

40

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-3007 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z2001158 S

The rezoning and reclassification of property From Temporary "R-1" Single-Family Residence District and Temporary "R-1 ERZD" Single-Family Residence Edwards Recharge Zone District to "QD - S" Quarry District with a Specific Use Permit for Blasting and Asphaltic Concrete and "QD ERZD - S" Quarry Edwards Recharge Zone District with a Specific Use Permit for Blasting and Asphaltic Concrete. on the property listed below as follows:

Being 498.883 acres out of NCB 34917, NCB 34958, NCB 34958A and NCB 34963.

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to:

1. The following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
  - A. A WPWP shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
  - C. A letter from the Texas Natural Resource Conservation Commission approving each WPAP,
  - D. A copy of the approved WPAP.
2. Disturbances within the 100 Year Floodplain are strictly regulated. Activities shall not commence prior to approval by all applicable agencies. A variance to the terms and requirements of Subdivision D, Chapter 34, Article VI, Section 34-912 and 34-913 of the Aquifer Protection Ordinance must be submitted to go and granted by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to any allowable activities or any disturbances within the 100 Year Floodplain. The variance request must be submitted in accordance with Subdivision F Variance and Appeal, Chapter 34, Article VI, Division 6, Sections 34-980 of the Aquifer Protection Ordinance.
3. The portion of the property that is traversed by Elm Creek shall remain in its natural undisturbed condition.

4. All rock and earthen berms, silt fences, gabions, vegetated filter strips, and other pollution abatement structures shall be properly maintained and inspected every month or after rainfall event greater than one inch. If applicable, the on site sewage facility (septic tank) shall be decommissioned in accordance with the rules and regulations Of the Public Works Department of Bexar County.
5. All aboveground storage tanks (AST) containing fuels, oils, admixtures, and lubricants shall be placed within a concrete containment area designed to capture and retain 150 percent of the maximum storage volume of the AST's. All fittings, pipings, valves, and dispensing hardware shall be located within the boundaries of the concrete containmnet area.
6. According to the provisions contained in the approved WPAP, the containment area shall be coated with Eucopoxy Tufcoat, a penetrating epoxy sealant, and shall be applied in accordance with the manufacturer's recommendations. The containment area shall be covered to prevent the accumulation of stormwater during rain events. Any accumulation of stormwater within the containment area shall be disposed of in accordance with the TNRCC requirements.
7. If applicable, the water well located on the property shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified Development Code (UDC) and 30 Texas Administrative Code (TAC) 338.
8. Blasting shall be conducted in compliance with all federal, state, and local rules and regulations.
9. All rock and earthen berms, silt fences, gabions, and vegetated filter strips shall be checked and maintained periodically to ensure proper performance.
10. According to the provisions contained in the Edward Rules 30 TAC, Section 213.5 (b)(5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lesse, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
11. If applicable, after the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392 to schedule a site inspection. If the water pollution abatement structure fails to drain properly, the owner shall notify the Source Water & Watershed Protection Department.
12. If applicable, all water pollution abatement structures shall be properly maintained and kept free of trash and debris.
13. The proposed land use shall be rezoned in accordance with the Table of Permitted Uses if reclamation of the development occurs after quarrying operations have ended permanently.
14. The land uses within the commercial zoned areas shall be in conformance with the Table of Permitted Uses at the time the rezoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operated shall apply for rezoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
15. Landscaped areas shall be sensitive to minimizing water needs (I.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. Preventing Groundwater Pollution, A

Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210.222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

16. Areas within 1000 feet downgradient of the property shall be inspected at least quarterly for accumulations of silt and other contaminants from the site. If evidence is found that the perimeter berms and other pollution abatement measures are not providing containment of all flow from the quarry, then additional pollution abatement shall be required. Inspection reports, including photographs, shall be kept on site for review by the Aquifer Protection and Evaluation Division. Revised plans shall be submitted to the TNRCC and the Aquifer Protection and Evaluation Division for review and approval if additional pollution abatement structures or measures are needed.

17. A groundwater sampling program shall be designed by the applicant/operator or their agent to monitor potential impacts from quarrying activities. This program shall be submitted to the Aquifer Protection and Evaluation Division for approval within 90 days from approval of this zoning case by City Council.

18. The owner/operator of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.

19. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of these materials. Failure to comply with the label warnings may constitute a violation of Federal Law.

20. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

21. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction or blasting, the developer shall notify TNRCC at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

22. The Aquifer Protection & Evaluation Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after the construction project.

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -1024.

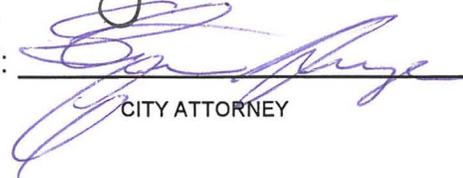
SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance is not severable.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF September 2006

MAYOR:   
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
CITY ATTORNEY

**01-34**

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
1 COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
1 DEVELOPMENT SERVICES
HOUSE NUMBERING
1 LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
1 FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
1 PLANNING DEPARTMENT -NEIGHBORHOOD PLNG;
URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 426

DATE: SEP 13 2001

MOTION: Carpenter

ORDINANCE NUMBER: 94539

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

ZONING CASE NUMBER: Z 20011585

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

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		<i>absent</i>	<i>absent</i>
JOHN H. SANDERS District 2		<i>absent</i>	<i>absent</i>
TONI MOORHOUSE District 3		<i>absent</i>	<i>absent</i>
ENRIQUE "KIKE" MARTIN District 4		<i>absent</i>	<i>absent</i>
DAVID A. GARCIA District 5		<i>absent</i>	<i>absent</i>
ENRIQUE M. BARRERA District 6		<input checked="" type="checkbox"/>	
JULIAN CASTRO District 7		<input checked="" type="checkbox"/>	
BONNIE CONNER District 8		<input checked="" type="checkbox"/>	
CARROLL SCHUBERT District 9		<input checked="" type="checkbox"/>	
DAVID CARPENTER District 10		<input checked="" type="checkbox"/>	
ED GARZA Mayor		<input checked="" type="checkbox"/>	

Staff Recommendation: Approval

Zoning Commission Recommendation:  
Approval

**01-34**

# CASE NO: Z2001158 S

No

**Zoning Commission Meeting Date:** August 21, 2001

**Council District:** 10

**Ferguson Map:** 518 F 1

**Appeal:** No

**Applicant:**

Earl & Brown, P.C.

