development Services Department has initiated procedures to revoke the Certificate of Occupancy (herein referred to as CofO) for the Headliners Showclub (Nightclub w/ Alcoholic Beverages for Sale) for operating outside the scope of their CofO by operating as a Live Entertainment establishment. The subject property is addressed at 1039 NE Loop 410 and contains a freestanding 8,566 square foot commercial structure. The subject property is zoned "C-2 CD (Nightclub)", which is a medium-intensity commercial district and allows a number of retail and service uses, though a Nightclub is not a use that is allowed by-right. A nightclub is only allowed by-right in the "C-3" General Commercial District, "L" Light Industrial District and the "I-1" General Industrial District. The provisions set forth in Section 321 of the Unified Development Code allow a use to be allowed within a less intense zoning district provided that said use obtain conditional zoning approval by City Council. The applicant was granted a Conditional Use in the "C-2" District by City Council to operate a nightclub on August 6, 2009 (Ordinance 2009-08-06-0631). By definition, a Nightclub is *"A tavern with more than two thousand (2,000) square feet of building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provision of alcohol, a dance hall, food services, and/or live entertainment as an accessory use."*

However, it has come to the attention of the Planning and Development Services Department that the operators of Headliners Showclub are operating as a Live Entertainment establishment, in violation of the approved zoning and their CofO, which is dated September 9, 2009. City Council adopted a Live Entertainment ordinance on May 21, 2009 (Ordinance 2009-05-21-0428) which is intended to provide a level of review through the specific use zoning process for those uses that may have a negative impact on neighboring properties. A live entertainment establishment is (as defined in the UDC) *"A use which includes any or all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists; karaoke; live bands or musical acts; or the amplification of recorded music/entertainment by live disk jockeys."* Live Entertainment uses have separate entries in *Table 311-2: Nonresidential Use Matrix* showing in what zoning district said type of use shall be allowed.

After receiving their CofO and commencing operation, the nightclub began to operate outside the scope of their CofO; as a Live Entertainment establishment, in violation of city code. Specifically, live dancers and live D.J.'s have been observed on numerous occasions at this site. The San Antonio Police Department Vice Unit has provided Staff a number of reports (and supplemental reports) noting the violation of city code (attached) dated as follows:

- 10/29/09
- 11/21/09
- 12/01/09
- 12/08/09
- 12/09/09
- 12/10/09
- 12/21/09
- 12/22/09
- 12/23/09

The Director of the Planning and Development Services Department provided initial notice to the business operator on November 10, 2009, informing them of their zoning violation; however, the business owner did not attempt to rectify their zoning deficiency and continued to operate outside the scope of their CofO. Another notice was sent on December 23, 2009, again informing them that they are in violation of City Code. Being that no action had been taken by the business operators to remedy the violation, the Director had a notice hand-delivered on January 7, 2010 informing them that procedures had been initiated to revoke their CofO.

Historic District/Neighborhood Association

The subject property is not located within the boundaries of a registered neighborhood association or within the boundaries of a neighborhood/community plan.

Criteria for Review

According to Section 406(d) of the UDC, the Board may issue an order to terminate or suspend a permit by submitting a basis for the decision that addresses the following findings:

1. Condition(s) violated:

Based on the attached evidence and the definition of a Live Entertainment establishment, Staff believes that the Headliners Showclub has clearly operated without the appropriate CofO. A nightclub with live entertainment requires, at minimum, "C-3" zoning with a specific use authorization (S), which City Council must authorize if the S is not already established on a property. The property owner failed to request the appropriate zoning to operate this type of business.

2. Harm such violation caused:

The violations, as listed in the police reports, demonstrate a pattern of non-compliance with the CofO granted in 2009. Allowing this business to remain open would allow a live entertainment establishment on the subject property without the appropriate zoning, in clear violation of the City's zoning code and the intent of Ordinance 2009-05-21-0428.

3. Reason such violation cannot be cured:

A violation of this type does not allow the Director any discretion to recommend that the Headliners Showclub be allowed to remain open at this location. This business cannot obtain the appropriate CofO unless they have the appropriate zoning.

Staff Recommendation

The Headliners Showclub has been operated, as evidenced by the numerous examples of violations, in clear disregard of their CofO. They did not obtain the appropriate zoning for their use and began to operate a business that is clearly classified as a Live Entertainment

establishment. Staff recommends that the Board support the Director's recommendation and revoke the CofO of the Headliners Showclub.

Attachments

- Attachment 1 – Location Map
- Attachment 2 – Certificate of Occupancy w/ Application
- Attachment 3 – Police Reports
- Attachment 4 – Correspondence from the Director
- Attachment 5 – Building Inspector's Report



City of San Antonio
 Planning and Development Services
 1901 S. Alamo
 San Antonio, Texas 78204
 (210) 207-1111 www.sanantonio.gov/dsd

1573107

CERTIFICATE OF OCCUPANCY APPLICATION

Please Print. The following information pertains to the Business that will be operating at this location.

Date: 8-28-09 Address: 1039 NE Loop 410 Bldg#: _____ Site #: _____

Owner of the Business: Headliners, LLC

Name of Business: Headliners

Type of Business: Nightclub (May require Live Entertainment affidavit)

Contact Person's Name & Phone Number: Brendan Jensen, Manager (281-0299)

Applicant's Name: Headliners, LLC

Is a Building Permit required in conjunction with this application? Yes _____ No (If yes, list AP# _____)
 (Note: Any "Open" permits such as Building, Electric, Plumbing, or Mechanical require clearance prior to applying)

1. Is this a Sexually Oriented Business? Yes No (If yes, must obtain approval from Assistant Director of PDSD)
2. Will there be alcohol sales? Yes No (If yes, Live Entertainment affidavit may be required)
 - a. Will there be a cover charge? Yes No If yes, will it be charged more than 3 times a week? Yes No
 - b. What is the square footage of building (excluding kitchen, restrooms and storage areas) _____ sq. ft.
3. Will there be any gaming devices? Yes No (If yes, Gaming Device affidavit may be required)
4. Will there be any food or drinks? Yes No (If yes, required Health Inspection)
5. Is this a childcare or nursing home? Yes No (If yes, required Health Inspection)

Is this business currently in operation? Yes No

Is this a change of "use" of the building or site? Yes No

I will comply with the parking and loading requirements of the Unified Development Code Section 35-526.

The above information is true and accurate.

Owner/Authorized Agent Signature: _____ Manager

Is Refined C of O? Yes No Required Inspections: Electrical _____ Plumbing _____ Mechanical _____
 Occupant Load: _____ Occupant Group: _____ Fee's: _____

Current C of O on file? AP# _____ Clerk Initials: _____

C3

AN ORDINANCE

2009-08-06-0631

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 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 Lot 28, Block 2, NCB 12572 from "C-2" Commercial District to "C-2 CD" Commercial District with a Conditional Use for a Nightclub.

