

AN ORDINANCE **2017-05-04-0313**

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 0.083 acres out of NCB 15825; located in the 5000 Block of Beckwith Boulevard 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 **Exhibit "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 finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The specific use shall maintain strobe lighting during the day and red lighting at night.
- B. Outside storage and/or use of chemicals shall not be permitted on the site.

- C. The proposed tower/facility specific use shall not be connected to or operated by a power source/backup power source associated with an Underground Storage Tank (UST) or an Above Ground Storage Tank (AST) that has any portion of the storage tank located below the final grade of the surrounding land surface.
- D. Impervious cover shall be limited to 65% of the site.

SECTION 5. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

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 65%.

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.

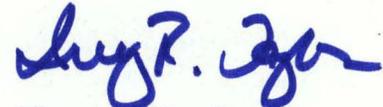
SECTION 10. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

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.

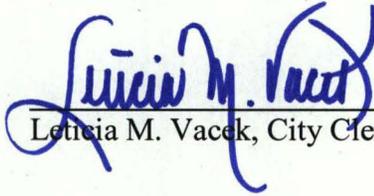
SECTION 12. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as 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 the 14th day of May 2017.

PASSED AND APPROVED this 4th day of May 2017.

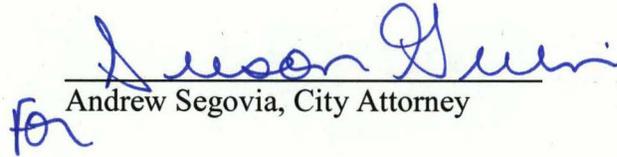

M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Andrew Segovia, City Attorney

Agenda Item:	Z-13						
Date:	05/04/2017						
Time:	02:17:33 PM						
Vote Type:	Motion to Appr w Cond						
Description:	ZONING CASE # Z2017078 S ERZD (Council District 8): An Ordinance amending the Zoning District Boundary from "C-2 MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to "C-2 S MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with Specific Use Authorization for a Wireless Communication System on 0.083 acres out of NCB 15825, located in the 5000 block of Beckwith Boulevard. Staff and Zoning Commission recommend Approval with Conditions.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor	x					
Roberto C. Treviño	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				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

**METES AND BOUNDS DESCRIPTION
FOR A
60' X 60' SPECIAL USE PERMIT**

A 0.083 of an acre, or 3,600 square feet more or less, tract of land located on the 8.508 acre tract described in instrument recorded in Volume 13770, Page 2487 in the Official Public Records of Real Property of Bexar County, Texas, in the Anselmo Pru Survey No. 20, Abstract 574, County Block 4766, in New City Block (N.C.B.) 15825 of the City of San Antonio, Bexar County, Texas. Said 0.083 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a set ½" iron rod with a yellow cap marked "Pape-Dawson", at the west end of the southwest curve at the intersection of Beckwith Boulevard, a 60-foot right-of-way and Vance Jackson Road, an 86-foot right-of-way, at the most northerly northeast corner of said 8.508 acre tract, from which a found ½" iron rod with a cap marked "Moy", at the south end of said southwest curve bears a chord bearing and distance of S 45°59'22" E, 21.29 feet;

THENCE: S 88°47'42" W, along and with the south right-of-way line of said Beckwith Boulevard and the north line of said 8.508 acre tract, a distance of 290.51 feet to a point, from which the northwest corner of said 8.508 acre tract bears S 88°47'42" W, a distance of 110.15 feet;

THENCE: S 01°12'18" E, departing the south right-of-way line of said Beckwith Boulevard and the north line of said 8.508 acre tract, over and across said 8.508 acre tract, a distance of 117.39 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: Continuing over and across said 8.508 acre tract the following bearings and distances:

S 00°47'20" E, a distance of 60.00 feet to a point;

S 89°12'40" W, a distance of 60.00 feet to a point;

N 00°47'20" W, a distance of 60.00 feet to a point;

22017078

N 89°12'40" E, a distance of 60.00 feet to the POINT OF BEGINNING, and containing 0.083 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit map prepared under job number 11040-00 by Pape-Dawson Engineers, Inc.

"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: January 17, 2017
JOB NO. 11040-00
DOC. ID. N:\CIVIL\11040-00\WORD\11040-00 FN SUP.docx

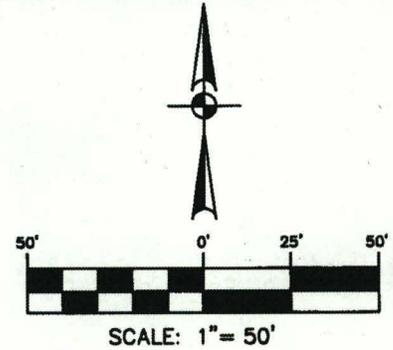


72017078



LOCATION MAP
NOT-TO-SCALE

Current Zoning: "C-2 ERZD" Commercial Edwards Recharge Zone District
Requested Zoning: "C-2 ERZD S" Commercial Edwards Recharge Zone District with a Specific Use Authorization for a Wireless Communication System
Acres: 0.083