**Owner:**

Marylyn M. House & Randall H. House -  
Matiraan Corporation

**Zoning Request:**

From Temporary "R-1" Single-Family Residence District and Temporary "R-1 ERZD" Single-Family Residence Edwards Recharge Zone District to "QD - S" Quarry District with a Specific Use Permit for Blasting and Asphaltic Concrete and "QD ERZD - S" Quarry Edwards Recharge Zone District with a Specific Use Permit for Blasting and Asphaltic Concrete.

**Property Location:**

Being 498.883 acres out of NCB 34917, NCB 34958, NCB 34958A and NCB 34963.

19440 Judson Road

North of FM 1604, east of Judson Road.

**Applicants Proposal:**

To permanently zone property to be in compliance with existing nonconforming rights.

**Staff Recommendation:**

Approval.

The subject property has nonconforming rights granted by the Local Government Code passed in 1999. This area of North Loop 1604 Expressway has been established for quarry uses. The Quarry District request is consistent with the surrounding zoning and land uses in the area.

**Zoning Commission Recommendation**

Approval

**VOTE**

**FOR** 7

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

**Z2001158 S**

**ZONING CASE NO. Z2001158 S** August 21, 2001

Applicant: Earl & Brown, P. C.

Zoning Request: Temporary "R-1" Single Family Residence District and Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "QD-S" Quarry District with a Specific Use Permit for Blasting and Asphaltic Concrete and "QD ERZD-S" Quarry Edwards Recharge Zone District with a Specific Use Permit for Blasting and Asphaltic Concrete.

Ken Brown, 111 Soledad, stated the property is surrounded by Quarry District. He further stated he proposes to permanently zone the property to be in compliance with existing non-conforming rights.

Staff stated there were 17 notices mailed out to the surrounding property owners, 6 returned in opposition and 4 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

#### **COMMISSION ACTION**

The motion was made by Commissioner Clamp seconded by Commissioner McAden to recommend approval.

1. Property is located on 498.883 acres out of NCB 34917, NCB 34958, NCB 34958A and NCB 34963 at 19440 Judson Road.
2. There were 17 notices mailed, 6 returned in opposition and 4 returned in favor.
3. Staff recommends approval.

**AYES: Mehringer, Falcone, Cardenas-Gamez, McGowan, Clamp, McAden, Morell**  
**NAYS: None**

**THE MOTION CARRIED.**

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

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

**To:** Zoning Commission Members

**From:** Kirk M. Nixon, Manager, Aquifer Protection & Evaluation Division, San Antonio Water System

**Copies To:** Dwayne Rathburn, Director of Planning Programs, San Antonio Water System, Scott R. Halty, Director, Source Water & Watershed Protection Department, Rudy Farwagi, Planner III, Aquifer Protection & Evaluation Division, File.

**Subject:** Zoning Case Z2001158 (Bexar Concrete Works, Inc.)

Date: August 14, 2001

A request for a change in zoning has been made for an approximate 498.8-acre tract located on the city's northeast side. A change in zoning from "TEMPORARY R-1 ERZD" and "TEMPORARY R-1" to "QD CC Blasting and Asphaltic Concrete" and "QD CC ERZD Blasting and Asphaltic Concrete", is being requested by the applicant Earl and Brown, P.C., on behalf of the owner Matiraan Corporation. The property is located within the boundaries of City Council District 10. Approximately 315 acres are located within the Edwards Aquifer Recharge Zone (EARZ). A request for a Category determination has been submitted by the applicant and is under review.

**SITE EVALUATION**

A portion of the 498.8-acre property is occupied by Bexar Concrete Works, Inc., (BCWI) in operation since 1977. BCWI manufactures pre-stressed and pre-cast concrete products used mainly in the transportation industry. Bridge beams and deck panels, median barriers, drainage structures produced by BCWI have been used in projects such as the Dallas Central Expressway, beltway 8 in Houston, Interstate Highway 10 in Bexar County, and the George Bush Toll Way in Fort Worth. Staff visited the site and observed some of the operations involved in the production of bridge beams and bridge panels.

The remainder of the property is undeveloped and covered with trees and brush. Quarrying operations will be conducted on the remaining 332 acres. Approximately 162 acres out of the remaining 332 acres are located within the EARZ. A Water Pollution Abatement Plan (WPAP) for the proposed quarry operations was approved by the Texas Natural Resource Conservation Commission on January 22, 2001. Staff reviewed the WPAP and compared the Geologic Assessment with field observations. Staff did not observe significant recharge features on the site and none were listed in the Geologic Assessment. Stormwater runoff from the areas cleared will be retained within the pit by earthen berms. The rock berms shall be constructed in accordance with the Texas Natural Resource Conservation Commission Technical Guidance Manual RG-348, dated June 1999. The clearing of vegetation and topsoil will not commence until rock berms are constructed in the drainage channels at the downgradient boundaries of the site. Tracts of ten acres or less will be cleared in stages as the quarrying operations progress.

A small portion of the property is located within the 100-Year Flood Plain as evidenced by the presence

of Elm Waterhole Creek and according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 48029C0282 E dated February 16, 1996. The portion of the property that is traversed by Elm Creek shall remain in its natural undisturbed condition. Disturbances within the 100-Year Floodplain are strictly regulated. Activities shall not commence prior to approval by all applicable agencies. A variance to the terms and requirements of Subdivision D, Chapter 34, Article VI, Division 6, Sections 34-912 and 34-913 of the Aquifer Protection Ordinance must be submitted to and granted by the Aquifer Protection & Evaluation Division of SAWS prior to any allowable activities or any disturbances within the 100-Year Floodplain. The variance request must be submitted in accordance with Subdivision F Variance and Appeal, Chapter 34, Article VI, Division 6, Sections 34-980 of the Aquifer Protection Ordinance.