SECTION 2. 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 3. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. In accordance with Section 35-514(d)(2)E of the Unified Development Code, the City Council authorizes a fence to be erected or altered of up to a height of eight (8) feet along the rear portion of the eastern property line (see attached site plan).
- B. A four-foot tall wrought iron fence shall be maintained along the front portion of the eastern property line (see attached site plan).
- C. Signage prohibiting customer parking on adjacent properties shall be posted on the required fencing.

D. New outdoor lighting shall be limited in height to twelve feet, with the exception of landscape lighting and signage. All new lighting which is located within six feet of the eastern property line and which is more than eight feet in height shall be directed onto the site and point away from the adjoining property using 90 degree or less cut-off fixtures. This shall not prohibit illumination of any primary structure up to its maximum height except along the eastern side of the building.

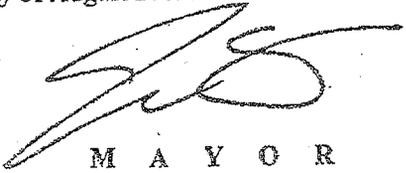
SECTION 4. The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

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 Planning and 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.

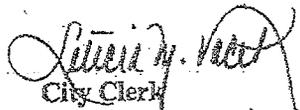
SECTION 7. This ordinance shall become effective August 16, 2009.

PASSED AND APPROVED this 6th day of August 2009.



M A Y O R
JULIÁN CASTRO

ATTEST:

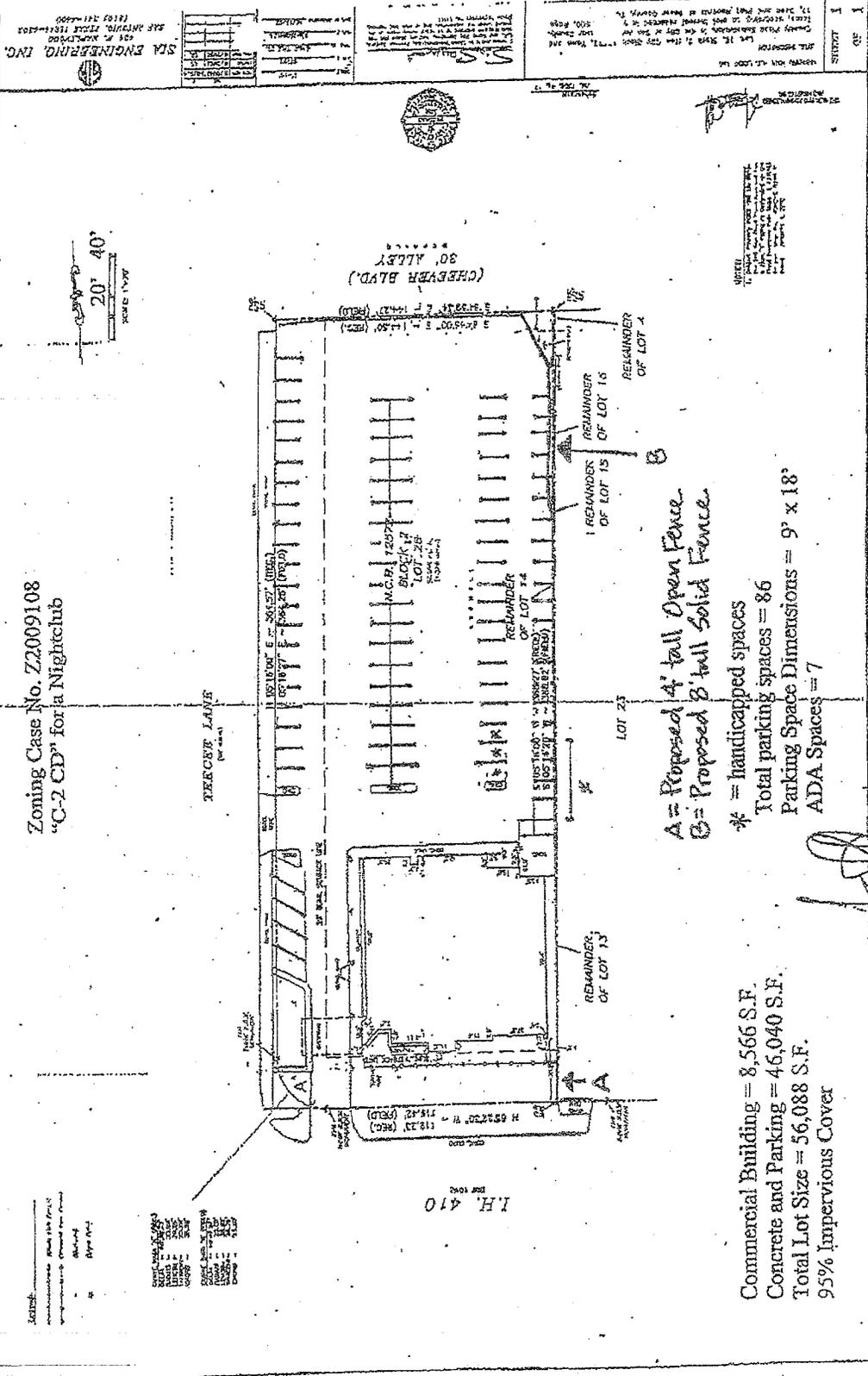

City Clerk

APPROVED AS TO FORM:


City Attorney
for

72009108

Zoning Case No. Z2009108
 "C-2 CD" for a Nightclub



SEA ENGINEERING, INC.
 201 W. MARKET ST.
 ST. LOUIS, MISSOURI 63102
 (314) 421-4400

Commercial Building = 8,566 S.F.
 Concrete and Parking = 46,040 S.F.
 Total Lot Size = 56,088 S.F.
 95% Impervious Cover

