



City of San Antonio, Texas

Department of Development Services

August 22, 2007

Patrick Christensen
Brown P.C.
112 E. Pecan Ste 1490
San Antonio, TX 78213

RE: Rights Determination File: # 07-08-045 (Wilderness Oak Commercial)

Dear Mr. Christensen:

We have reviewed your rights determination that was submitted on August 2, 2007. Based on the information provided the following is our official finding:

Recommend approval of rights for 1.497 acre tract of commercial development consistent with Fair Notice # 07-0075 effective April 2, 1998.

All appeals and resubmittals must be filed with the Director of Development Services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. Appeals and resubmittals made after fifteen (15) calendar days will not be accepted. If you have any further questions please contact Melissa Ramirez at 207-7038.

Sincerely,

A handwritten signature in black ink, appearing to read "F. De León".

Fernando J. De León, P.E.
Assistant Director Development Services Department
Land Development Division

City of San Antonio

Development Services Department

Fair Notice Form

07 AUG -2 PM 2:45

LAND DEVELOPMENT
SERVICE DIVISION



Date: July 27, 2007

Notice Number: FN 07-0075

1. Original Fair Notice Form Number if Applicable: _____
2. Existing Vested Rights Permit No. if applicable: _____

COSA USE ONLY

Expiration date: 9/16/07 Authorized Rep: Larry Odis

3. If a permit application identified in item (6) below is not completed (Administratively) within 45 days from the filing date of this form, this notice will be null and void.
4. All submittals with (*) require a site plan. A site plan shall include lot layout, general building footprint with approximate square footage of building(s), impervious cover, and land use.
5. All single plat, Multiple Land Use projects must complete (# 7) of this form.

6. Permit application Type (Check all appropriate boxes):

- | | |
|--|--|
| <input type="checkbox"/> Building Permit: No. _____ | <input type="checkbox"/> Military Airport Overlay Zone (MAOZ) No. _____ |
| <input type="checkbox"/> Master Development Plan (MDP)
(Formerly POADP) No. _____ | <input type="checkbox"/> P.U.D. Plan
No. _____ |
| <input type="checkbox"/> MDP/ P.U.D. Plan
(Combination) No. _____ | <input type="checkbox"/> Mixed Use District (MXD)
No. _____ |
| <input type="checkbox"/> Master Plan Community District (MPCD)
No. _____ | <input type="checkbox"/> Traditional Neighborhood Development (TND)
No. _____ |
| <input type="checkbox"/> Manufactured Home Park Plan (MHPP)
No. _____ | <input type="checkbox"/> Pedestrian Plan (PP) No. _____ |
| <input type="checkbox"/> Flexible Development District No. _____ | <input type="checkbox"/> Single-Family (Residential) Plat No. _____ |
-
- | | |
|---|--|
| <input type="checkbox"/> Urban Development (UD) | <input type="checkbox"/> Rural Development (RD) |
| <input type="checkbox"/> Farm and Ranch (FR) | <input type="checkbox"/> Mix Light Industrial (MI-1) |

City of San Antonio Development Services Department

Fair Notice Form

(Con't)

08-02-07P02:53 RCVD

FN07-0075

The following projects require a site plan.

A site plan shall include, lot layout, general building footprint with approximate square footage of building(s), and land use.

*SAWS/ Utilities No. Category Determination Letter from SAWS:

*CPS Energy/ Utilities No. Other:

*Application for Letter of Certification (LOC) (Subdivision Plat No. issued): 980396 RMS

The following single plat projects require a site plan:

*Multi-Family

*Commercial

*Office

*Industrial

*Multiple Land Use Projects (Complete # 7)

*Entertainment

*Special District

*Other:

7. For all single plat, Multiple Land Use Projects please complete the following:

(a) Single - Family: Allocation in Square Feet & Acreage Use Allocation in Square Feet & Acreage Density

(b) Multi -Family: Land Allocation in Square Feet & Acreage Use Allocation in Square Feet & Acreage Density

(c) Commercial: Land Allocation in Square Feet & Acreage 65,209 S.F. (1.497 Acres) Use Allocation in Square Feet & Acreage 20,000 S.F.