The applicant is aware that City of San Antonio Ordinance No. 81147 approved on November 10, 1994, and effective as of December 22, 1994, amended Section 35-3106 of the Unified Development Code (UDC). The amendments prohibit the new installation of Underground Storage Tanks (UST's) over the EARZ, and further require the implementation of a monitoring and release detection system. On August 26, 1998 BCWI obtained approval from the TNRCC for the installation of a 10,000-gallon diesel Aboveground Storage Tank (AST). The AST will be located in a steel reinforced concrete containment area. The containment area shall be coated with Eucopoxy Tufcoat, a penetrating epoxy sealant, and shall be applied in accordance with the manufacturer's recommendations. The containment area shall be covered to prevent the accumulation of stormwater during rain events. Any accumulation of stormwater within the containment area shall be disposed of in accordance with the TNRCC requirements. Such requirements require that any contaminated stormwater be removed by a license waste hauler.

#### **ENVIRONMENTAL CONCERNS**

The environmental concerns associated with the current and proposed quarry operation development on the Edwards Aquifer Recharge Zone are:

1. The presence of fuels, oils, lubricants, and admixture on the site.
2. The production of large amounts of dust and silt associated with the operations and activities of the quarry.
3. The adequate and proper execution and implementation of the water pollution abatement measures proposed for the quarry development.
4. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas which are then carried off in the first flush of stormwater run-off.
5. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.

## ENVIRONMENTAL RECOMMENDATIONS

The following are recommendations to address the environmental concerns associated with the construction and operation of this quarry development on the Edwards Aquifer Recharge Zone:

1. The following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
  - A. A WPAP shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
  - C. A letter from the Texas Natural Resource Conservation Commission approving each WPAP,
  - D. A copy of the approved WPAP.
2. Disturbances within the 100-Year Floodplain are strictly regulated. Activities shall not commence prior to approval by all applicable agencies. A variance to the terms and requirements of Subdivision D, Chapter 34, Article VI, Division 6, Sections 34-912 and 34-913 of the Aquifer Protection Ordinance must be submitted to and granted by the Aquifer Protection & Evaluation Division of SAWS prior to any allowable activities or any disturbances within the 100-Year Floodplain. The variance request must be submitted in accordance with Subdivision F Variance and Appeal, Chapter 34, Article VI, Division 6, Sections 34-980 of the Aquifer Protection Ordinance.
3. The portion of the property that is traversed by Elm Creek shall remain in its natural undisturbed condition.
4. All rock and earthen berms, silt fences, gabions, vegetated filter strips, and other pollution abatement structures shall be properly maintained and inspected every month or after rainfall event greater than one inch. If applicable, the on-site sewage facility (septic tank) shall be decommissioned in accordance with the rules and regulations of the Public Works Department of Bexar County.
5. All aboveground storage tanks (AST) containing fuels, oils, admixtures, and lubricants shall be placed within a concrete containment area designed to capture and retain 150 percent of the maximum storage volume of the AST's. All fittings, pipings, valves, and dispensing hardware shall be located within the boundaries of the concrete containment area.

Zoning Commission Members

Z2001098 (Vulcan Construction Materials, L.P.)

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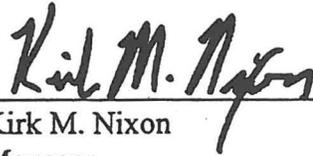
6. According to the provisions contained in the approved WPAP, the containment area shall be coated with Eucopoxy Tufcoat, a penetrating epoxy sealant, and shall be applied in accordance with the manufacturer's recommendations. The containment area shall be covered to prevent the accumulation of stormwater during rain events. Any accumulation of stormwater within the containment area shall be disposed of in accordance with the TNRCC requirements.
7. If applicable, the water well located on the property shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified Development Code (UDC), and 30 Texas Administrative Code (TAC) § 338.
8. Blasting shall be conducted in compliance with all federal, state, and local rules and regulations.
9. All rock and earthen berms, silt fences, gabions, and vegetated filter strips shall be checked and maintained periodically to ensure proper performance.
10. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b)(5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
11. If applicable, after the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392 to schedule a site inspection. If the water pollution abatement structure fails to drain properly, the owner shall notify the Source Water & Watershed Protection Department.
12. If applicable, all water pollution abatement structures shall be properly maintained and kept free of trash and debris.
13. The proposed land use shall be rezoned in accordance with the Table of Permitted Uses if reclamation of the development occurs after quarrying operations have ended permanently.
14. The land uses within the commercial zoned areas shall be in conformance with the Table of Permitted Uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
15. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of

pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

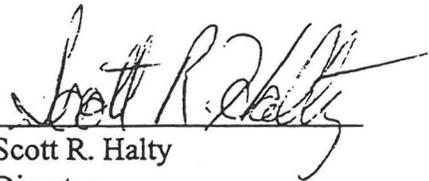
16. Areas within 1,000 feet downgradient of the property shall be inspected at least quarterly for accumulations of silt or other contaminants from the site. If evidence is found that the perimeter berms and other pollution abatement measures are not providing containment of all flow from the quarry, then additional pollution abatement shall be required. Inspection reports, including photographs, shall be kept on-site for review by the Aquifer Protection and Evaluation Division. Revised plans shall be submitted to the TNRCC and the Aquifer Protection and Evaluation Division for review and approval if additional pollution abatement structures or measures are needed.
17. A groundwater sampling program shall be designed by the applicant/operator or their agent to monitor potential impacts from quarrying activities. This program shall be submitted to the Aquifer Protection and Evaluation Division for approval within 90 days from approval of this zoning case by City Council.
18. The owner/operator of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.
19. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
20. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
21. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.
22. The Aquifer Protection & Evaluation Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Zoning Commission Members  
Z2001098 (Vulcan Construction Materials, L.P.)  
Page 6

Based on the site evaluation of the property, the proposed and existing land use, and the information submitted by the applicant, staff recommends approval provided the applicant, owner, and operator agrees to abide by all recommendations contained in this document.