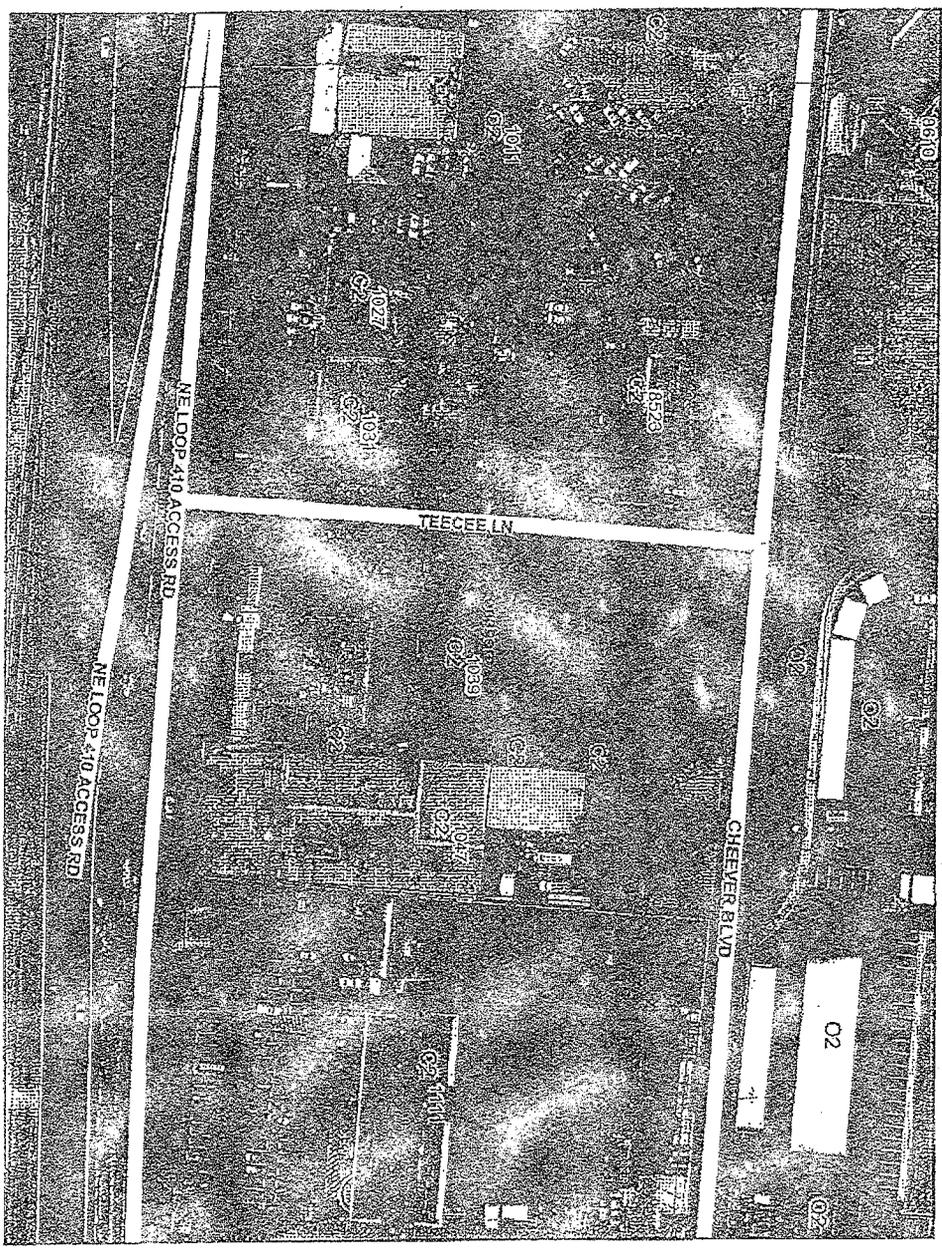
A = Proposed 4' tall Open Fence
 B = Proposed 8' tall Solid Fence

* = handicapped spaces
 Total parking spaces = 86
 Parking Space Dimensions = 9' x 18'
 ADA Spaces = 7

I, *[Signature]*, 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.

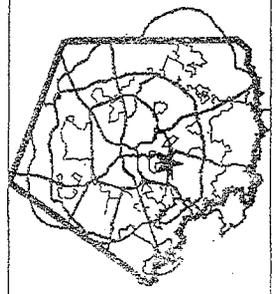
Exhibit A

Internet Mapping Framework



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 2141275, 13735964



Legend

- Parcels
- Lakes
- Military Bases
- San Antonio City Limits
- Incorporated Towns
- Bexar County
- Bexar Streets
- Parcel Addresses
- Zoning

- .. B2VA
- .. C1
- .. C2
- .. C2NA
- .. C3
- .. C3NA
- .. C3R
- .. D
- .. I1
- .. I2
- .. L
- .. MF25
- .. MF33
- .. MF40
- .. NC
- .. NP-10
- .. NP-15
- .. NP-3
- .. O1
- .. O2
- .. OGL
- .. R20
- .. R4
- .. R3
- .. R6

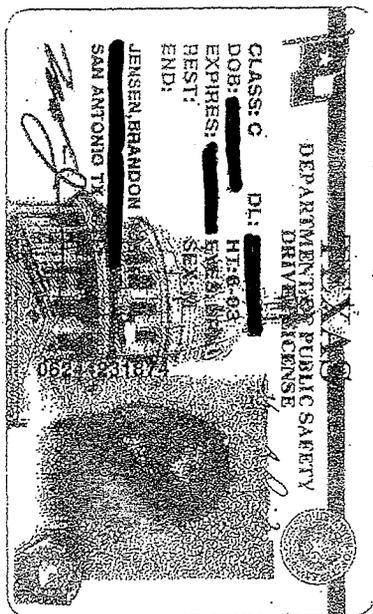
Scale: 1:1,478

TEXAS
DEPARTMENT OF PUBLIC SAFETY
DRIVER LICENSE

CLASS: C DL: H-6-03
DOB: [REDACTED] EXPIRES: [REDACTED]
REST: [REDACTED] SEX: [REDACTED]
END: [REDACTED]

JENSEN, BRANDON
SAN ANTONIO, TX

1703222290



**AFFIDAVIT
LIVE ENTERTAINMENT ESTABLISHMENT**

By my signature below, I acknowledge that I am aware of the locational requirements related to businesses that provide adult live entertainment as defined in §§ 35-388, 35- 424 and 35-A101, of the Unified Development Code, a chapter of the City Code of San Antonio, Texas. I further affirm that I have been provided copies of the referenced codes and understand that violations may result in suspension and/or revocation of this certificate of occupancy. I hereby attest that the business listed below is not a sexually oriented business.

I declare that my application for a certificate of occupancy for Headliners, LLC, to be located at 1039 NE Loop 410, does not violate the above referenced code sections. I further state that this establishment shall provide the following form of live entertainment:

Performances by musicians, dancers, stand-up comedians or other performance artists; karaoke; live bands or musical acts; and/or the amplification of recorded music/entertainment by live disc jockeys

Headliners, LLC
By: [Signature], Manager
Applicant

Date: Aug 28, 2009

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

Before me, the undersigned authority, on this day personally appeared Brandon Jensen (print name), the affiant who, after being duly sworn on oath, deposed and stated the facts herein set forth are true and correct.

Sworn to and subscribed before me on this the 28 day of August, 2009.

Megan Kinnell
NOTARY PUBLIC, State of Texas
MEGAN KINNELL
Notary Public
STATE OF TEXAS
My Comm. Exp. Nov. 12, 2011

Section 35-311.2 of the City of San Antonio's Unified Development Code "Table of Permitted Uses" pertains to the usage of your business and the validity of your current Certificate of Occupancy. The Unified Development Code does not allow gambling establishments within the city limits of San Antonio. Therefore, if it is determined that your current usage is classified as a gambling establishment, either in part or in whole, you may not only be in violation of the City Unified Development Code or the Texas Penal Code, but you may also have your Certificate of Occupancy revoked or suspended under Section 110.4 of the International Building Code which states:

"The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or the provisions of this code"

I, Headlines, LLC (print owners name) the owner of the proposed business to be located at 1039 NE Loop 410 acknowledge that I have read the above information; that I understand its legal implications and further acknowledge that the premises will not be in violation of the City of San Antonio's Unified Development Code or the Texas Penal Code.

