

AN ORDINANCE 2015-06-18-0628

**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 being 8.289 acres of land out of NCB 34917 from "QD-S AHOD ERZD" Quarry Airport Hazard Overlay Edwards Recharge Zone District with an Specific Use Authorization for Blasting and Asphaltic Concrete to "PUD R-6 AHOD ERZD" Planned Unit Development Residential Single-Family Airport Hazard Overlay Edwards Recharge Zone District.

**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 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 4.** 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 5.** 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.

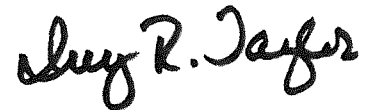
**SECTION 6.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 7.** 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 8.** 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 9.** This ordinance shall become effective June 28, 2015.

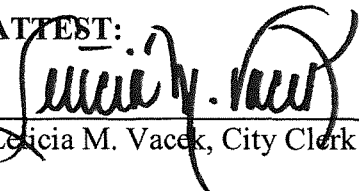
**PASSED AND APPROVED** this 18th day of June 2015.



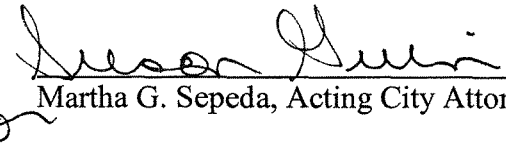
M A Y O R

Ivy R. Taylor

**ATTEST:**

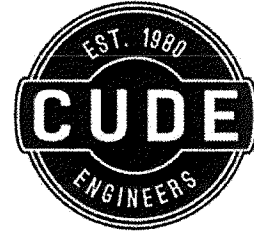
  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
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Martha G. Sepeda, Acting City Attorney

<b>Agenda Item:</b>	<b>Z-21 ( in consent vote: P-5, Z-21 )</b>
<b>Date:</b>	06/18/2015
<b>Time:</b>	02:35:40 PM
<b>Vote Type:</b>	Motion to Appr w Cond
<b>Description:</b>	ZONING CASE # Z2015181 ERZD (Council District 10): An Ordinance amending the Zoning District Boundary from "QD-S AHOD ERZD" Quarry Airport Hazard Overlay Edwards Recharge Zone District with Specific Use Authorization use permit for Blasting and Asphaltic Concrete to "PUD R-6 AHOD ERZD" Planned Unit Development Residential Single-Family Airport Hazard Overlay Edwards Recharge Zone District on approximately 8.289 acres out of NCB 34917, generally located in the 5600 Block of East Evans Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 15043)
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		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				x
Joe Krier	District 9	x					
Michael Gallagher	District 10		x			x	



**PROPERTY DESCRIPTION  
OF**

Being an 8.289 acre tract of land out of the S.A. & M.G.R.R. CO. Survey No. 97, Abstract No. 720, New City Block 34917, Bexar County, Texas, and being out of a 495.392 acre tract described in a Quitclaim Deed dated April 11, 2008 to Electron Acquisitions, LLC, recorded in Volume 13447, Page 927, Official Public Records of Real Property of Bexar County, Texas; said 8.289 acre tract being more particularly described as follows:

**BEGINNING:** At a 2" steel fence corner post found, being a corner of said 495.392 acre tract and an interior corner of a 37.508 acre tract described in a Warranty Deed dated September 23, 2014 to Fair Oaks Mosaic TBY, LLC., recorded in Volume 16887, Page 2038, Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract;

**Thence:** S81°35'56"W, with the south line of said 495.392 acre tract and the north line of said 37.508 acre tract, a distance of 1074.45 feet to a ½" iron rod with orange plastic cap stamped "RPLS 4020" found, being an interior corner of said 495.392 acre tract and the northwest corner of said 37.508 acre tract, for the southwest corner of the herein described tract;

**Thence:** Across said 495.392 acre tract, the following five (5) courses:

N30°24'49"W, a distance of 174.73 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set for the northwest corner of the herein described tract;

N59°35'11"E, a distance of 720.11 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of curvature of a curve to the right;

Along said curve to the right having a radius of 140.00 feet, a central angle of 53°46'18", a chord which bears, N86°28'20"E, 126.62 feet, and an arc distance of 131.39 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of tangency;

S66°38'31"E, a distance of 53.12 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of curvature of a curve to the left;

Along said curve to the left having a radius of 260.00 feet, a central angle of 50°02'50", a chord which bears, N88°20'03"E, 219.96 feet, and an arc distance of 227.11 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set on the east line of said 495.392 acre tract and the west line of said 37.508 acre tract, for the northeast corner of the herein described tract, from said point, a ½" iron rod found, being the most northerly northwest corner of said 37.508 acre tract and the southwest corner of a 2 acre tract described in a Warranty Deed with Vendor's Lien dated February 26, 1979 to Carl J. Kotara and wife, Joan B. Kotara, recorded in Volume 1462, Page 743, Official Public Records of Real Property of Bexar County, Texas, bears N21°04'03"W, 100.79 feet;

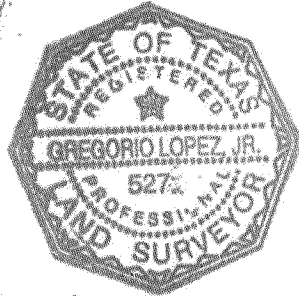
**Thence:** S21°04'03"E, with the east line of said 495.392 acre tract and the west line of said 37.508 acre tract, a distance of 376.55 feet to the **POINT OF BEGINNING**, and containing 8.289 acres of land.

**Attachment A**

Note: Basis of Bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

Survey plat accompanying this description of even date.

Job No. 02902.000  
Date: March 24, 2015  
G.L./JGR



*Gregorio Lopez, Jr. 3/25/15*