Kirk M. Nixon  
Manager  
Aquifer Protection & Evaluation



Scott R. Halty  
Director  
Source Water & Watershed Protection

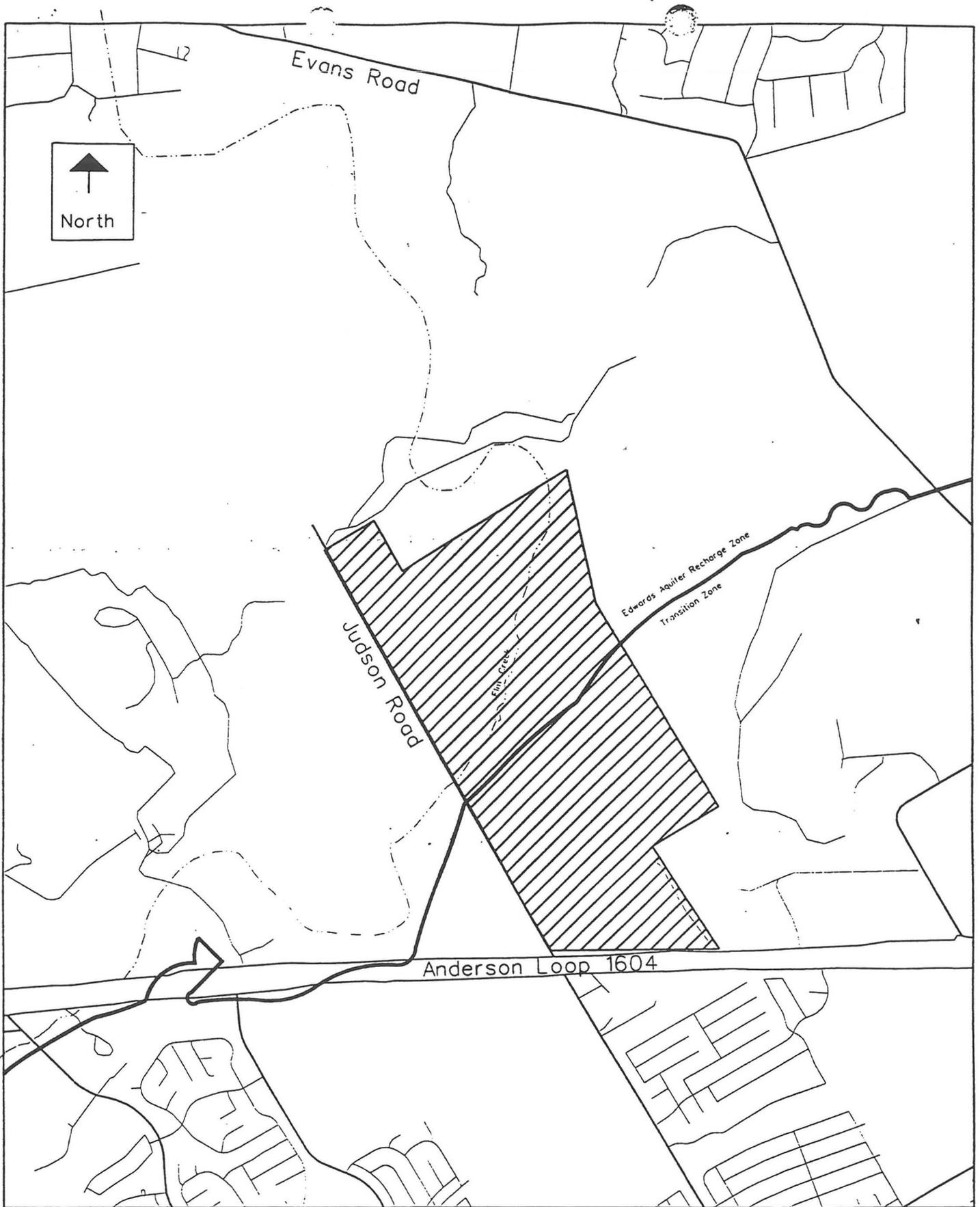
APPROVED:



Dwayne Rathburn  
Director of Planning Programs

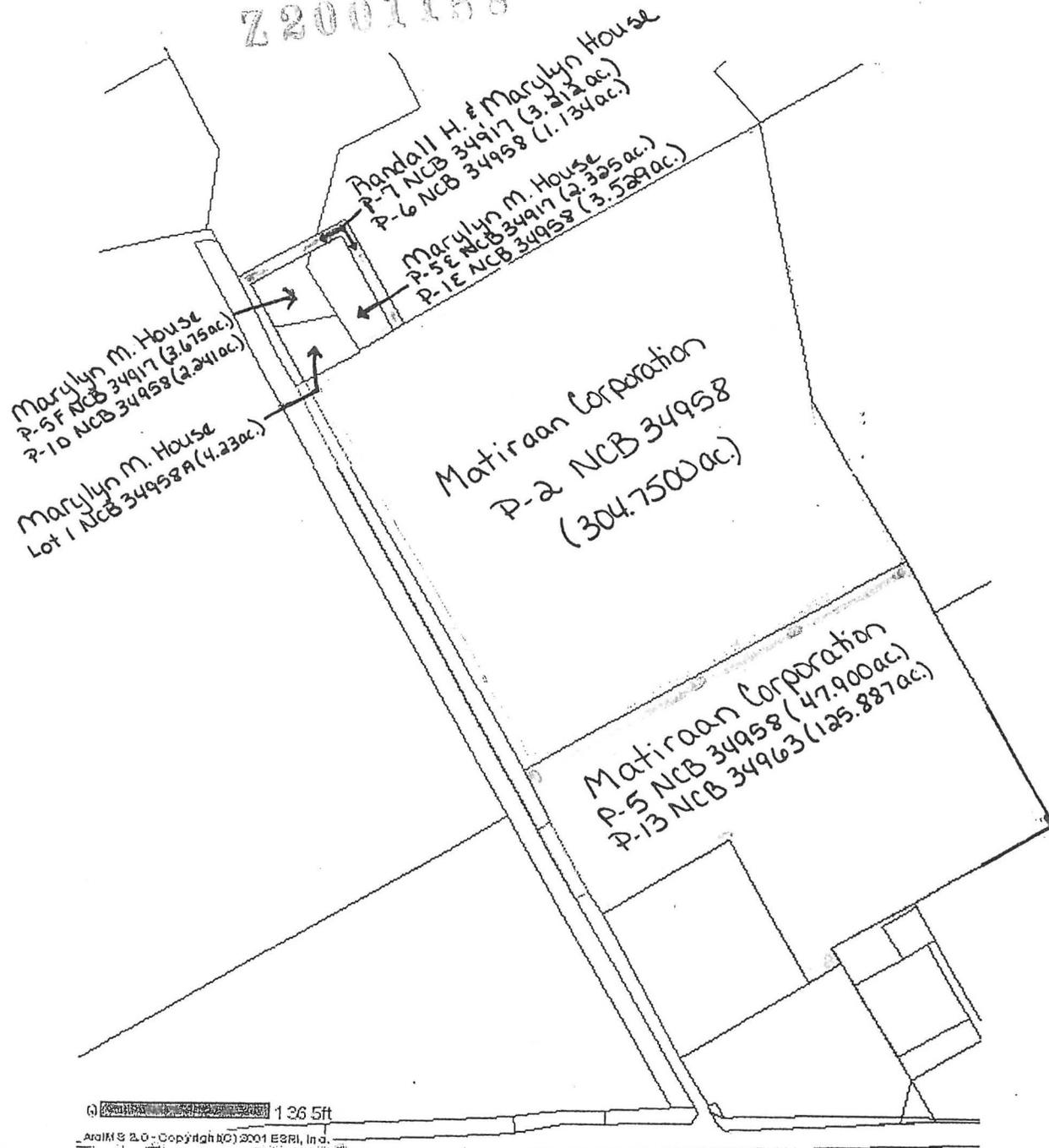
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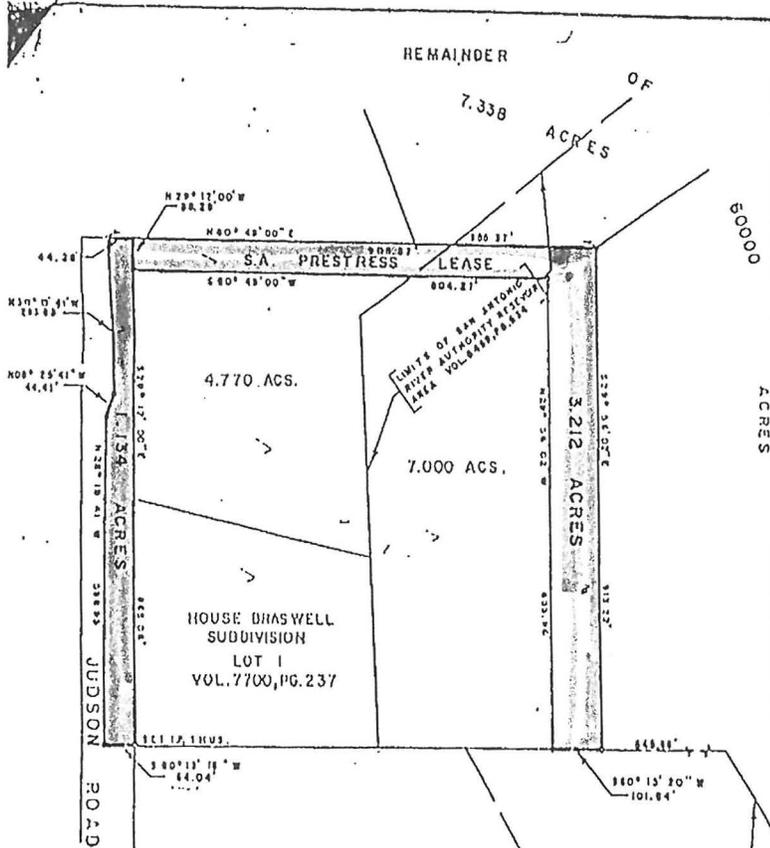
Bexar Concrete Works, Inc.  
Zoning Case Z2001158  
Figure 2

Z2001158



-  16.00 acre tract
  -  4.346 acre tract
  -  304.75 acre tract
  -  173.787 acre tract
- 498.883 Total Acreage

Z2001158



16.000 acre tract  
 4.346 acre tract  
 (3.212 ac. + 1.134 ac.)

RECORDERS MEMORANDUM:  
 All or part of this instrument  
 is not clearly legible for satisfactory  
 reproduction.

SCALE 1" = 200'

PLAT OF TWO  
 TRACTS OF LAND, A 3.212 ACRE TRACT  
 AND A 1.134 ACRE TRACT OUT OF THE  
 W. MEDLING SURVEY NO. 89, COUNTY  
 BLOCK 4958, OUT OF THE EDWIN C.  
 UECKER 600 ACRE TRACT AS  
 RECORDED IN VOLUME 2103, PG. 407-  
 409, DEED AND PLAT RECORDS OF  
 BEXAR COUNTY, TEXAS.