Signature: Headlines, LLC
[Signature] J. McGeer

Home Address: 1039 NE Loop 410

San Antonio, TX 78217

Other Address: N/A

Home Phone: 231-0299

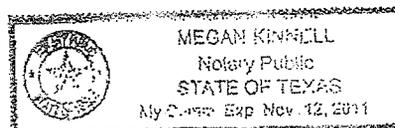
Texas Drivers License: 24939581
(Copy of License**must have photo)

State of Texas)(

County of Bexar)(

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 28 day of August, 2009.

Megan Kinnell
Notary Public



SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION
LICENSE PREMISE INSPECTION

4. ASSIGNMENT NO: N/A
5. OFFENSE NO:
6. DATE REPORTED: 11-22-09

PAGE 1 OF 1

ROUTING:

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial DET. G. FAULKNER # 2106	Address of Complainant 214 W. NUEVA	Phone Number (210) 207-2370
Place of Occurrence-Street on- at or Number 1039 NE LOOP 410	Dist. Occurrence 3210	Date & Time of Occurrence 11-21-09 2030
		Date and Time of this Report 11-22-09 0130

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc..

M-GONZALEZ, VICTOR (MANAGER) TX.ID#28903417

ON 11-21-09 SGT. DAVIS # 3062 ADVISED DETECTIVE JOHNSON # 2281 AND I TO CONDUCT A FOLLOW-UP INSPECTION AT THE LISTED LOCATION (HEADLINERS SHOW CLUB).

ON THE PREVIOUS INSPECTION (CASE # 90-822214) THE LISTED VIOLATIONS WERE NOTED.

- EXIT SIGN NOT ILLUMINATED (VIOLATION CORRECTED)**
- COIN OPERATED CIGARETTE MACHINE W/O WARNING SIGN (VIOLATION CORRECTED)**
- FIRE EXTINGUISHER VIOLATIONS (VIOLATIONS CORRECTED)**
- HEALTH RISK WARNING SIGNS IN MENS ROOM (VIOLATION CORRECTED)**
- A/B UNFIT FOR HUMAN CONSUMPTION (VIOLATION CORRECTED)**
- OBJECTS IN THE SERVING ICE (VIOLATION CORRECTED)**

THE LOCATION IS STILL OPERATING UNDER THE SAME CERTIFICATE OF OCCUPANCY, AS A GENTLEMENS CLUB (TOPLESS FEMALE DANCERS WITH PASTIES). THE HOSTESS ADVISED THAT THEY DO NOT HAVE A COVER CHARGE. THERE WERE APPROXIMATELY FIVE DANCERS INSIDE THE LOCATION.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF () INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority		Unit Case No.	Unit Assigned to Follow-up		
DET. G. FAULKNER # 2106	SGT.K.DAVIS #3062			VICE		

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)

10-30-09 0033

PAGE 01 OF 03

SAN ANTONIO POLICE DEPARTMENT

EXTRA COPY

PRELIMINARY INVESTIGATION REPORT

CASE NO: 90 822214/01

**** REPORT FINALIZED ****

INVESTIGATIVE UNIT: VICE

REPORTING OFFICER: 2106 FAULKNER, GERALD W 2300 CASIAS, PETE III

OFFENSE INFORMATION

OFFENSE: 419999 BAR INSPECTION
419999 TABC VIOLATIONS
890926 VIOLATION OF CITY ORDINANCE

DATES OF OCCURRENCE
THU 10-29-09 2030

OFF. LOC : 01039 LOOP 410 NE
DISTRICT : 3210

WEATHER: COOL / DRY

COMP. NAME: FAULKNER, G # 2106
RES ADDR: 00000
CITY/ST:
BUS ADDR: 00214 W NUEVA
CITY/ST: SAN ANTONIO TX

APT NO.:

APT NO.:

TITLE R/S ID? DOB
DET/VICE
AC/PHONE: / -
AC/PHONE: 210 / 207-2370 B

CALL# DETECTIVES ASSIGNED BADGE CALL# DETECTIVES ASSIGNED BADGE

ARRESTED PERSON

CODE NAME
AP WOOD, JAMES PETER
ADDR: 04519 SAFE HARBOR
SAN ANTONIO TX

NICKNAME/ALIAS

CHARGES: CITY ORD./TABC VIOLATIONS

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR
W M / 07-24-75 601/ 225/ BROWN BROWN

WITNESSES AND OTHERS

CODE
C NAME: FAULKNER, G # 2106
RES ADDR:
CITY/ST:
BUS ADDR: 00214 W NUEVA
CITY/ST: SAN ANTONIO TX

TITLE R/S ID? DOB
DET/VICE
AC/PHONE: / -
AC/PHONE: 210 / 207-2370 B

CODE
W01 NAME: CASIAS, P # 2300
RES ADDR:
CITY/ST:
BUS ADDR: 00214 W NUEVA
CITY/ST: SAN ANTONIO TX

TITLE R/S ID? DOB
DET/VICE
AC/PHONE: / -
AC/PHONE: 210 / 207-2370 B

CODE
W02 NAME: MISEK, P # 2283
RES ADDR:
CITY/ST:
BUS ADDR: 00214 W NUEVA
CITY/ST: SAN ANTONIO TX

TITLE R/S ID? DOB
DET/VICE
AC/PHONE: / -
AC/PHONE: 210 / 207-2370 B

CODE
W03 NAME: CANTRELL, M # 256
RES ADDR:

TITLE R/S ID? DOB
TABC AGENT

APT NO.:

10-30-09 0033

PAGE 02 OF 03
EXTRA COPY

SAN ANTONIO POLICE DEPARTMENT
PRELIMINARY INVESTIGATION REPORT

CASE NO: 90 822214/01

**** REPORT FINALIZED ****

INVESTIGATIVE UNIT: VICE

CITY/ST: APT NO.:
BUS ADDR: 04203 WOODCOCK
CITY/ST: SAN ANTONIO TX

AC/PHONE: / -
AC/PHONE: 210 / 731-1720 B

D E T A I L S

NOTIFIED OF PROVISIONS OF TEXAS CRIME VICTIM ACT: C, W1 AND W2 ARE DETECTIVES ASSIGNED TO THE SAPD VICE UNIT, W3 IS A TABC AGENT ASSIGNED TO THE SAPD VICE UNIT. ON LISTED DATE AND TIME WE WENT TO THE LISTED LOCATION "HEADLINERS SHOWCLUB" (TABC LICENSE # MB-732954) TO CONDUCT A ROUTINE INSPECTION. UPON ENTERING THE LOCATION WE MADE CONTACT WITH AP THE "AGENT IN CHARGE" (GENERAL MANAGER), IDENTIFIED OURSELVES AND ADVISED HIM WE WERE THERE TO CONDUCT AN INSPECTION. DURING THE INSPECTION WE NOTED THE LISTED VIOLATIONS. THE LOCATION WAS BEING OPERATED AS A GENTLEMENS CLUB (FEMALE DANCERS PERFORMING ON STAGE), BUT THE CERTIFICATE OF OCCUPANCY WAS NOT FOR LIVE ENTERTAINMENT (CERTIFICATE OF OCCUPANCY # 1573107 NIGHTCLUB W/ALCOHOLIC BEVERAGES FOR SALE), LOCATED BETWEEN THE SECOND BAR AND THE PARLOR AREA WAS AN EXIT SIGN THAT WAS NOT ILLUMINATED, THE COIN OPERATED CIGARETTE MACHINE DID NOT HAVE THE REQUIRED MINOR WARNING SIGN, THERE WAS NO HEALTH RISK WARNING SIGN POSTED AT THE EGRESS OF THE MENS RESTROOM, THERE WAS A FIRE EXTINGUISHER WITH IMPROPER CERTIFICATION AFFIXED, SITTING ON THE FLOOR BEHIND THE HOSTESS COUNTER, THERE WAS A BOTTLE OF TANGUERAY GIN AT THE SECOND BAR THAT CONTAINED FOREIGN DEBRIS (BUGS) AND THE DISPENSER GUN WAS IN THE SERVING ICE. AP WAS ISSUED THE LISTED CITATIONS, ADVISED OF THE VIOLATIONS AND HOW TO CORRECT THEM.

CITATIONS ISSUED:

X1221280-VIOLATION OF CERTIFICATE OF OCCUPANCY
X1222415-EXIT SIGN NOT ILLUMINATED
X1182216-NO WARNING SIGN COIN-OP CIGARETTE MACHINE

TABC VIOLATIONS:

CODE 101.61 VIOLATION OF ANY CODE OR RULE-ADMIN
CODE 11.61 (7) PLACE/MANNER-SAFETY (NO CERT. FIRE EXTING.) -ADMIN
CODE 11.61 (7) PLACE/MANNER-SAFETY (EXIT SIGN NOT ILLUMINATED) -ADMIN
CODE 11.61 (7) PLACE/MANNER-HEALTH (NO WARNING SIGN CIG. MACHINE) -ADMIN
CODE 11.61 (7) PLACE/MANNER-HEALTH (BUGS IN A/B) -ADMIN
CODE 11.61 (7) PLACE/MANNER-GEN. WELFARE (VIOLATION C/O) -ADMIN
CODE 103.07 POSS. A/B UNFIT FOR HUMAN CONSUMPTION (BUGS IN A/B) -ADMIN
CODE 11.61 (7) PLACE/MANNER-SAFETY (IMPROPER MOUNT FIRE EXTING.) -ADMIN
RULE 31.4 (B) HEALTH RISK WARNING SIGN -ADMIN
CODE 11.61 (7) PLACE/MANNER-HEALTH (OBJECT IN SERVING ICE) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (BUGS IN A/B) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (OBJECT IN SERVING ICE) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (NO CERT. FIRE EXTING.) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (IMPROPER MOUNT FIRE EXT.) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (C/O VIOLATION) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (WARNING CIGARETTE MACHINE) -ADMIN
RULE 35.31 (16) OFFENSE AGAINST GEN. WELFARE (EXIT SIGN NOT ILLUMINATED) -ADMIN

BAR INSPECTION.

DISPATCHING INFORMATION

DISPATCH CODE: 55 VICE

REQUEST FOR SERVICE

RECEIVED: 10-29-09 2330

DISPATCH TO: 01039 LOOP 410 NE

DISPATCH: - -

10-30-09 0033

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SAN ANTONIO POLICE DEPARTMENT

EXTRA COPY

PRELIMINARY INVESTIGATION REPORT

CASE NO: 90 822214/01

**** REPORT FINALIZED ****

INVESTIGATIVE UNIT:

VICE

DISTRICT 3210

ARRIVED: - -

REPORT UNIT: RMC

CLEARED: - -

REPORTED BY:

ADDRESS:

APT:

PHONE:

OFFICERS DISPATCHED

BADGE

OFFICERS DISPATCHED

BADGE

FAULKNER, GERALD W

2106-R

CASIAS, PETE III

2300-R

REPORT ENTERED BY: 99

10-29-09 2330

APPROVING: 0000

SUPERVISOR: 3062 DAVIS, KENNETH P

REPORT ENTERED BY: 0000 FAULKNER, GERALD W

10-30-09 0033

COPIES OF REPORT TO: VICE

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

PAGE 1 OF 1

C of O violation

4. COMPLAINT: N/A

5. OFFENSE : C of O violation

6. DATE REPORTED: 12/01/2009

ROUTING Vice

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial City of San Antonio	Address of Complainant N/A	Phone Number N/A
Place of Occurrence-Street on- at or Number 1039 NE Loop 410	Dist. Occurrence	Date & Time of Occurrence 12/01/2009 2200 hours
		Date and Time of this Report 12/01/2009 2349 hours

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc..

On the above stated date and time I along with detective F. Garibay #2186 entered Club Headliners located at 1039 NE Loop 410. We were there in an undercover capacity to observe the activities occurring inside the club. The business is a TABC licensed premise. The Vice Unit received information that the club was operating in violation of their certificate of occupancy. Detective Garibay and I were asked to investigate. Prior to entering the club we were both asked for an I.D. card by a young white female working the counter outside the main entrance. We were not asked to pay a cover charge. Once inside we noticed two stages and a female dancer was dancing on each stage. There were approximately 30 patrons inside the bar, mostly men.

Det. Garibay and I walked to the stage located at the rear of the bar and sat down. Det. Garibay walked to the stage and stood by the edge. A female dancer named "cat" walked over to him and began to dance in front of him. She was topless but she wore thong underwear. Her areola and nipple was totally exposed. She was not wearing "pasties." She grabbed Garibay's crotch and then grabbed his left hand. She then placed his hand over her left breast causing him to touch her areola and nipple. Det. Garibay gave her a dollar bill and then sat down. I then approached "cat" and she also touched my pants over my genital area. While "cat" kneeled in front of me and Garibay, she rubbed her buttocks over our mid section area. A few minutes later "cat" left the area and another dancer named "jayla" replaced her on the stage. Jayla was topless wearing thong underwear. Jayla was not wearing pasties over her areola and nipple. She also danced in the same manner as did Cat. Other dancers inside the club were seen wearing latex pasties over their areola and nipple.

