

AN ORDINANCE

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

* * * * *

WHEREAS, a public hearing was held 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 19.44 acres out of NCB 14881, 14882, 14853 and 4.60 acres out of NCB 34760, 34761, and 14747 from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "R-6 ERZD" GC-1 Residential Edwards Recharge Zone Gateway Corridor District-3, "C-3 ERZD" General Commercial Edwards Recharge Zone District, "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone Gateway Corridor District-3 and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3 CD S ERZD" (CD-Freight Depot) General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Freight Depot and "C-3 CD S ERZD" GC-1 (CD-Freight Depot) General Commercial Edwards Recharge Zone Gateway Corridor District with a Conditional Use and Specific Use Permit for a Freight Depot.

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 conditional use will not be contrary to the public interest.
- B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C.** The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.

SECTION 4. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The freight depot is for the off loading of lumber from the train and the loading of lumber onto a truck only.
- B. No permanent structure associated with the conditional use shall be permitted on the site.
- C. No rail spur shall be permitted on the site.
- D. No overnight storage of lumber shall be permitted.

SECTION 5. The San Antonio Water System shall inspect the premises at least twice a year.

SECTION 6. The Director of Development Services shall initiate a zoning case to remove the conditional zoning and Special Use Permit at the end of (5) five years or upon the special use being abandoned. In the event the conditional zoning and Special Use permit are abandoned before the end of five (5) years, the property owner shall notify the City of San Antonio Development Services Director ninety (90) days before the use is abandoned. The owner shall not oppose the zoning change.

SECTION 7. 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 8. 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 35% while the Conditional Use is in effect.

SECTION 9. 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 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 10. 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 11. 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 12. 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 13. 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.

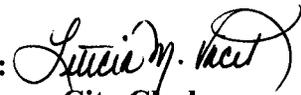
SECTION 14. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 15. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective March 5, 2006.

PASSED AND APPROVED this 23rd day of February, 2006.



M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney

22006292

EXHIBIT A
To Ordinance No. _____
Passed and approved 02/23/06



FIELD NOTES
FOR

A 19.44 acre, or 846,772 square foot more or less, tract of land being out of the Union Pacific Railroad, a 100-foot right-of-way recorded in Volume 51, Page 252-254 of the Deed Records of Bexar County, Texas, out of a 85.36 acre tract recorded in Volume 11474, Page 1470-1541 of the Official Public Records of Real Property of Bexar County, Texas, out of the C.W. Beckman Survey No. 2/24, Abstract 995, County Block 4777 of Bexar County, Texas, all in New City Block (N.C.B.) 14881, 14882 and 14853 of the City of San Antonio, Bexar County, Texas. Said 19.44 acre tract being more fully described as follows:

BEGINNING: At a point on the northeast line of the Union Pacific Railroad, a 100-foot right-of-way, the southwest line of the remaining portion of a 114.914 acre tract recorded in Volume 3608, Pages 1041-1108, and in Volume 3608, Pages 1171-1203, of the Official Public Records of Real Property of Bexar County, Texas, the south corner of a 1.012 acre tract recorded in Volume 11474, Page 1470-1541 of the Official Public Records of Real Property of Bexar County, Texas, the southeast corner of a 32.59 acre tract recorded in Volume 11644, Page 967-975 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the southwest line of the remaining portion of said 114.914 acre tract, the northeast line of said Union Pacific Railroad, the following calls and distances:

S 47°02'01"E, a distance of 252.57 feet to a point, the beginning of a curve to the left;

Southeasterly with a curve to the left, said curve having a radial bearing of N 42°57'59" E, a radius of 3769.83 feet, a central angle of 02°02'36", a chord bearing and distance of S 48°03'19" E, 134.43 feet, for an arc length of 134.44 feet to a point;

THENCE: S 40°55'23"W, departing the southwest line of the remaining portion of said 114.914 acre tract, the northeast line of said Union Pacific Railroad, over and across said Union Pacific Railroad, a distance of 100.00 feet to a point, on the northeast line of said 85.36 acre tract, the southwest line of said Union Pacific Railroad, the beginning of a curve to the left;

Southeasterly with a curve to the left, said curve having a radial bearing of N 40°55'23" E, a radius of 3869.83 feet, a central angle of 08°06'44", a chord bearing and distance of S 53°07'59" E, 547.46 feet, for an arc length of 547.92 feet to a point;

S 57°11'21"E, a distance of 240.82 feet to a point;

THENCE: S 32°48'39"W, departing the southwest line of said Union Pacific Railroad, the northeast line of said 85.36 acre tract, a distance of 484.71 feet to a point;