(d) Office: Allocation in Square Feet & Acreage Use Allocation in Square Feet & Acreage

(e) Industrial: Allocation in Square Feet & Acreage Use Allocation in Square Feet & Acreage

(e) Entertainment: Allocation in Square Feet & Acreage Use Allocation in Square Feet & Acreage

(e) Other Special District(s): Allocation in Square Feet & Acreage Use Allocation in Square Feet & Acreage

2/16/06

VRP# 07-08-045

City of San Antonio Development Services Department

Fair Notice Form

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(Con't)

8. Project Name: Wilderness Oak Commercial

FN07-0075

Property Description: A 1.497 acre tract of located at 22,215 Wilderness Oak, more formally described as Lot 2, Block 2, New City Block 19216, San Antonio, Bexar County, Texas.

Owner: Learning & Development Kidzone Center LLC Phone: Fax:

Address: 13333 Blanco, Suite 116 City: San Antonio State: Texas Zip Code: 78216

Agent: Brown, PC Phone: (210) 299-3704 Fax: (210) 299-4731

Address: 112 E. Pecan, Suite 1490 City: San Antonio State: Texas Zip Code: 78205

Applicant: N/A Phone: Fax:

Address: City: State Zip Code:

Engineer/Surveyor: W.F.Castella & Associates, Inc. Phone: 210-734-5351 Fax:

Address: 1039 W. Hildebrand City: San Antonio State: Texas Zip Code: 78201

Contact Person Name: E-mail:

Phone: Fax:

Site is over/within/includes:

Edwards Aquifer Recharge Zone: [X] Yes [] No San Antonio City Limits: [X] Yes [] No

Council District: 9 School District: N.E.I.S.D. Ferguson map grid: 482, C-5

Owner or Authorized Representative:

I certify that this Fair Notice form is true and accurate.

Print Name: Patrick W. Christensen Signature: [Signature]

Address: 112 E. Pecan, Suite 1490 City: San Antonio State: Texas Zip Code: 78205

E-mail: pwc@kbrownpc.com

NOTE: To be valid, all fields must be completed.