A few minutes later the entertainer named Cat approached Garibay and sat on his lap. She asked Garibay if he wanted a private lap dance in the VIP area for \$20. Other entertainers were observed giving patrons lap dances near both stages. Cat led Garibay to a VIP area that was located inside another room separate from the bar and two stages. The VIP area was located east of the bar after walking thru two double doors. According to Garibay there were approximately 20 large "half mooned" styled chairs inside the VIP room. Cat proceeded to give Garibay a lap dance. Prior to the song ending, she bent over in front of him intentionally pulled her thong to one side exposing her anus and her genitalia. Det Garibay payed her \$20 and walked back to my location. While there, we saw approximately 15 different female dancers working. We left the location without incident and reported our observations to our supervisor.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () CR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF (X) INVESTIGATION
Officer Making Report (Badge No.) Det. Saenz #2405	Approving Authority Sgt. W. Swindell 33263	Unit Case No. Vice	Unit Assigned to Follow-up Vice			

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

4. ASSIGNMENT NO: N/A

PAGE 1 OF 3

City Ordinance Violations

5. OFFENSE NO: City Ord Viol.

6. DATE REPORTED: 12-08-2009

ROUTING Vice

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial City of San Antonio	Address of Complainant N/A	Phone Number N/A
Place of Occurrence Street or Number 1039 NE Loop 410 S.A., TX.	Dist. Occurrence 3210	Date & Time of Occurrence 12-08-09 - 2130 hrs
Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.,		Date and Time of this Report 12-08-09 - 2330 hrs

Witnesses:

Det. R.D. Moffitt # 2294
SAPD Vice Unit
214 W. Nueva S.A., TX. 78207
Work Ph: 210-207-2370

Det. J. Moore # 2255
SAPD Vice Unit
214 W. Nueva S.A., TX. 78207
Work Ph: 210-207-2370

Details:

Date: Tuesday, December 9, 2009.

Sgt. W. Swindell #3263 advised Det. Moffitt and I that he needed us to enter the Headliners Club in an undercover capacity to observe the dancers and management to determine if they were in violation of any city ordinances or state statutes. We entered the above location at 9:30pm.

Upon entering the club the doorman asked for identification from both of us. We both displayed a Texas driver license and were then allowed to enter the club. No "cover charge" was enforced.

When entering the main part of the club, two stages could be seen. The main stage was in front of the bar and in between the bar and the DJ booth. The DJ was announcing the dancers to the main stage. As we entered, a white female with light brown hair was on the main stage. She was wearing a "Santa's helper" suit and had "Amber" written on the front of the red & white hat she was wearing. We both sat at the table next to the main stage. As we were sitting down, a waitress approached us and asked if we wanted any drinks. We both ordered a beer as we sat down. Almost immediately as we were sitting down, a white female approached Det. Moffitt and sat down on his lap. As Det. Moffitt and the female (later identified as Star) talked, I approached "Amber" as she danced on the main stage. Amber was dancing topless at that time and was not wearing pasties as I approached. I stood next to the stage as she danced. Amber approached me and began to bump and grind her genital area against me as I stood waiting to tip her. I observed there was a male manager walking through the establishment as this was occurring.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF (X) INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority		Unit Case No.	Unit Assigned to Follow-up		
Det. J. Moore #2255	Sgt. W. Swindell #3263		N/A	Vice Unit		

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

PAGE 2 OF 3

City Ordinance Violations

4. ASSIGNMENT NO: N/A

5. OFFENSE NO: City Ord Viol.

6. DATE REPORTED: 12-08-2009

ROUTING Vice

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial City of San Antonio	Address of Complainant N/A	Phone Number N/A
Place of Occurrence-Street or Number 1039 NE Loop 410 S.A., TX.	Dist. Occurrence 3210	Date & Time of Occurrence 12-08-09 - 2130 hrs
		Date and Time of this Report 12-08-09 - 2330 hrs

Additional Detail of Offense-Progress of Investigation-Disposition of Evidance, Property, Etc...

After tipping Amber, I sat back down at the table. As Det. Moffitt spoke with "Star" he advised that the waitress again approached our table and asked if we needed anything, at which time he replied we were fine. Star then stated, "...I think she was referring to me." Det. Moffitt then told Star that I was the one with the money. After he said that, Star then came and sat on my lap. While there, a waitress came to the table again a short time later and asked if we were alright on drinks, I said yes and the waitress left. At that time Star made a "pouty" face and asked "...what about mine..?" Star then flagged the waitress and requested a "cotton candy wrapper" drink. The drink was ordered, made, and then delivered by the waitress. I paid for the drink and Star began drinking the alcoholic beverage. She requested I try it, stating it was the "...strongest drink they had". I did take a sip of the beverage and alcohol could be tasted in the drink.

The DJ continued to call dancers to the main stage. These included Lonnie, Taylor, and Gwen. Det. Moffitt approached the main stage as I sat with Star. Det. Moffitt waited to tip the dancer, a Hispanic female, and once again the dancer began to grind against Det. Moffitt with her genital area as he waited to tip her. Det. Moffitt stated that the Hispanic female was wearing gold pasties, but that the pasties were transparent and her nipples were visible through the pasties. Det. Moffitt then sat back down at our table as I continued to speak with Star.

The DJ then announced Gwen was the next dancer and a black female took the stage. It appeared the black female, wearing a gold dress during the first dance and then only a white thong the second dance, was not wearing pasties.

After Gwen left the stage, Star then entered the main stage. I approached Star to tip her during the first song. As I waited to tip her, she pulled her top away to expose her breast and revealed that she was not wearing pasties. As she danced she came up next to me as I stood next to the stage. Star rubbed her breast against my face and repeatedly ground her genital area against me.

After Star left the main stage, she went to the back stage that was around the corner from the main stage. It was well lit but in the back of the club. I again approached the stage to tip her. As I did Star laid on her back and began to rub her vaginal area and pulled her thong tightly against her pubic area, exposing a small part of the outer vaginal area. However, she never fully exposed her vaginal area. I then returned to the table and observed other dancers on the main stage. After finishing in the back stage, Star returned and sat again on my lap.

Det. Moffitt then approached a white female, brunette hair, wearing a black lace outfit to tip her. The female, as other dancers had done, began to grind her vaginal area against Det. Moffitt as he stood waiting to tip her. After doing so, Det. Moffitt returned to the table.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF (X) INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority		Unit Case No.		Unit Assigned to Follow-up	
Det. J. Moore #2255	Sgt. W. Swindell #3263		N/A		Vice Unit	

SAN ANTONIO POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

4. ASSIGNMENT NO: N/A

PAGE 3 OF 3

City Ordinance Violations

5. OFFENSE NO: City Ord Viol.

6. DATE REPORTED: 12-08-2009

ROUTING Vice

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial City of San Antonio	Address of Complainant N/A	Phone Number N/A
Place of Occurrence-Street name or Number 3039 NE Loop 410 S.A., TX.	Dist. Occurrence 3210	Date & Time of Occurrence 12-08-09 - 2130 hrs
		Date and Time of this Report 12-08-09 - 2330 hrs

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

As we sat at the table at that time, Det. Moffitt stated he had received a phone call and that he had to leave. We advised Star and Amber (who had joined us at the table) that we had to depart. As we were preparing to leave and as Star still sat on my lap, I inquired if she did anything outside the club; she replied no, stating she only danced at the club.

The dancers would dance on the main stage for two songs and then move to what was referred to as stage #2 where they would also dance for two songs. Stage #2 was a smaller stage and closest to the main entrance/exit of the club. We observed customers approaching the dancer's at both of the stages.

