# AN ORDINANCE 2013-12-19-0939

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 Lots 1, 2, 3, 4, 5 and 6, Block 25, NCB 19219 save and except that portion conveyed to the State of Texas in Volume 11133, Page 1477, Deed Records, Bexar County, Texas from "C-3 ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District to "C-3 S ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District with a Specific Use Authorization for a Transit Park and Ride.

**SECTION 2.** A description of the "save and except" 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.** 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 63%.

**SECTION 6.** 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 7.** 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 8. 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 9.** 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 10.** 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 11.** 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 12. This ordinance shall become effective December 29, 2013.

PASSED AND APPROVED this 19<sup>th</sup> day of December 2013.

M A Y O R Julián Castro

ATTEST

Lejicia M. Vacek, City Clerk

**APPROVED AS TO FORM:** 

Robert F. Greenblum, City Attorney

Agenda Item:	Z-14							
Date:	12/19/2013							
Time:	02:19:00 PM							
Vote Type:	Motion to Approve							
Description:	ZONING CASE # Z2013210 S ERZD (District 9): An Ordinance amending the Zoning District Boundary from "C-3 ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District to "C-3 S ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District with a Specific Use Authorization for a Transit Park and Ride on Lots 1, 2, 3, 4, 5 and 6, Block 25, NCB 19219 save and except that portion conveyed to the State of Texas in Volume 11133, Page 1477, Deed Records, Bexar County, Texas located at 20914 and 20930 Stone Oak Parkway, and 22021, 22061, 22111 and 22151 North US Highway 281. Staff and Zoning Commission recommend approval.							
Result:	Passed							
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second	
Julián Castro	Mayor		х					
Diego Bernal	District 1		х					
Ivy R. Taylor	District 2		х					
Rebecca Viagran	District 3	х						
Rey Saldaña	District 4		х				х	
Shirley Gonzales	District 5		х					
Ray Lopez	District 6		х					
Cris Medina	District 7		х					
Ron Nirenberg	District 8	х						
Joe Krier	District 9		х			х		
Carlton Soules	District 10		х					

# Z 2013210

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



SCANNED

Rev. 8/2003 Replaces Forms D-15-11, D-15-14, D-15-141, D-15-142, ROW-N-12PT,ROW-N-14, ROW-N-141, and ROW-N-142 GSD-EPC Page 1 of 3



Project No. MG 2003 (373) Account No. 8015-1-71 Parcel No. 8 CSJ No. 0253-04-125 U.S. 281 Bexar County

#### SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

COUNTY OF BEXAR §

WHEREAS, the Texas Transportation Commission has been authorized under the Texas Transportation Code Chapters 203, 224, and 361 to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary and convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project, and including the acquisition of such other property rights deemed necessary for the purposes of operating a designated state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled access facilities, as well as facilitating the construction, maintenance and operation of designated controlled access highways and turnpike projects;

## NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, F.C. Properties One, Ltd., of the County of Bexar, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of \$634,401.00 heretofore paid under Possession and Use Agreement recorded December 2, 2003, in Document Number 20030310793, Book 10449, Pages 1142 thru 1149, Official Public Records of Real Property of Bexar County, Texas and an additional sum of \$732,403.00 as herein agreed for a total payment of ONE MILLION THREE HUNDRED SIXTY SIX THOUSAND EIGHT HUNDRED FOUR AND NO/100 Dollars (\$1,366,804.00) to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land lying and being situated in the County of Bexar, State of Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.



Form ROW-N-14 Rev. 8/2003 Page 2 of 3

This consideration recited herein represents a settlement and compromise by all parties as to the value of the property herein conveyed in order to avoid formal eminent domain proceedings and the added expense of litigation.

SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the property described in said Exhibit "A" to wit:.

#### **NONE**

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

This conveyance is made by Grantors and accepted by the State of Texas subject to the following:

- 1. Visible and apparent easements not appearing of record.
- 2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
- 3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Bexar County, Texas that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantors hereby acknowledge that their use of and access to the state highway facilities and/or turnpike project (hereafter called highway facility) to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part, shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility requires that rights of ingress and egress and the right of direct access to and from Grantors' remaining property (if any) to said Highway facility, shall hereafter be governed by the provisions set out in said Exhibit "A", SAVE AND EXCEPT in the event access, or access points may be specifically allowed or permitted in said Exhibit "A", such access shall be subject to such regulation as is determined by the Texas Department of Transportation and/or the Texas Turnpike Authority Division to be necessary in the interest of public safety and in compliance with approved engineering principles and practices and subject to compliance with any applicable local municipal or county zoning, platting and/or permit requirements.