STATE OF TEXAS  
 COUNTY OF BEXAR:  
 I, AMIL M. BAKER, JR., DO HEREBY CERTIFY THAT THIS PLAT  
 WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND  
 BY MEN WORKING UNDER MY SUPERVISION AND THAT THERE ARE  
 NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT AS SHOWN.  
 SURVEYED SEPTEMBER 12, 1900  
 DATED: OCTOBER 24, 1900  
 AMIL M. BAKER, SURVEYING, INC.  
 1003 WYE DRIVE SAN ANTONIO, TEXAS  
 78212 PHONE 653-7210



*Amil M. Baker, Jr.*  
 AMIL M. BAKER, JR.  
 REGISTERED PUBLIC SURVEYOR  
 JOB NO. 40-090

Vol 771 Page 579

EXHIBIT A

A 16.00 acre tract of land out of the Edwin C. Vecker 600 acre tract as recorded in Volume 2183, Pages 407 to 409, of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows:

BEGINNING: At a steel post on the northeast ROW line of Judson Road, said point being N 60° 13' 20" E 64.04 feet from the original southwest corner of the Edwin C. Vecker 600 acre tract of land and said point being the northeast corner of a 5.291 acre tract obtained by Bexar County for the Judson Road ROW out of the Bernice Ackerman, et al tract, as recorded in Volume 4995, Pages 672-673 of the Deed and Plat Records of Bexar County, Texas, said point also being opposite Station 141+21.6 of the Judson Road ROW;

THENCE: N 29° 12' 00" W 865.06 feet along the proposed northeast ROW line of Judson Road to a point, said point being at Station 149+38.4 of the Judson Road ROW;

THENCE: N 60° 48' 00" E 804.27 feet to a point;

THENCE: S 29° 56' 02" E 855.96 feet to a point on the southeast property line of the Edwin C. Vecker 600 acre tract of land;

THENCE: The following courses along the southeast property line of the Edwin C. Vecker 600 acre tract;

S 60° 03' 58" W 345.45 feet to a point;

S 60° 13' 20" W 469.84 feet to the point of beginning of this 16.00 acre tract of land. (NCB 34917 and NCB 34958)

Being the same property conveyed to the insured by deed dated September 22, 1975, executed by Doris Vecker Goodspeed Register, joined by her husband, Homer Register, filed for record with the County Clerk of Bexar County, Texas under file number 590,820.

RECORDERS MEMORANDUM:

All or part of this instrument

is not clearly legible for satisfactory  
recording.

BAKER SURVEYING, INC.  
B  
LAND SURVEYING  
11003 WYE DRIVE  
SAN ANTONIO, TEXAS 78217  
TELEPHONE 653-7270

S. A. Prestress Lease

Field notes of a 3.212 acre tract of land situated in Bexar County, Texas out of the W. Medling Survey No. 89, County Block 4958, out of the Edwin C. Uecker 600 acre tract, Deed Recorded in Volume 2183, page 407-409, Deed Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

Beginning at an iron pin set for the most westerly southwest corner of this tract, being the northwest corner of a 4.770 acre tract, said point being N 60° 13' 18" E. 64.04 feet and N 29° 12' 00" W. 865.06 feet from the southwest corner of said 600 acre tract.

Thence N 29° 12' 00" W. 58.28 feet to an iron pin set for the northwest corner of this tract, being the northeast corner of a 1.060 acre tract, this day surveyed.

Thence N 60° 48' 00" E. 905.37 feet to an iron pin set in the southeast line of a 7.338 acre tract, this day surveyed being the northeast corner of this tract.

Thence S 29° 56' 02" E. 913.22 feet to an iron pin set in a south line of said 600 acre tract for the southeast corner of this tract.

Thence S 60° 13' 20" W. 101.84 feet along a south line of said 600 acre tract to an iron pin set for the most easterly southwest corner of this tract and being the southeast corner of a 7.00 acre tract.

Thence N 29° 56' 02" W. 855.96 feet along the east line of said 7.00 acre tract to an iron pin set for an interior corner of this tract, being the northeast corner of said 7.00 acre tract.

Thence S 60° 48' 00" W. 804.27 feet along the north line of said 7.00 acre tract and said 4.770 acre tract to the place of beginning and containing 3.212 acres of land, according to a survey on the ground by Baker Surveying Inc.

Surveyed September 12, 1980

Job No. 80-090

Rev. Oct. 26, 1980

(NCB 34958)



*Amil M Baker Jr*  
AMIL M. BAKER, JR.  
REGISTERED PUBLIC SURVEYOR  
# 1469

STATE OF TEXAS:  
COUNTY OF BEXAR:

DESCRIPTION

A parcel of land, being 304.75 acres, located in the Walter Mealin Survey No. 89, Abstract 499, County Block 4958, and being all of a tract of land conveyed to George W. Ackermann Jr., et al by Lillie E. Ackermann by a deed dated August 12, 1961, and recorded in Volume 4643, Page 608, of the Deed Records of Bexar County, Texas, save and except a parcel conveyed to Bexar County for an extension of Judson Road in a deed recorded in Volume 4995, Page 673. The bearings in this description are based on the north line of this survey, and a plat was prepared to accompany this description. Said parcel is more particularly described by metes and bounds as follows:

Beginning at the northwest corner of this described parcel of land and the east right-of-way of Judson Road at a found 3" pipe fence corner post.

Thence N 60-05'00" E, a distance of 4131.51 feet, with a barbed wire fence, the north line of this parcel, and the south line of a 16.00 acre tract recorded in Volume 7671 Page 394, a 3.212 acre tract recorded in Volume 2161 Page 797, and a 495.451 acre tract that is recorded in Volume 4103 Page 584, to the northeast corner and a found #5 rebar stake.

Thence S 12-58'55" E, a distance of 2255.02 feet, with a barbed wire fence, an east line of this parcel, and the west line of a tract of land recorded in Volume 1838 Page 454 of the Deed Records of Bexar County, to a found old 12" cedar fence corner post;

Thence S 29-51'45" E, a distance of 1436.86 feet, with a barbed wire fence, an east line of this parcel to a found #4 rebar stake and the southeast corner of this described parcel;

Thence S 60-04'40" W, a distance of 3517.04 feet, with the north line of a tract of land recorded in Volume 4643 Page 608 of the deed Records of Bexar County, Texas, to a set #5 rebar stake, the southwest corner of this described parcel, and the east right-of-way of Judson Road;

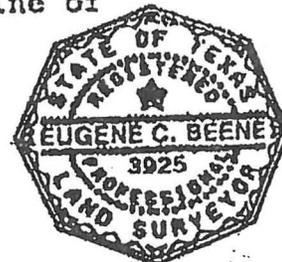
Thence N 29-13'10" W, a distance of 3594.69 feet, with said right-of-way, a barbed wire fence, and the west line of this parcel to the point of beginning.