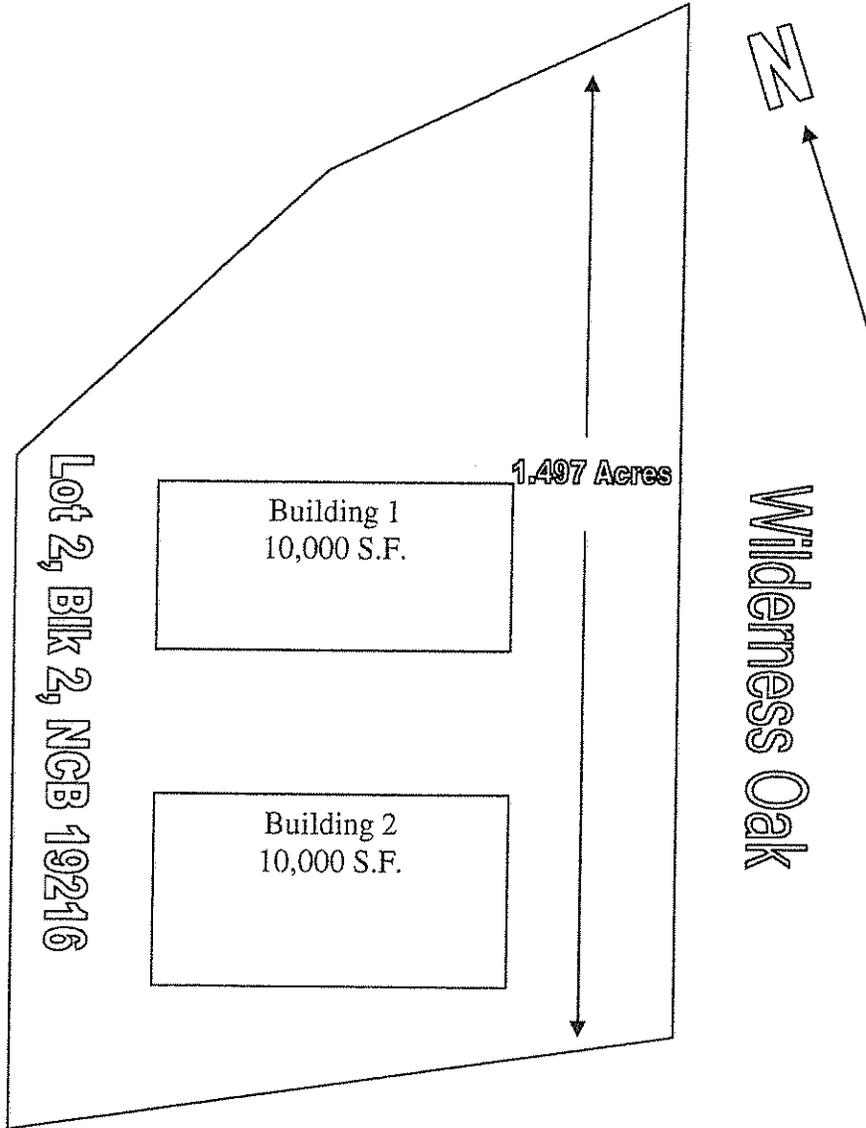
2/16/2006

VRP#07-08-045

Wilderness Oak Commercial
1.497 Acres out of Lot 2, Block 2, NCB 19216

08-02-07P02:53 RCVD

FN07-0075



VRP#07-08-045

KENNETH W. BROWN, AICP
DANIEL ORTIZ
PATRICK W. CHRISTENSEN
CONNIE L. BASEL



PAUL M. JUAREZ
OF COUNSEL

112 E. PECAN STREET
SUITE 1490
SAN ANTONIO, TEXAS 78205
TELEPHONE: 210.299.3704
FAX: 210.299.4731

August 1, 2007

Ms. Melissa Ramirez
Development Services Department
City of San Antonio
1901 S. Alamo, 2nd Floor
San Antonio, Texas 78204

Via Hand Delivery

Mr. Norbert Hart
City Attorney's Office
City of San Antonio
100 Military Plaza, 3rd Floor
San Antonio, Texas 78205

Via Hand Delivery

08-02-07P04:26 RCVD

Re: Vested Rights for a 1.497-Acre Tract of Land Located at 22215 Wilderness Oak Road more formally described as Lot 2, Block 2, NCB 19216, in San Antonio, Bexar County, Texas (the "Subject Property"; *see* Exhibit "1"); Our File No. 9227.001.

Dear Ms. Ramirez and Mr. Hart:

The purpose of this correspondence is to request the City of San Antonio's ("COSA") acknowledgement of "vested rights" as of April 2, 1998 for a commercial land use on a 1.497-acre tract of land, based on the Wilderness Oak Commercial Subdivision Unit 1 Subdivision Plat No. 980396 ("Wilderness Oak Subdivision Plat"; *see* Exhibit "2"). Attached please find a Vested Rights Application for the above-referenced property (*see* Exhibit "3"). This request is made pursuant to provisions of the COSA Unified Development Code (the "UDC"), Chapter 35, Article 7, Division 2 ("Vested Rights").

To provide for the development of the Subject Property, the developer filed a Subdivision Plat application with COSA on April 2, 1998 (*see* Exhibit "4"). The Wilderness Oak Subdivision Plat was approved by COSA on February 2, 2002 and recorded on March 28, 2002 in Volume 9553, Page 190 of the Bexar County Property Records. The Subject Property is designated as "Commercial" on the Wilderness Oak Subdivision Plat, thereby designating the "Project." The Wilderness Oak Subdivision Plat is a required "permit" by a regulatory agency (COSA) and clearly qualifies as the first "permit" in a series of permits necessary for the development of the commercial Project on the Subject Property as those terms are contemplated by Chapter 245 of the Code. The Subject Property is also currently zoned "C-1 ERZD", which expressly permits a commercial land use on the Subject Property (*see* Exhibit "5").

