

AN ORDINANCE 2014 - 09 - 18 - 0723

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 4.406 acres out of Lots 4 & 5, Block 3, NCB 17843 from "C-2 ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District to "C-2 S ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District with a 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 City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The 4.406-acre site shall be limited to one (1) wireless communication system ("tower");
- B. The tower shall not exceed 150 feet above the existing ground level;
- C. The tower shall be constructed as a "stealth, flagless flagpole," meaning that antennas, wires, and equipment, other than equipment located within the ground level compound, will be contained within the pole and not visible;
- D. The tower shall be located on the 0.0689 acre site as depicted in **Attachment "B"** and shall be surrounded by an eight (8) foot tall solid screen fence.

SECTION 6. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 15% for the 0.0689 acre cell tower area depicted in **Attachment "B"**.

SECTION 7. 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 8. 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 9. 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.

SG/cia
09/18/2014
Z-8. Amended.

CASE NO. Z2014251 S ERZD


SECTION 10. 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 11. 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 12. 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 13. This ordinance shall become effective September 28, 2014.

PASSED AND APPROVED this 18th day of September 2014.

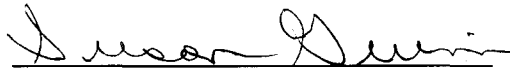

M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



For Robert F. Greenblum, City Attorney

Agenda Item:	Z-8
Date:	09/18/2014
Time:	02:19:42 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2014251 S ERZD (District 8): An Ordinance amending the Zoning District Boundary from "C-2 ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District to "C-2 S ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District with a Specific Use Authorization for a Wireless Communication System on 4.406 acres out of Lots 4 & 5, Block 3, NCB 17843 located on a portion of the 14400 Block of Huebner Road. Staff recommends approval. Zoning Commission recommendation pending the September 16, 2014 public hearing.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1		x				
Keith Toney	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6				x		
Mari Aguirre-Rodriguez	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				x

Z2014251 S

**METES & BOUNDS DESCRIPTION OF A
4.406 ACRE TRACT OF LAND**

Being all of Lot 5 and a portion of Lot 4, Block 3, New City Block 17843, OLMOS CREEK OFFICE BUILDING SUBDIVISION, San Antonio, Bexar County, Texas, as recorded in Volume 9546, Page 141, Deed and Plat records of Bexar County, Texas; said portion of Lot 4 being the originally platted Lot 4, SAVE AND EXCEPT a 1.033 acre portion conveyed by deed dated February 7, 2002, as recorded in volume 9255, Page 1943, Real Property Records of Bexar County, Texas; said 4.406 acre tract being more particularly described as follows:

BEGINNING at found ½" iron rod in the South Right-of-Way of Huebner Road (a 110' Public Right-of-way), said rod being the Northeast corner of said 1.033 acre portion of Lot 4, and the Northwest corner of the remaining portion of said Lot 4, and said rod marking the Northwest corner of the herein described tract;

THENCE with the South Right-of-Way line of Huebner Road, along a curve to the right with a radius of 1195.00 feet, an arc length of 195.59 feet, a delta angle of 9° 22' 41", a tangent of 98.02 feet, and a chord bearing North 61° 36' 22" East 195.38 feet to a found ½" iron rod marking the Northeast corner of said Lot 4 and the Northwest corner of Lot 5;

THENCE continuing with said Right-of-Way, along a curve to the right, with a radius of 1195.00 feet, an arc length of 193.85 feet, a delta angle of 9° 17' 39", a tangent of 97.14 feet, and a chord bearing North 70° 56' 32" East 193.63 feet to a PK nail set in asphalt for a reverse curve;

THENCE continuing with said Right-of-Way, along a curve to the left, with a radius of 1305.00 feet, an arc length of 159.40 feet, a delta angle of 6° 59' 55", a tangent of 79.80 feet, and a chord bearing North 72° 05' 24" East 159.30 feet to a PK nail set in asphalt for the Northeast corner of the herein described tract and the Northeast corner of said Lot 5;

THENCE with the northeast line of said Lot 5, South 33° 15' 15" East 308.50 feet to a ½" iron rod with cap marked "Sun Belt" set for the easternmost corner of the herein described tract; said rod being the Southeast corner of said Lot 5;

THENCE with the southeast line of this tract, the southeast line of Lot 5, South 47° 47' 48" West 209.92 feet to a ½" iron rod with cap marked "Sun Belt" set for an angle point of said Lot 5;

THENCE with the south line of this tract, the south line of said Lot 5, South 82° 09' 52" West 193.36 feet to a ½" iron rod with cap marked "Sun Belt" set for the Southwest corner of said Lot 5 and the Southeast corner of said Lot 4;

Attachment A

Z2014251 3

THENCE with the south line of this tract, the south line of said portion of Lot 4, South 82° 10' 16" West 190.92 feet to a 1/2" iron rod found for the Southwest corner of the herein described tract, said rod marking the Southeast corner of the said 1.033 acre tract;

THENCE with the west line of this tract, the east line of said 1.033 acre tract, North 29° 31' 22" West 282.99 feet to the POINT OF BEGINNING and containing 4.406 acres, (191,935 square feet) more or less.

STATE OF TEXAS §

November 2, 2006

COUNTY OF BEXAR §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described 4.406 acre tract made under my supervision.

