SG/lj
08/04/2016
Z-26

CASE NO. Z2016128 ERZD

AN ORDINANCE **2016-08-04-0587**

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held after notice and publication regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

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

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 0.076 acres out of NCB 16331 from "C-2 MLOD ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to "C-2 S MLOD ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with Specific Use Authorization for a Wireless Communication System.

SECTION 2. A description of the property is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 3. The City Council finds as follows:

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

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

SECTION 5. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 6. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource

Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 7. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for 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 the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 8. 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 9. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 10. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 11. This ordinance shall become effective the 14th day of August 2016.

PASSED AND APPROVED this 4th day of August 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	**Z-26 (in consent vote: 31, 32, 33, P-2, Z-2, Z-5, P-3, Z-7, P-4, Z-8, Z-9, Z-11, Z-12, Z-13, Z-15, Z-16, Z-17, Z-19, Z-20, P-6, Z-22, Z-23, Z-24, P-7, Z-25, Z-26, Z-27)**
Date:	08/04/2016
Time:	02:11:07 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2016128 S ERZD (Council District 9): An Ordinance amending the Zoning District Boundary from "C-2 MLOD ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to "C-2 S MLOD ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with Specific Use Authorization for a Wireless Communication System on 0.076 acres out of NCB 16331, located at 239 North Loop 1604 West. Staff and Zoning Commission recommend Approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	

Z2016128

Dye Enterprises

Engineers • Surveyors • Planners
Texas Registered Firm F-2257

RECEIVED
15 OCT 16 AM 8:44
LAND DEVELOPMENT
SERVICES DIVISION

D. Scott Dye, P.E., R.P.L.S.

EXHIBIT "A"
LEGAL DESCRIPTION
LEASE AREA
0.076 ACRES
San Antonio, Bexar County, Texas

BEING 0.076 of an acre (3,300 sq. ft.) of land in the City of San Antonio, Bexar County, Texas, out of Lot 15, Block 1, New City Block 16331 of the Hagee Subdivision according to the plat recorded in Volume 9565, Page 201 of the Deed and Plat Records of Bexar County, Texas; said 0.076 acres being more particularly described by metes and bounds as follows with the bearings being based on NAD83, Texas State Plane Coordinates South Central Zone 4204:

COMMENCING: from a 1/2" steel rebar found with a cap marked "Pape Dawson" for the most westerly common corner of Lots 15 and 16 of said subdivision and being in the east line of Lot 12, Block 1, New City Block 16331 of the Temple Sage Subdivision, Unit 5, according to the plat recorded in Volume 9555, Page 190, Deed and Plat Records of Bexar County, Texas, said point also being N04°44'57"W (called: N04°33'21"W), along the west line of said Lot 16, a distance of 525.43 feet from a TXDOT brass disk in concrete found on the north right-of-way line of Charles W Anderson Loop 1604 (R.O.W. varies – 300' min.) for the southwest corner of said Lot 16;

THENCE: N04°44'57"W (called: N04°33'21"W), along the common line of said Lots 12 and 15, a distance of 91.57 feet and departing said common line into said Lot 15, N85°15'03"E, a distance of 35.60 feet to a point for the southwest corner and **POINT OF BEGINNING** of this tract;

THENCE: N04°42'58"W, a distance of 60.00 feet to a point for the northwest corner of this tract;

THENCE: N85°17'02"E, a distance of 55.00 feet to a point for the northeast corner of this tract;

THENCE: S04°42'58"E, a distance of 60.00 feet to a point for the southeast corner of this tract;

THENCE: S854°17'02"W, a distance of 55.00 feet to the **POINT OF BEGINNING** and containing 0.076 of an acre (3,300 sq. ft.) of land.

D. Scott Dye, R.P.L.S. #5315
Job # 150042-00
Date: August 27, 2015

STATE OF TEXAS
REGISTERED
D. SCOTT DYE
5315
PROFESSIONAL
LAND SURVEYOR

4047 Stahl Road, Suite #3 • San Antonio • Texas 78217
Phone (210) 599-4123 • Fax (210) 599-4191
dyeenterprises@satx.rr.com

Attachment "A"

20160198

NOTES:

BEARINGS FOR THIS EXHIBIT ARE BASED ON TEXAS STATE PLANE COORDINATES – SOUTH CENTRAL ZONE (4204), NAD83.