VR P# 7 - 0 8 - 0 4 5

The Project is not "dormant," as defined by Section 245.005 of the Local Government Code and Section 35-714 of the UDC, because progress toward its completion is evidenced by the payment of \$6,696.00 in sewer impact fees to the San Antonio Water System ("SAWS") on March 21, 2002 (see Exhibit "6"). The above payment of sewer impact fees clearly qualifies as "utility connection fees or impact fees for the project [sic] paid to a regulatory agency" and because they were paid between the first anniversary of the effective date of Chapter 245 of the Texas Local Government Code (May 11, 2000) and the fifth anniversary of the effective date of such Chapter (May 11, 2004), the Project has demonstrated "progress" according to the City Attorney's interpretation of the "dormancy" provisions of state law.

In conclusion, the Wilderness Oak Subdivision Plat constitutes a "permit" as defined by Chapter 245 of the Texas Local Government Code, and the filing of the plat application on April 2, 1998 was a necessary first step in the development of the Subject Property. Furthermore, the Subject Property has not become dormant by virtue of the payment of sewer impact fees to SAWS. The "Project" was specifically described as a commercial use on the 1.497 acre Subject Property in the Wilderness Oak Subdivision Plat, approved by COSA on February 4, 2002. Therefore, this Firm requests that COSA acknowledge that the 1.497-Acre Subject Property is vested as of April 2, 1998, the plat application date, for a commercial development by virtue of the plat's approval and the payment of the sewer impact fees listed herein.

Included with this correspondence, please find the enclosed check for \$500.00 to cover the costs of processing this application and duplicate copies of the following:

1. Location Map of Subject of the Property;
2. Wilderness Oak Subdivision Plat;
3. Vested Rights Permit Application;
4. COSA Plat Tracking Page;
5. COSA Zoning Exhibit; and,
6. Impact Fees Exhibit.

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Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

BROWN, P.C.

BY: 
Patrick W. Christensen

ljb/PWC

Enclosures: As stated

MRP# 07-08-045



City of San Antonio
 Development Services Department
Local Government Code Chapter 245/Article VII
Unified Development Code
Rights Determination/Consent Agreement

08-02-07P04:26 RCVD

Intake Date: 8/2/07Intake By: Larry Od:5Type: Rights Determination Consent Agreement**Instructions:**

1. All applicable information must be legibly printed or typed for processing. If completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete and attach 2 sets of all applicable documents (i.e. this form, Master Development Plan, P.U.D. plan, plat application, approved plat, building permit) along with appropriate fee.
3. Application must contain all information to establish rights under Chapter 245 of the Local Government Code and Article VII of the Unified Development Code (UDC).
4. Any appeal of the decision of the Director to the Planning Commission will be based on information submitted to the Director for determination of rights.

Note: Must comply with the UDC, §35-B128 Rights Determination for the City of San Antonio.

Owner: David SalazarAgent: Brown, PCPhone: (210) 299-3704 Fax: (210) 299-3726Address: 112 East Pecan Suite 1490City: San Antonio State: Texas Zip code: 78205Engineer/Surveyor: Pape-Dawson Engineers, Inc. Contact: _____Address: 555 E. Ramsey Phone#: (210) 375-9000City: San Antonio State: Texas Zip code: 78216Name of Project: Wilderness Oak Commercial**Site location or address of project and legal description:**

A 1.497 acre tract of located at 22215 Wilderness Oak, more formally described as New City Block 19216, Lot 2, Block 2, San Antonio, Bexar County, Texas.



City Council District(s): 9 ETJ: No Edward's Aquifer Recharge Zone? Yes

1. Describe current use(s) of the property: Vacant

2. Describe the specific Project and the expected use(s) to be created by this Project including the nature, extent, and density or intensity of each use for which rights are being claimed (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? Fair Notice of the Project is required with requests based on MDPs, POADPs or plat applications.

(a) Nature of the project: Commercial Development

(b) Total land area, in square feet: 65,209.32 S.F. (1.497 Acres)

(c) Total area of impervious surface, in square feet: 58,688.39 S.F.

(d) Number of residential dwellings units, by type: N/A

(e) Type and amount of non-residential square footage (ground floor building footprint only): 20,000 S.F.

(f) Number of buildings: 2

(g) Phases of the development (if applicable): N/A

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3. List ordinances to which the Project described in item #2 above will seek exception to based on the date requested for recognition of rights. State specific sections of the San Antonio Municipal Code and their effective dates:

Every regulatory agency's, as defined by Chapter 245, Section 245.001(4) of the Texas Local Government Code, orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements made effective after April 2, 1998.