D.R. Frazor, R.P. L.S.
D.R. Frazor, Registered Professional Land Surveyor No. 2366

Surveyor's Notes: This tract is subject to the following easements:

1. 14' Gas, Electric, Telephone and CaTV Easement as per plat.
2. 15' Ingress-Egress Easement along N.E. line of Lot 5, recorded in Vol. 8343, Page 737.
3. 34' Drainage Easement (with a 16' Drainage Easement per plat centered within) as recorded in Vol. 9506, Page 103.
4. 10' Sanitary Sewer Easement as per plat.
5. 18' Water Line Easement as recorded in Vol. 2739, Page 1204.
6. 28' Electric, Telephone and CaTV Easement along a portion of the S.E. line of Lot 5, as per plat.
7. 10' Private Sanitary Sewer Easement as per plat.
8. Variable width Drainage Easement as per plat.
9. 24' Ingress-Egress Easement as recorded in Vol. 8343, Page 737.

Doc# 2010023345 Fees: \$40.00
02/11/2010 2:07PM # Pages 7
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK



Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number 2010023345 on this date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

FEB 11 2010



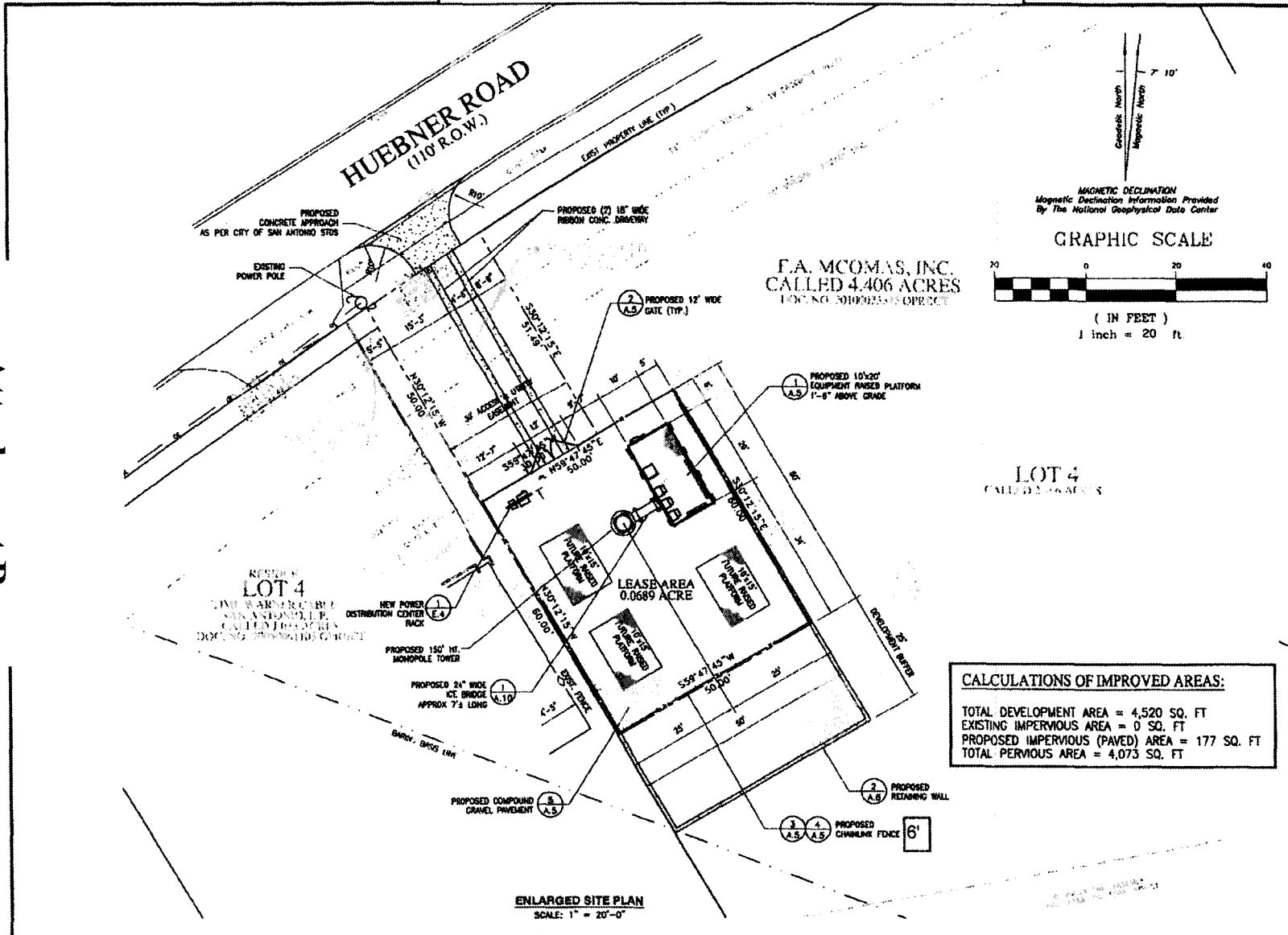
Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER ETC.

Site Plan for Proposed Zoning Change from C-2 to C-2 S (Specific Use Permit for a Wireless Communication System

Z2014251 S ERZD

Attachment B



INNOVATIVE ENGINEERING DESIGN
Mason Creek Industrial Park
21732 Provincial Blvd, Suite 130
Katy, Texas 77450
Tel: (281) 398-7888
Fax: (281) 398-7886
TX PE FIRM REGISTRATION No. P-11981

SKYWAY TOWERS
20225 AMERFIELD DRIVE, SUITE 102
LAND OLAKE, FL 34638
TEL: (813) 960-4300

10/26/12

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.

SHEET NO: TX-09336

SITE NAME: **McCOMAS RAW LAND**

SITE ADDRESS: 14529 HUEBNER RD. SAN ANTONIO, TX 78220

SHEET NUMBER: **A.2**

SHEET TITLE: ENLARGED SITE PLAN

DESIGNER: V.M. CHECKER: J.S.A.

BY PROJECT NUMBER:

I, FA McComas, Inc., 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 the 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.