TO HAVE AND TO HOLD the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantors, but not otherwise.

IN WITNESS WHEREOF, this instrument is execu, 2004.	ted on this the 3rd day of November
	FC Properties One, Ltd., A Texas limited partnership
	By: FC Assets One Corporation, A Texas corporation, General Partner  By:  Jeff K. Lawler,  Senior Vice-President
Corporate Acki	nowledgment
State of Texas	
County of McLennan	
This instrument was acknowledged before me on the by Jeff K. Lawler, Senior Vice-President of FC General Partner of F.C. Properties One, Ltd., a Texa	Assets One Corporation, a Texas corporation,
NANCY L. MOORE NOTE Public STATE OF TEXAS Ny Comm. Exp. 19/16/2007	Maricy L. Mcow Notary Public's Signature

US 281 - Parcel 8

Account No: 8015-01-071

County:

**Bexar County** 

CSJ No:

0253-04-125

Highway:

US Highway 281

Project Limits: From 0.7 miles south of Stone Oak Parkway

To 0.6 miles north of Stone Oak Parkway



#### **FIELD NOTES FOR PARCEL NO. 8**

Being a 2.377 acre (103,546 square feet) tract of land out of the Wm. Brisbin Survey No. 89 1/2 Abstract 54, County Block 4900, Bexar County, Texas and out of a 99.028 acre tract conveyed from Stone Oak S. A., Ltd. to F C Properties One, Ltd. dated March 20, 1998 as recorded in volume 7398, page 1738 of the Official Public Records of Real Property. Bexar County, Texas, said 2.377 acre (103,546 square feet) tract of land being more particularly described by metes & bounds as follows:

BEGINNING at a set 1/2" iron rod with TxDOT aluminum cap in the north line of said 99.028 acre tract in the proposed west right-of-way line of US Highway 281. said point being S 71° 00' 45" E, 80.22 feet from a found ½" iron rod at an interior corner of said 99.028 acre tract, said point is left 250.00 feet from and right angles to the centerline Station 477+78.00;

- THENCE S 71° 00' 45" E, 150.00 feet along the north property line of said 99.028 1. acre tract to a found 1/2" iron rod:
- THENCE S 19° 16' 48" W, 632.25 feet along the west existing right-of-way line of 2. US Highway 281 to a set ½" iron rod with TxDOT aluminum cap:
- 3. THENCE N 64° 40' 09" W, 110.07 feet along the north line of a 0.19 acre tract recorded in volume 6809, page 1182 of the Official Records of Real Property, Bexar County, Texas, to a set ½" iron rod with TxDOT aluminum cap;
- THENCE S 19° 13' 24" W, 75.00 feet along the west line of said 0.19 acre tract to 4. a set ½" iron rod with TxDOT aluminum cap;
- THENCE N 64° 40' 09" W, 62.43 feet to a set 1/2" iron rod with TxDOT aluminum 5. cap in the proposed west right-of-way line of US Highway 281, said point is left 271.47 feet from and at right angles to the centerline station of 470+89.70;
- 6. THENCE N 03° 38' 09" E, 24.21 feet along the proposed west right-of-way line of US Highway 281 to a set ½" iron rod with TxDOT aluminum cap, said point is left 278.00 feet from and at right angles to the centerline station of 471+13.02;
- THENCE N 19° 16' 48" E, 175.51 feet along the proposed west right-of-way line 7. of US Highway 281 to a set 1/2" iron rod with TxDOT aluminum cap, said point is left 278.00 feet from and at right angles to the centerline station of 472+88.53;

**US 281 - Parcel 8** 

Account No: 8015-01-071

County:

**Bexar County** 

CSJ No:

0253-04-125

Highway:

**US Highway 281** 

Project Limits: From 0.7 miles south of Stone Oak Parkway

To 0.6 miles north of Stone Oak Parkway

- 8. THENCE N 34° 55' 13" E, 103.86 feet along the proposed west right-of-way line of US Highway 281 to a set 1/2" iron rod with TxDOT aluminum cap, said point is left 250.00 feet from and at right angles to the centerline station of 473+88.54;
- THENCE N 19° 16' 48" E, 389.46 feet along the proposed west right-of-way line 9. of US Highway 281 to the POINT OF BEGINNING and containing 2.377 (103,546 square feet) of land.