4. Please indicate permits or development approvals received that are the basis to establish rights to complete the Project. Please specify all that may be applicable and include copies of the permit.

PERMIT

Type of Permit: _____ Date of Application: _____
Permit Number: _____ Date issued: _____
Expiration Date: _____ Acreage: _____

MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)

accepted *prior to September 1, 1997* are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted *after September 1, 1997* are subject to 24 months for the POADP acceptance date. Fair Notice required with MDP/POADP

Name: _____

Date accepted: _____ Expiration Date: _____ MDP Size: _____ acres

P.U.D. PLAN

Name: _____ # _____

Date accepted: _____

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PLAT APPLICATION

Fair Notice required with plat application

Plat Name: Wilderness Oak Commercial Subdivision Unit 1 Plat # 980396 Acreage: 1.497

Date submitted: April 2, 1998 Expiration Date: February 4, 2005

(Note: Plat must be approved within 24 months of application submittal date)

APPROVED PLAT

Plat Name: _____ Plat # _____ Acreage: _____ Approval

Date: _____ Plat recording Date: _____ Expiration Date: _____ Vol./Pg. _____

(Note: If plat is not recorded within 3 years of plat approval permit rights will expire)

OTHER PERMITS:

5. Specify the amount, date and purpose of each expenditure or obligation incurred in reliance on the permits identified above (include copies of contracts): Please include verified or certified copies of all contracts, appraisals, reports, correspondence, letters, or other documents or materials upon which the Applicant's claim for rights or equitable estoppel is based. Do not include land purchase costs nor payment of taxes.

N/A

6. Requested date for claim of rights for this Project: April 2, 1998

7. Describe any construction or related actions that have taken place on the property since that date: Include the date, cost, nature and extent of each physical improvement to the property including structures, utilities, roads, driveways, etc

N/A

Consent Agreements Only:

In addition to the required processing as set forth above, a request for Consent Agreement Approval shall include, but shall not be limited to the following:

- [] A timing and phasing plan for the proposed development;
- [] A plan for the provision of public facilities and services to the proposed development, by phase;
- [] The conditions under which the proposed development will be authorized to proceed; and
- [] The conditions under which approvals or permits will lapse or may be revoked.

A document shall be considered "verified" or "certified", whether an original or a copy, if it is signed by the official with decision making authority for the permit application.

08-02-07P04:26 RCVD

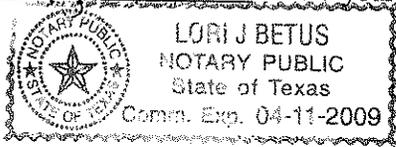
8. Sworn statement:

NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

I, the undersigned, hereby certify that all information contained herein and the attached documents are true and correct and that it is my belief that the property owner is entitled to the requested rights for this Project and, during the pendency of this determination, I understand my continuing obligation to notify the Development Services Director in writing of the inaccuracy of any statement or representation which was incorrect when made or which becomes incorrect by virtue of changed circumstances.

Print name: Patrick W. Christensen Signature: [Signature] Date: August 1, 2007

Sworn to and subscribed before me by Patrick W Christensen on this 1st day of August in the year _____, to certify which witness my hand and seal of office.



[Signature]
Notary Public, State of Texas

Director's Decision: **Approved** **Denied**

Reviewed By: _____ Date: _____
Development Services Department

Terms and conditions required for the continuance of the rights being recognized:

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This determination is valid only to the extent of the validity of the underlying permit which is the basis for this application. Further subject to all provisions for dormancy and expiration as provided in the Local Government Code Chapter 245 and Article VII of the UDC.