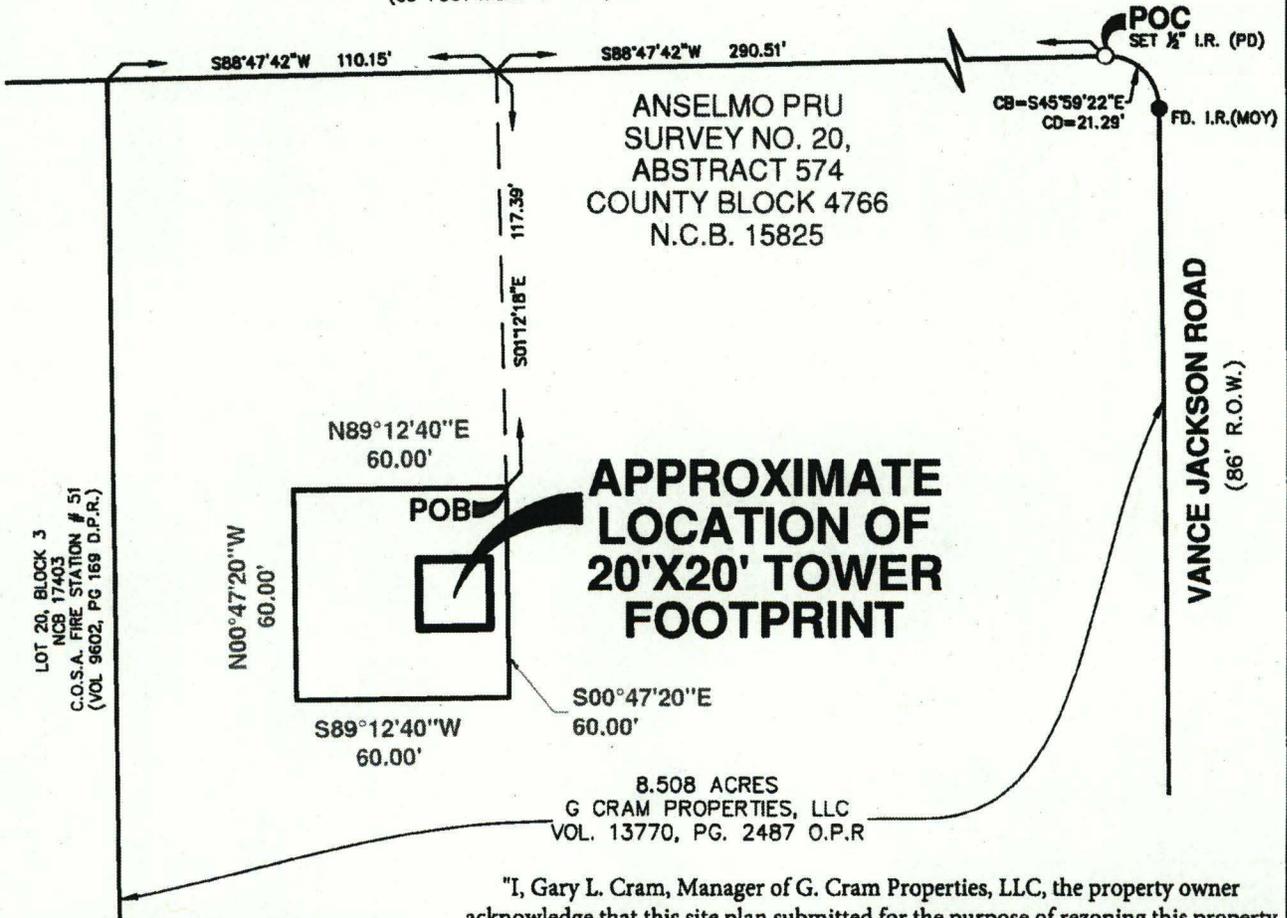


TOWER LOCATION EXHIBIT

LEGEND:

- OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- FD. FOUND

BECKWITH BOULEVARD
(60-FOOT RIGHT-OF-WAY)



APPROXIMATE LOCATION OF 20'X20' TOWER FOOTPRINT

"I, Gary L. Cram, Manager of G. Cram Properties, LLC, 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 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."



2000 NW LOOP 410 | SAN ANTONIO, TEXAS 78213 | PHONE: 210.375.9000
FAX: 210.375.9010
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, FIRM REGISTRATION # 10028800

JAN. 20, 2017

SHEET 1 OF 1
JOB No.: 11040-00

Date: Jan 20, 2017, 3:24pm User: G. Farniz File: P:\11040\00\Design\Exhibits\170120-TOWER Location on Survey.dwg