(NCB 34958)

*Eugene C. Beene Jr.*

Eugene C. Beene Jr.  
Registered Professional Land Surveyor No. 3925

7/13/04



BAKER SURVEYING, INC.  
B  
LAND SURVEYING  
11003 WYE DRIVE  
SAN ANTONIO, TEXAS 78217  
TELEPHONE 653-7270

Field notes of a 1.134 acre tract of land situated in Bexar County, Texas out of the W. Medling Survey No. 89, County Block 4958, out of the Edwin C. Becker 600 acre tract, Deed recorded in Volume 2183, page 407-409 of the Deed Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a point in the north end of the existing Judson Road for the south west corner of said 600 acre tract, and this tract.

Thence along the west line of said 600 acre tract as follows:

N 28° 19' 41" W. 598.95 feet to an angle point.

N 08° 25' 41" W. 44.41 feet to an angle point.

N 30° 13' 41" W. 283.63 feet to a point for the northwest corner of this tract.

Thence N 60° 48' 00" E. 44.26 feet to an iron pin set for the northwest corner of a 3.212 acre tract, this day surveyed, being the northeast corner of this tract.

Thence S 29° 12' 00" E. 923.34 feet along the west lines of said 3.212 acre tract, a 4.770 acre tract and Lot 1, House Braswell Subdivision according to Plat recorded in Volume 7700, page 237, Plat Records of Bexar County, Texas to a point for the southwest corner of Lot 1, and the southeast corner of this tract.

Thence S 60° 13' 18" W. 64.04 feet along the north end of the existing Judson Road and the south line of said 600 acre tract to the place of beginning and containing 1.134 acres of land, according to a survey on the ground by Baker Surveying Inc.

Surveyed September 12, 1980

Job No. 80-090

Rev. Oct. 26, 1980

(NCB 34958)



*Amil M Baker*  
AMIL M. BAKER, JR.  
REGISTERED PUBLIC SURVEYOR # 1469



# Fisher Engineering, Inc.

PAGE 1 OF 2  
FEI# 9904064B

## FIELD NOTES JUDSON ROAD

THIS CERTAIN 173.787 ACRE TRACT OF LAND, BEING A PORTION OF A 357.54 ACRE TRACT, LOCATED IN THE WALTER MEDLEN SURVEY NUMBER 89, ABSTRACT 499, COUNTY BLOCK 4958 AND A HAMDEN SURVEY 87, ABSTRACT 854, COUNTY BLOCK 4963, AS RECORDED IN VOLUME 4643 AT PAGE 604 DEED RECORDS OF BEXAR COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(NCB 34958 and NCB 34963)

BEGINNING AT AN IRON PIN FOUND IN THE EAST RIGHT OF WAY LINE OF JUDSON ROAD, BEING THE NORTHWEST CORNER OF SAID 357.54 ACRE TRACT AND SAID 173.787 ACRE TRACT AS THE POINT OF BEGINNING:

THENCE: NORTH 60 DEGREES 05 MINUTES 00 SECONDS EAST, DEPARTING THE EAST RIGHT OF WAY LINE OF JUDSON ROAD 3517.51 FEET TO AN IRON PIN SET, BEING THE NORTHEAST CORNER OF THIS TRACT;

THENCE: ALONG THE EAST PROPERTY LINE AS FOLLOWS:

1. SOUTH 29 DEGREES 52 MINUTES 00 SECONDS EAST, 863.00 FEET TO AN IRON PIN SET, BEING AN ANGLE POINT
2. SOUTH 30 DEGREES 10 MINUTES 00 SECONDS EAST, 287.00 FEET TO AN IRON PIN SET, BEING AN ANGLE POINT
3. SOUTH 29 DEGREES 58 MINUTES 00 SECONDS EAST, 558.40 FEET TO AN IRON PIN SET, BEING AN ANGLE POINT
4. SOUTH 29 DEGREES 59 MINUTES 31 SECONDS EAST, 851.62 FEET TO AN IRON PIN SET, BEING THE SOUTHEAST CORNER OF THIS TRACT;

THENCE: ALONG THE SOUTH PROPERTY LINE AS FOLLOWS:

1. SOUTH 59 DEGREES 58 MINUTES 47 SECONDS WEST, 1981.66 FEET TO AN IRON PIN FOUND, BEING AN ANGLE POINT
2. SOUTH 29 DEGREES 52 MINUTES 14 SECONDS EAST, 72.01 FEET TO AN IRON PIN FOUND, BEING AN ANGLE POINT
3. SOUTH 59 DEGREES 47 MINUTES 17 SECONDS WEST, 355.12 FEET TO AN IRON PIN SET, BEING AN ANGLE POINT

4. NORTH 29 DEGREES 49 MINUTES 12 SECONDS WEST,  
1321.00 FEET, TO AN IRON PIN SET, BEING AN ANGLE  
POINT
5. SOUTH 59 DEGREES 47 MINUTES 17 SECONDS WEST,  
1187.26 FEET TO AN IRON PIN SET IN THE EAST RIGHT OF  
WAY LINE OF JUDSON ROAD, BEING THE SOUTHWEST  
CORNER OF THIS TRACT

THENCE: NORTH 29 DEGREES 49 MINUTES 12 SECONDS WEST, ALONG  
THE EAST RIGHT OF WAY LINE OF JUDSON ROAD 1322.56 FEET  
TO THE POINT OF BEGINNING AND CONTAINING 173.787 ACRES  
(7,569,726 SQUARE FEET) OF LAND.

THIS DESCRIPTION IS BASED ON A LAND TITLE SURVEY AND PLAT MADE  
UNDER MY SUPERVISION IN MAY 1999. (NOTE: ALL PINS HEREIN DESCRIBED  
IN 1/2 INCH IRON REBAR).