Plat Tracking System

Plat #: 1998000396	Plat Name:	Agency: AVIA - Aviation Department
Select Option: Planning Commission/Recordation - 260		<input type="button" value="Search"/>

Planning Commission/Recordation

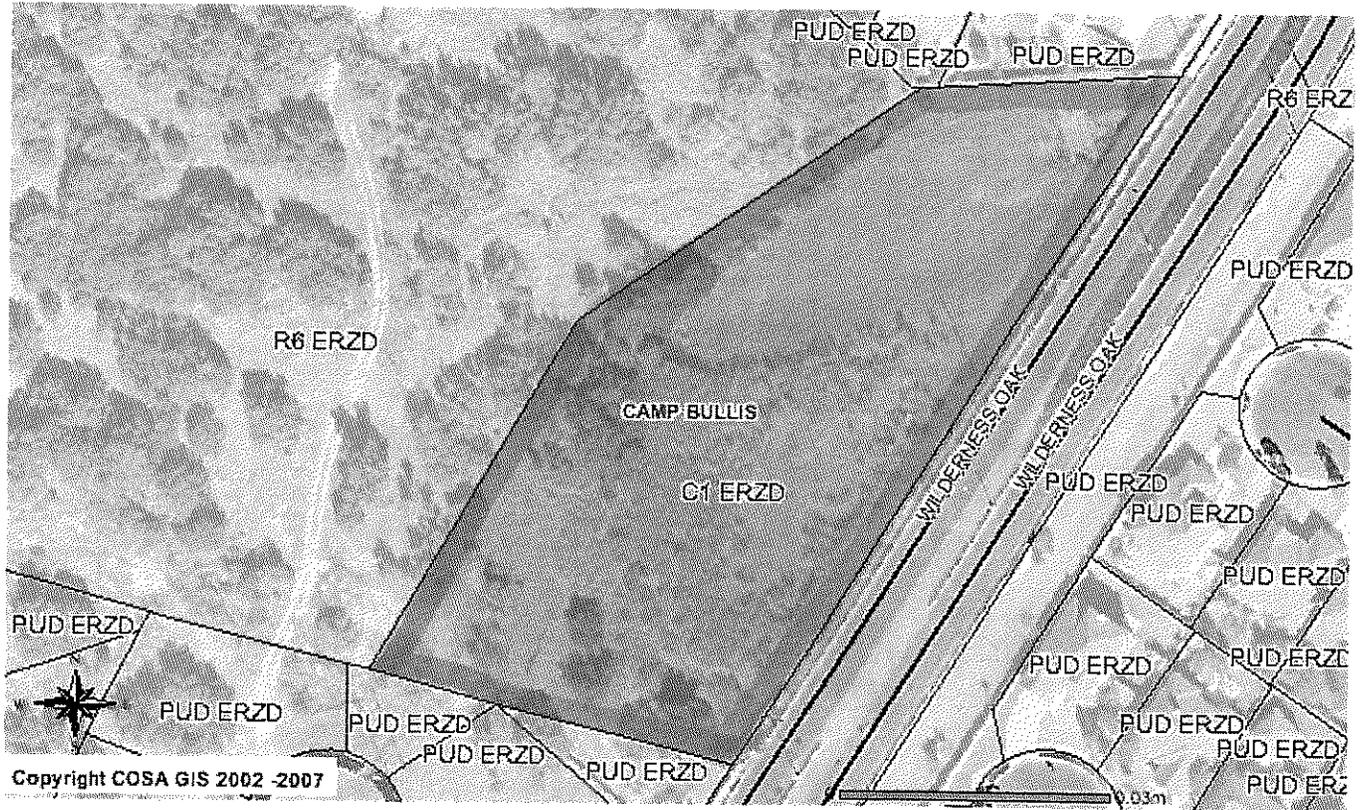
Plat Number:	1998000396	Plat Name:	WILDERNESS OAK COMM U1
Application Date:	4-2-1998	Expiration Date:	
Replat Public Hearing Date:		Replat Expiration:	
Deferral Approval Date:		Deferral Notification Date:	
		Deferral Expiration Date:	

Filing Date:	3-16-1999	Filing Expiration:	4-15-1999
PC Date:		Approved (Y/N):	Y
Director Date:	3-31-1999	Approval Expiration:	3-30-2002
Postponement/Withdrawal:		Time Extention Expiration:	
		Date Time Extention Granted:	
County Status (A/D/P):		Date:	
Recordation Date:	3-28-2002	Vol:	9553
		Page:	190
PC Notes:			

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VRP#07-08-045





VRP#07-08-045

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Plat Tracking System

Plat #:	Plat Name:	Agency:
1998000396		SAWS - San Antonio Water System
Select Option:		<input type="button" value="Search"/>
Agency Plat Status - 410		