Det. Moffitt and I departed from the location at approximately 10:30 pm. Det. Moffitt notified Sgt. Swindell that we had left the location and we returned to the office to complete our report on this investigation.

This investigation remains ongoing.

UNFOUNDED () STATUS REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF (X) INVESTIGATION
Officer Making Report (Badge No.) Det. J. Moore #2255	Approving Authority Sgt. W. Swindell #3263	Unit Case No. N/A	Unit Assigned to Follow-up Vice Unit		

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

4. ASSIGNMENT NO: N/A

PAGE 1 OF 1

City Ordinance Violation

5. OFFENSE NO:

6. DATE REPORTED: 12-09-09

ROUTING: Vice

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial	Address of Complainant		Phone Number
City of San Antonio	N/A		N/A
Place of Occurrence-Street or -st or Number	Dist. Occurrence	Date & Time of Occurrence	Date and Time of this Report
1039 NE Loop 410	3210	12-09-09/2130 hrs	12-09-09 2300hrs

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

Summary: On the above stated date and time, I and Detective Saenz #2405 were instructed to go into Club Headliners located at 1039 NE Loop 410 and observe the activities that were occurring in the establishment. The business is a TABC licensed premise (TABC License #MB732954). The Vice unit received information that the club was operating in violation of their certificate of occupancy. Prior to entering the club we were met by the door man (black male, 6'4, 250, 30-40 y/o) and allowed to enter the club without showing identification or paying an entry fee.

Det. Saenz and I walked to the bar adjacent to the main stage in the front of the club. There was a black female entertainer approximately 5'8, 140, 25-30, that was dancing on stage topless and wearing a thong bikini. This entertainer was not wearing "pasties", clearly showing her areola and nipple and exited the stage after the song finished. She put her bikini top back on and walked to the rear of the club. We stayed at the bar as several other entertainers performed on stage that were wearing "pasties".

The final entertainer on stage before we left went by the name of "Jayla". This entertainer was on stage for two songs and during the first song she kept her bikini top and bottom on. At the start of the second song Jayla took her bikini top off and continued to dance. I approached the stage and Jayla walked over to me. Jayla bent to her knees and moved up to were my face was between her breasts. I could clearly see that Jayla was not wearing "pasties" as her nipple and areola had nothing on them. I gave Jayla a tip after she finished and she continued dancing on stage until the second song finished.

While in the club I would estimate there were 10 to 15 female entertainers working. Management was present and walking about the club and in such proximity of the entertainers that they could see if pasties were being worn.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY (x) ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF (x) INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority		Unit Case No.	Unit Assigned to Follow-up		
Det. G. Thomas #2197	Sgt. W. Swindell		N/A	Vice		

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)
Document #

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

PAGE 1 OF 1

C of O violation

- 4. COMPLAINT: N/A
- 5. OFFENSE: C of O violation
- 6. DATE REPORTED: 12/11/2009

ROUTING Vice

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial City of San Antonio	Address of Complainant N/A	Phone Number N/A
Place of Occurrence-Street name or Number 1039 NE Loop 410	Dist. Occurrence	Date & Time of Occurrence 12/10/2009 2200 hours
		Date and Time of this Report 12/11/2009 0105 hours

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

On the above stated date and time I along with detective J. Moore #2255 entered Club Headliners located at 1039 NE Loop 410. We were there in an undercover capacity to observe the activities occurring inside the club. The business is a TABC licensed premise. The Vice Unit received information that the club was operating in violation of their certificate of occupancy. Detective Moore and I were asked to once again enter and investigate. On this particular night, we entered without being asked for identification. We were not asked to pay a cover charge. On this night, there were approximately 25 patrons inside the bar.

Det. Moore and I were inside the club for approx. 30 minutes. Female dancers were only dancing on the main stage. Det. Moore and I both purchased a 12oz beer for \$6 and took a seat to the left of the main stage. Three different female dancers performed on the stage while we were there. All dancers were seen wearing clear "pasties" over their areola and nipples and they were wearing thong underwear. Not one dancer was seen exposing their genitalia or anus while performing. I approached the stage to tip a dancer. She appeared to be a Hispanic female. She appeared to be 5'3" tall with brown hair and she weighed approximately 130 lbs. As I stood there she massaged her breast and touched her thong underwear over her vaginal area. She rubbed my chest and grabbed my buttocks. I asked her for her name and she replied "I'm Jessica." She then turned around and kneeled in front of me. She then began to bump her buttocks on my chest. I then gave her a \$2 tip and went back to my seat. We left the club without incident and reported our findings to our supervisors.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF (%) INVESTIGATION
Officer Making Report (Badge No.) Det. Saenz #2405	Approving Authority Sgt. W. Swindell 33265		Unit Case No. Vice	Unit Assigned to Follow-up Vice		
SAN ANTONIO POLICE DEPARTMENT				TYPE ONLY		SUPPLEMENTARY REPORT SAPD Form 3-L Rev. (5-90)



CITY OF SAN ANTONIO
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

November 10, 2009

Brandon Jensen
1039 N.E. Loop 410
San Antonio, Tx 78217

Re: Live Entertainment

Dear Mr Jensen:

This letter is to notify you that the property located at 1039 N.E. Loop 410, NCB 12572 Blk 2 Lot 28, is not zoned for "Live Entertainment" which appears to be an essential component of your business operation. This location is currently zoned C2 CD. Pursuant to City Ordinance # 2009-05-21-0428, the provision of "Live Entertainment" requires a C-3 zoning with Specific Use Authorization.

Please apply for a Zone change and Specific Use authorization within 10 days of receipt of this letter. A penalty fee will apply after the 10th day and further legal action may be taken.

This case has been submitted to the Department's Investigations Unit which can assist you. Please contact Sylvia Cortez, Chief Building Inspector for Investigations, regarding permits or contact Rudy Nino, Jr., Senior Planner at 210-207-8389 regarding a Zone Change and Specific Use Authorization.

Respectfully,

A handwritten signature in black ink, appearing to read "Roderick Sanchez".

Roderick Sanchez, AICP, CBO
Director, Planning and Development Services Department



CITY OF SAN ANTONIO
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

December 23, 2009

Brandon Jensen
Headliners
1039 N.E. Loop 410
San Antonio, Tx 78217

Re: Live Entertainment

Dear Mr Jensen:

As you were advised in a letter dated November 10, 2009; you are again hereby notified that the property located at 1039 N.E. Loop 410, NCB 12572 Blk 2 Lot 28 is not zoned for "Live Entertainment" which appears to be an essential component of your business operation. This location is currently zoned "C2 CD" Commercial District with a Conditional Use for a Nightclub. Pursuant to City Ordinance # 2009-05-21-0428, the provision of "Live Entertainment" on the premises requires a "C-3 S" General Commercial zoning district with a Specific Use Authorization for Live Entertainment.