A LEGAL DESCRIPTION IS ATTACHED AND IS A PART OF THIS EXHIBIT.

LEGEND:

- o FOUND MONUMENT (AS SHOWN HEREON)
- CALCULATED POINT
- C.M. CONTROLLING MONUMENT

RECEIVED
16 FEB 26 AM 8:53
RECEIVED
15 OCT 16 AM 8:44
LAND DEVELOPMENT SERVICES DIVISION

SCALE 1"=30'

LOT 15
BLOCK 1
N.C.B. 16331
HAGEE SUBDIVISION
VOL.9565, PG. 201
DEED AND PLAT RECORDS
BEXAR COUNTY, TEXAS

EXISTING CHURCH BUILDING

PROPOSED
55'X60'
LEASE AREA
0.076 ACRE
3,300 SQ. FT.

EXISTING CHURCH BUILDING

CONC. LANDING W/ STEPS

CONC. PICNIC TABLE

7" ELM

N85°15'03"E 28.30'

S04°42'58"E 15.00'

S85°15'03"W 11.29'

S04°42'58"E 60.00'

N85°17'02"E 55.00'

S85°17'02"W 55.00'

10.0'

23.0'

21.0'

30.00'

15.00'

21.0'

N04°44'57"W 807.10' (NAD83)
N04°33'21"W 807.10' (RECORD)

20' ELEC., TELE. & CA.T.V. EASEMENT
VOL. 9536, PG. 15
DEED AND PLAT RECORDS

CONC. CURB

PP

LOT 12, BLOCK 1, N.C.B. 16331
TEMPLE SAGE SUBDIVISION, UNIT 5
VOL.9555, PG. 190
DEED AND PLAT RECORDS
BEXAR COUNTY, TEXAS

N04°44'57"W 61.84'

S04°44'57"E 51.85'

OVERHEAD UTILITIES (TYP.)

CONC. CURB

N85°15'08"E 288.85'

15' ACCESS EASEMENT
(0.323 ACRE, 14,047 SQ. FT.)

S85°15'08"W 288.95'

20' WATER & SANITARY SEWER EASEMENT
VOL. 6861, PG. 1738-1742
REAL PROPERTY RECORDS

20' INGRESS & EGRESS EASEMENT
VOL. 8256, PG. 560
VOL. 8256, PG. 564
REAL PROPERTY RECORDS

VARIABLE WIDTH WATER & SANITARY SEWER EASEMENT
VOL. 6861, PG. 1753
REAL PROPERTY RECORDS

S04°57'07"E (RECORD)
S05°08'43"E 54.72' (NAD83)

N05°08'43"W 39.78'

N04°44'49"W 514.57'

S04°33'13"E 514.41' (RECORD)
S04°44'49"E 514.41' (NAD83)

FND. 1/2" STEEL REBAR

POINT OF BEGINNING

FND. 1/2" STEEL REBAR W/ CAP MARKED "PAPE DAWSON"

C.M.

GRATE INLET

S85°18'08"W 291.05' (NAD83)
S85°29'44"W 291.05' (RECORD)

28' ELEC., TELE. & CA.T.V. EASEMENT
VOL. 9536, PG. 15
DEED AND PLAT RECORDS
BEXAR COUNTY, TEXAS

FND. 1/2" STEEL REBAR W/ CAP MARKED "PAPE DAWSON"

LOT 16
BLOCK 1
N.C.B. 16331
HAGEE SUBDIVISION
VOL.9565, PG. 201
DEED AND PLAT RECORDS
BEXAR COUNTY, TEXAS

N04°44'57"W 525.43' (NAD83)
N04°33'21"W 525.43' (RECORD)

S83°17'06"W 15.01' (NAD83)
S83°28'44"W (RECORD)

CHARLES W ANDERSON
LOOP 1604
R.O.W. VAIES – 300' MIN.
(N LOOP 1604 W)

FND. TXDOT BRASS DISK IN CONC.

EXHIBIT "B"

DYE ENTERPRISES
4047 STAHL RD., #3
SAN ANTONIO, TEXAS 78217
TEL. (210) 599-4123
FAX (210) 599-4191

JOB NO: 150042-00

FIELD WORK COMP: 07-27-15

Z:\2015\150042-00 N 1604 W 239 (Site Survey & Topo)\dwg\150042-00 N 1604 W 239 (Site Survey & Topo) – Access Esmt Exhibit.dwg

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Attachment "B"