Agency Plat Status

Plat Number:	1998000396	Application Date:	04-02-1998
Plat Name:	WILDERNESS OAK COMM U1	Agency:	SAWS

Plat Received Date:	04-27-1998	Approved (Y/N):	Y	Aprv/Dsaprv Date:	02-04-2002
	Streets Review Required (Y/N):				

Reviews:				
Completeness - Start:	03-21-2002	Due:		Days Left: COMPLETED
Technical - Start:	03-21-2002	Due:		Days Left: COMPLETED
Agency Status:	Cleared Approved for Recordation	Last Date:	03-21-2002	By: JA/PMG
Note:	D.D: 3/31/99_RFR 3/21/02_____ P.R:			
Agency Notes:	_SEWER IMPACT FEES OF \$6,696.00 PAID 3/21/02			
	_CONTRACT ASSIGNMENT APPROVED ON 5/6/97 RESOLUTION #97-117			
	_OSSA/ISERZD_____ HOLD FOR RECORDATION			
	LOC REISSUED 2/4/02			

VRP# 07-08-045

08-02-07P04:26 RCVD



REMIT TO:
CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO
1901 S ALAMO
SAN ANTONIO TX 78204

I N V O I C E
3470474

AMT ENCLOSED _____

50-05-5574
REGENCY HOMES
20770 HWY 281 N, STE 108-115
SAN ANTONIO, TX 78258

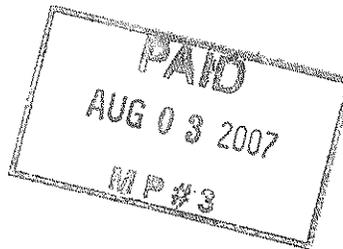
AMOUNT DUE 500.00
INVOICE DATE 8/3/2007
DUE DATE 8/03/2007

PHONE: (210) 299-3704

VESTED RIGHTS FEE
VRP# 07-08-045-WILDERNESS OAK COMMERCIAL
FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE 8/3/2007 INVOICE 3470474 ACCOUNT 50-05-5574 DUE DATE 8/03/2007 OFFICE HOURS -

LINE INDEX REF DESCRIPTION AMOUNT
1 018838-001 DEVELOPMENT-VESTED RIGHTS 500.00



AGREEMENT DATES SERVICE DATES ORDINANCE CONTRACT DOCUMENT
ST: 08/03/2007 CK 5539 07-08-045
END 08/03/2007

INVOICE INFORMATION | INVOICE AMT 500.00 | PAYMENTS RECV 0.00 | TOTAL INV AMT DUE 500.00

CUSTOMER INFORMATION | OTHER AMTS DUE | TOTAL CUST AMT DUE

CITY OF SAN ANTONIO
DEV SVCS-1901 S. ALAMO 1901 S ALAMO SAN ANTONIO TX 78204

PAGE 1 OF 1

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VRP# 07 - 0 - 045



City of San Antonio
Development Services Department
Local Government Code Chapter 245/Article VII
Unified Development Code
Rights Determination/Consent Agreement

Intake Date: 8/2/07

Intake By: Larry Odis

Type: [X] Rights Determination

[] Consent Agreement

Instructions:

- 1. All applicable information must be legibly printed or typed for processing. If completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete and attach 2 sets of all applicable documents (i.e. this form, Master Development Plan, P.U.D. plan, plat application, approved plat, building permit) along with appropriate fee.
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4. Any appeal of the decision of the Director to the Planning Commission will be based on information submitted to the Director for determination of rights.

Note: Must comply with the UDC, §35-B128 Rights Determination for the City of San Antonio.

Owner: David Salazar

Agent: Brown, PC

Phone: (210) 299-3704 Fax: (210) 299-3726

Address: 112 East Pecan Suite 1490

City: San Antonio State: Texas Zip code: 78205

Engineer/Surveyor: Pape-Dawson Engineers, Inc. Contact:

Address: 555 E. Ramsey Phone#: (210) 375-9000

City: San Antonio State: Texas Zip code: 78216

Name of Project: Wilderness Oak Commercial

Site location or address of project and legal description:

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08-02-07P04:25 RCVD