A live entertainment use on the premises three or more times a week is a violation of City Code. If you continue to provide live entertainment on the premises in violation of the City Code, the Planning and Development Services Department will start the process to revoke your Certificate of Occupancy. Revocation of the Certificate of Occupancy shall result in closure of your business and may lead to further legal action.

Please contact Rudy Nino, Jr., Senior Planner, in regards to obtaining a Zone Change and Specific Use Authorization, at 210-207-8389.

Respectfully,

A handwritten signature in black ink, appearing to read "Roderick Sanchez".

Roderick Sanchez, AICP, CBO
Director, Planning and Development Services Department



CITY OF SAN ANTONIO
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

January 7, 2010

Headliners, LLC
Attn: Brandon Jensen, Manager
1039 NE Loop 410
San Antonio, Texas 78217

James *1-7-10*
HAND DELIVERED

RE: Revocation of Certificate of Occupancy No. 1573107

This official correspondence is to inform you that the Director of the City of San Antonio's Planning and Development Services Department has initiated procedures to revoke your Certificate of Occupancy (No. 1573107) for a *Nightclub w/ Alcoholic Beverages for Sale*, which is dated September 10, 2009, for the business known as **Headliners Showclub**. It has been brought to this department's attention that this business has failed to comply with Certificate of Occupancy No. 1573107 and has operated as a "Live Entertainment" establishment, in violation of regulations contained in the City's Unified Development Code (Chapter 35 of the City Code of the City of San Antonio, Texas).

The necessary procedures for the revocation of a Certificate of Occupancy are delineated in Section 35-406 of the Unified Development Code and read as follows:

Sec. 35-406. Revocation of Permit or Approval.

(a) **Initiation.** The department of code compliance shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the director of development services who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. Should the director of development services determine that a termination or suspension of a permit is appropriate, a recommendation, including the reason(s) for the his determination, shall be made to the board of adjustment who shall conduct a public hearing on the matter.

The Board of Adjustment will consider this case at a public meeting on **February 1, 2010** in the Board Room of the Cliff Morton Development and Business Services Center, located at 1901 South Alamo Street to begin at 1:00 p.m.. This is a public hearing and your attendance is recommended. You will have the opportunity to present testimony and/or other evidence to the Board for their consideration.

Should you have any questions, you may contact Rudy Niño, Jr., Senior Planner at 210-207-8389.

Sincerely,

Roderick J. Sanchez, AICP, CBO
Director, Planning and Development Services Department

Building Inspector's Synopsis
1039 NE Loop 410

August 6, 2009	Zone change passed and approved by City Council for a nightclub. From C-2 to C-2CD
August 28, 2009	Certificate of Occupancy Application from Bradon Jensen, manager for Headliners Showclub
September 10, 2009	Certificated of Occupancy was issued for Nightclub with alcoholic sales, DBA: Headliners
October 30, 2009	Routine inspection by PSPD Vice Unit and Texas Alcoholic Beverage Commission (TABC) Agent Citations include: <ul style="list-style-type: none"> • Violation of Certificate of Occupancy -, entertainment not listed • Exit sign not Illuminated • No Warning sign on coin operated cigarette machine • No certification tag on fire extinguisher • General welfare –bug found in a bottle of Tangueray gin • General welfare – foreign object in servicing ice
November 11, 2009	PDS D sent first letter to business owner with the details of Live Entertainment ordinance and penalty fee. <ul style="list-style-type: none"> • The letter was hand delivered and signed by James Wood • Business manager failed to contact PDS D in attempt to correct
November 22, 2009	A follow-up inspection by SAPD Vice unit, exits signs, cigarette machine, fire extinguisher, health risk signs, unfit human consumption and objects in service ice area were corrected. The location still operating under the same C of O and under same activities. <ul style="list-style-type: none"> • Topless female dancers observed on stage • Disc jockey playing music
Dec. 1, 2009	SAPD Vice Unit inspected the location in an undercover capacity to observer female dancers exposing their breast, buttocks and mid section.
<u>Dec. 8, 9, & 11</u> <u>Documented Violations</u>	1 st Documented Violation of the Entertainment Ordinance SAPD Vice Unit made location three times in the same week <ul style="list-style-type: none"> • Disc jockey was observed playing music • Female dancers were observed on a stage dancing for customers, some topless, some in thong and pasties • One female dancer began to bump and grind her genital area against the under cover Officer. • Another female dancer rub her breast the Officer's face, then rubbed vaginal area. •
<u>Dec. 16, 15 & 18</u> <u>Documented Violations</u>	2 nd Documented Violation of the Entertainment Ordinance PDS D personnel inspected the location in an undercover capacity, three times in the same week. <ul style="list-style-type: none"> • Disc jockey was also observed playing music and calling out the dancers by their name.

	<ul style="list-style-type: none"> • Observed 10-15 females entertainers dancing topless, some with pasties and thongs • Also observed topless female dancers asking patron to buy them an alcoholic beverage. Dancers were seen drinking alcoholic beverages. • Management staff was present and aware of the activity
Dec. 21, 22, 23 <u>Documented Violations</u>	<p>3rd Documented Violation of the Entertainment Ordinance</p> <p>SAPD Vice Unit inspected the location in an undercover capacity to observe female dancers.</p> <ul style="list-style-type: none"> • Observed topless female dancers – one dancer took the officer to a “VIP” Room stated it was \$75 for thirty minutes and it included a bottle of wine, or \$500 for the use of the room for a year. The officer declined and made note of it. • Six to eight dancers were observed dancing to the music played by the disc jockey • Also observed each female dancer made physical contact with every customer that approached the stage and would bump and rub their genital area against the customers. Each of the dancers received tips for dancing by holding out their g-strings and the customer placed dollar bills inside the g-string.
Dec 23, 2009	<p>PDSD sent second letter – to reiterate the violation of the live entertainment ordinance and inform business owner that failure to comply will result in C of O revocation</p> <ul style="list-style-type: none"> • The letter was hand delivered and signed by the manager James Wood • Business manager failed to contact PDSD in attempt to correct
Jan 7, 2010	<p>PDSD sent third letter – to inform owner that Certificate of Occupancy revocation process had commenced and provided a hearing date of Feb 1, 2010.</p>
Jan. 6 & 7	<p>PDSD personnel inspected the location in an undercover capacity</p> <ul style="list-style-type: none"> • Observed 3-5 female entertainers dancing on the stage • Observed disc jockey playing music
Jan. 19, 20 & 21 <u>Documented violations</u>	<p>4th Documented Violation of the Entertainment Ordinance</p> <p>PDSD personnel inspected the location in an undercover capacity three times in one week</p> <ul style="list-style-type: none"> • Observed 3-5 female entertainers dancing on the stage • Females observed topless • Management present and aware of the activity • Observed disc jockey playing music
January 25, 2010	<p>Listed requirement on City Ordinance 2009-08-06-0631 were not met:</p> <ul style="list-style-type: none"> • Observed that the 8ft fence was erected in the rear area. • An 8ft fence requires a certified letter from an engineer or architect letter • Front fence is not 4ft as required • No parking signs were also not installed as required by ordinance