NEIL F. FISHER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
FISHER ENGINEERING, INC.  
Revised 9-14-99

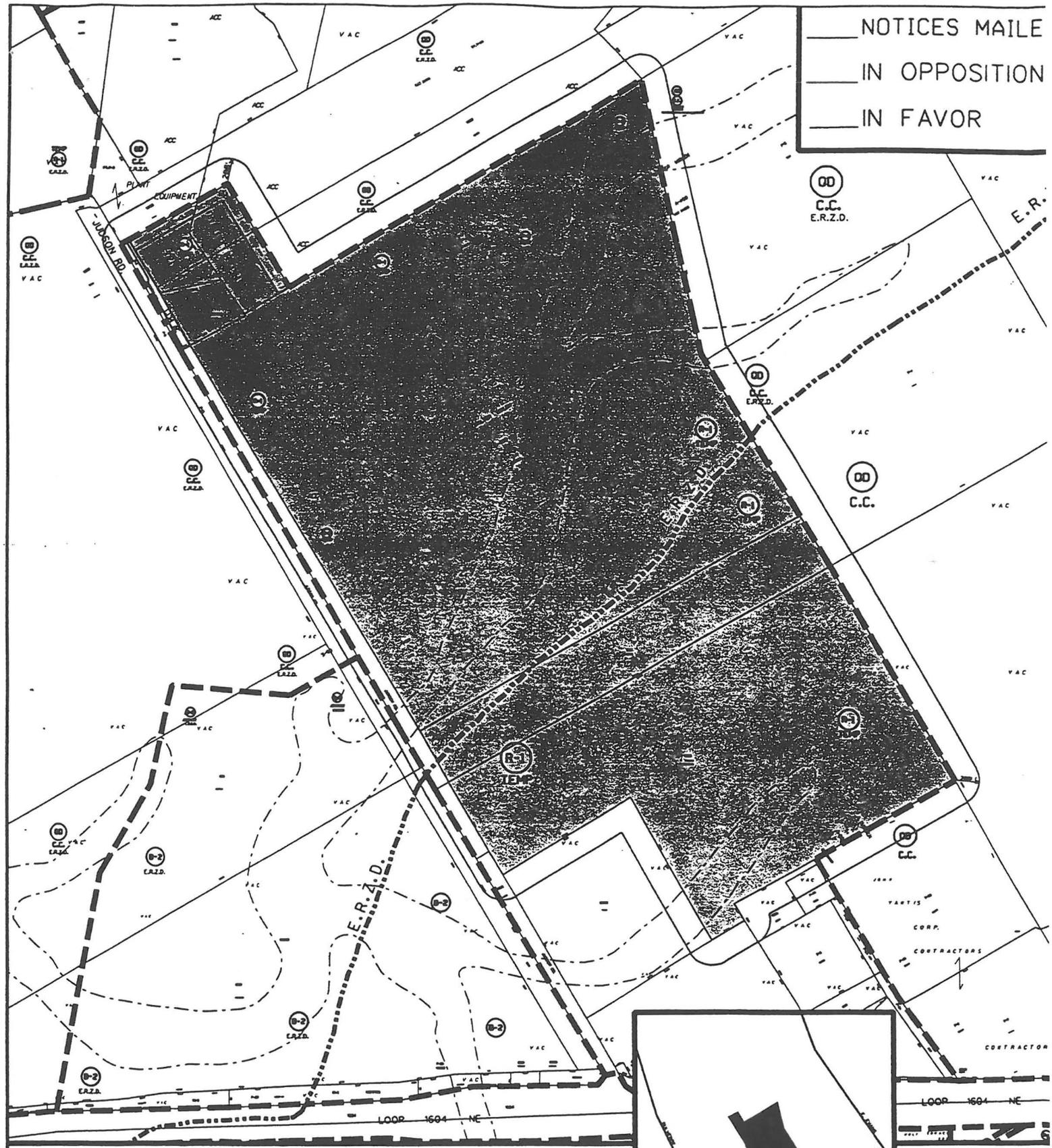


THESE FIELD NOTES MAY NOT CONFORM TO THE SUBDIVISION  
REGULATIONS OF VARIOUS GOVERNMENT ENTITIES

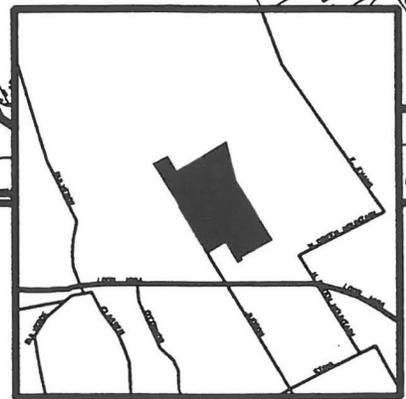


**Fisher Engineering, Inc.**

\_\_\_\_\_ NOTICES MAILED  
 \_\_\_\_\_ IN OPPOSITION  
 \_\_\_\_\_ IN FAVOR



**ZONING CASE Z2001-158 S**  
 CITY COUNCIL DISTRICT NO: 10  
 REQUESTED ZONING CHANGE  
 FROM TEMP "R-1" & TEMP "R-1" ERZD TO "QD" S  
 DATE SEPTEMBER 13, 2001 "QD" ERZD S  
 SCALE 1" = 1050'



LOOP 1604 NE  
 p.518



DEPARTMENT OF PLANNING  
 SAN ANTONIO, TEXAS

# Affidavit of Publisher

## PUBLIC NOTICE

### AN ORDINANCE 94539

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Being 498.883 acres out of NCB 34917, NCB 34958, NCB 34958A and NCB 34963, From Temporary "R-1" Single-Family Residence District and Temporary "R-1 ERZD" Single-Family Residence Edwards Recharge Zone District to "QD - S" Quarry District with a Specific Use Permit for Blasting and Asphaltic Concrete and "QD ERZD - S" Quarry Edwards Recharge Zone District with a Specific Use Permit for Blasting and Asphaltic Concrete, Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to: "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
9/17

STATE OF TEXAS,

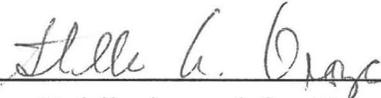
COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is the publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance of the City of San Antonio City Clerk-Ordinance 94539 hereto attached has been published in the newspaper on the following day, to-wit: September 17, 2001.



Sworn to and subscribed before me this 17th day of September, 2001.



Notary Public in and for Bexar County, Texas