STATE OF TEXAS) COUNTY OF BEXAR)

I here certify that this description is true and correct according to an actual survey made on the ground under my supervision.

This the 17<sup>th</sup> day of September, 2001, A.D.

Registered Professional Land Surveyor

Texas Registration No. 1586 Robert H. Leininger, R.P.L.S. Vickrey & Associates, Inc. 7334 Blanco Road, Suite #109

San Antonio, TX 78216 Job No. 1748-002-130

Revision Date: November 26, 2002

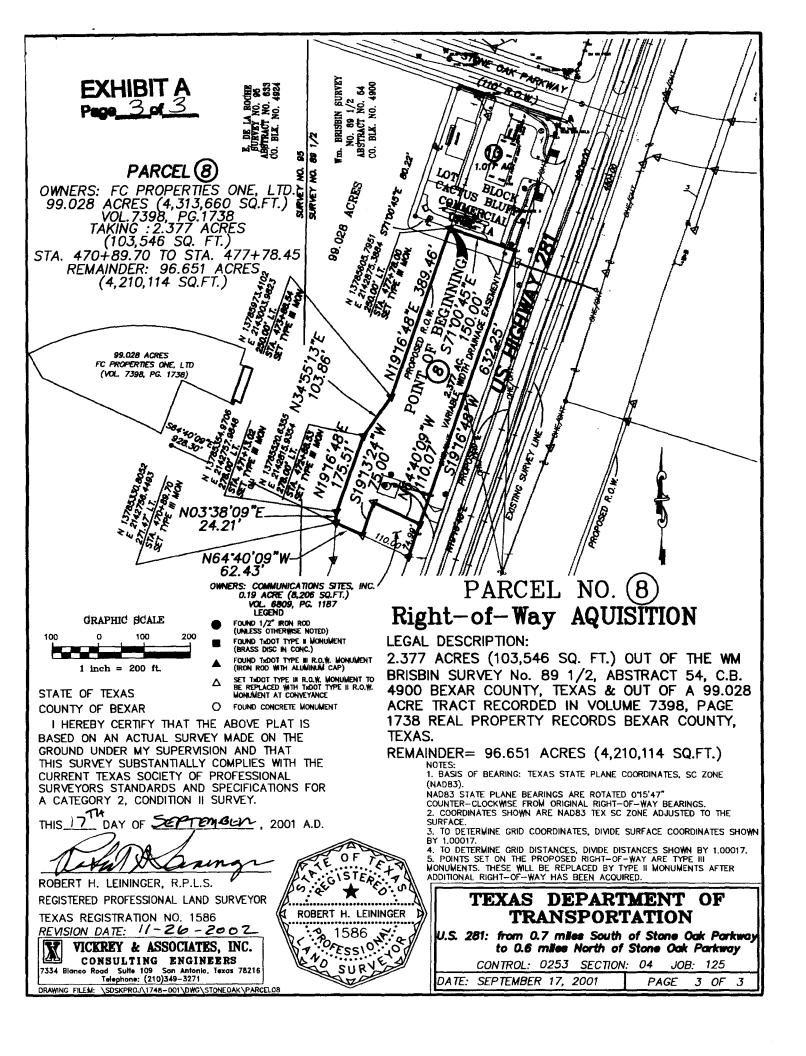
NOTE: A plat of survey accompanies this description

emina

Bearings are based on Texas State Plane Coordinates, South Central Zone.

No Significant closure error. (Greater than 1:50,000)





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

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

DEC 1 7 2004

Jeny Makey County CLERK BEXAR COUNTY TEXAS

Doc# 20040287406 Fees: \$26.00 12/17/2004 9:32AM # Pages 7 Filed & Recorded in the Official Public Records of BEXAR COUNTY GERRY RICKHOFF COUNTY CLERK