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- THENCE: S 89°05'14"W, at a distance of 162.37 feet passing a west line of said 85.36 acre tract, the northeast corner of a 23.16 acre tract recorded in Volume 5976, Page 619-621 of the Official Public Records of Real Property of Bexar County, Texas, continuing along and with a south line of said 85.36 acre tract, the north line of said 23.16 acre tract continuing for a total distance of 725.82 feet to a point, a southwest corner of said 85.36 acre tract;
- THENCE: N 04°23'03"W, along and with a west line of said 85.36 acre tract, at a distance of 30.06 feet passing the southeast corner of a 6.702 acre tract recorded in Volume 11496, Page 1425-1427 of the Official Public Records of Real Property of Bexar County, Texas, continuing along and with a west line of said 85.36 acre tract, a east line of said 6.702 acre tract for a total distance of 165.20 feet to a point;
- THENCE: N 51°30'57"E, along and with a northwest line of said 85.36 acre tract, the southeast line of said 6.702 acre tract, a distance of 115.30 feet to a point;
- THENCE: Along and with the west line of said 85.36 acre tract, the following calls and distances:
- N 35°29'01"W, along and with the east line of said 6.702 acre tract, a distance of 255.94 feet to a point, the northeast corner of said 6.702 acre tract, the southeast corner of a 2.6701 acre tract recorded in Volume 10717, Page 880-882 of the Official Public Records of Real Property of Bexar County, Texas;
- N 41°13'28"W, along and with the east line of said 2.6701 acre tract, a distance of 88.30 feet to a point;
- N 41°39'55"W, continuing along and with the east line of said 2.6701 acre tract, a distance of 141.62 feet to a point;
- N 40°43'37"W, continuing along and with the east line of said 2.6701 acre tract at a distance of 31.02 feet passing the northeast corner of said 2.6701 acre tract, the southeast corner of a 3.115 acre tract recorded in Volume 9991, Page 2160-2165 of the Official Public Records of Real Property of Bexar County, Texas, continuing along and with the east line of said 3.115 acre tract for a total distance of 130.60 feet to a point;
- THENCE: N 40°53'07"E, departing the west line of said 85.36 acre tract, the east line of said 3.115 acre tract, over and across said 85.36 acre tract, a distance of 563.78 feet to a point on the east line of said 85.36 acre tract, the southwest corner of said 32.59 acre tract
- THENCE: N 42°57'59"E, along and with the south line of said 32.59 acre tract, a distance of 100.00 feet to the POINT OF BEGINNING, and containing 19.44 acres in the City of San Antonio, Bexar County, Texas.

This exhibit is based on recorded data and does not represent an on the ground survey prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: February 23, 2006
JOB No.: 5466-20
FILE: N:\Survey05\CIVIL\5466-20\19.44ACRES.doc

Agenda Voting Results

Name: Z-4. Motion to approve with conditions and restricted covenants

Date: 02/23/06

Time: 05:33:29 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005292 CD S (District 8): An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "R-6 ERZD" GC-1 Residential Edwards Recharge Zone Gateway Corridor District-3, , "C-3 ERZD" General Commercial Edwards Recharge Zone District, "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone Gateway Corridor District-3 and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3 CD S ERZD" (CD-Freight Depot) General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Freight Depot and "C-3 CD S ERZD" GC-1 (CD-Freight Depot) General Commercial Edwards Recharge Zone Gateway Corridor District with a Conditional Use and Specific Use Permit for a Freight Depot on 21.23 acres out of NCB 14881, NCB 14882, NCB 14853 and 4.260 acres out of NCB 34760, NCB 34761, and NCB 14747, 17000 Block of IH-10 West as requested by Brown, P.C., Applicant, for La Cantera Partnership, Owner(s). Staff and Zoning Commission recommend Approval with SAWS recommendations.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6			x	
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

LINE	BEARING	LENGTH
L1	N 41°38'59" W	143.62'
L2	N 40°43'37" W	130.60'
L3	N 42°37'59" E	109.00'

**C.W. BECKMAN
SURVEY NO. 2/24 ABSTRACT 995
COUNTY BLOCK 4777**

REMAINING PORTION OF
114.914 ACRES
(VOL. 3608, PG. 1041-1108 R.P.R.)
(VOL. 3608, PG. 1171-1203 R.P.R.)
OWNER: LA CANTERA PARTNERSHIP

N.C.B. 14717

1.012 ACRES
(VOL. 11474, PGS. 1470-1541 R.P.R.)
OWNER: FOURTH QUARTER PROPERTIES LXIII, LP

REMAINING PORTION OF
80.29 ACRES
(VOL. 10571, PGS. 681-674 R.P.R.)
OWNER: FOURTH QUARTER PROPERTIES LXI, LP

32.59 ACRES
(VOL. 11644, PGS. 997-975 R.P.R.)
OWNER: FOURTH QUARTER PROPERTIES LXIV, LP

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FAX: 310 375 8018

UNION PACIFIC RAILROAD
(846,772 SQUARE FEET MORE OR LESS)

19.44 ACRES
(846,772 SQUARE FEET MORE OR LESS)

N.C.B. 14863
85.36 ACRES
(VOL. 11474, PGS. 1470-1541 R.P.R.)
OWNER: FOURTH QUARTER PROPERTIES LXII, LP

LOT 2, BLOCK 1
MILLER - I.H. 10/F.M. 1604 SUBDIVISION
(VOL. 9565, PG. 212 D.P.R.)
15.22 ACRES
(VOL. 6525, PG. 2040-2066 R.P.R.)
OWNER: BRAZOS DE SANTOS PARTNERS, LTD.

**C.W. BECKMAN
SURVEY NO. 301 3/4 ABSTRACT 880
COUNTY BLOCK 4764**

23.16 ACRES
(VOL. 5976, PG. 619-621 R.P.R.)
1994 LMC LAND TRUST

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE	CURVE LENGTH
C1	3769.83	2°02'36"	S 48°03'19" E	134.43'	134.44'
C2	3869.83	8°06'44"	S 53°07'59" E	547.46'	547.92'

0.226 ACRES QUITCLAIM
TOWNBORN LAND COMPANY ET AL
(VOL. 3969, PG. 310 R.P.R.)
CITY ORDINANCE 64348 1987

6.702 ACRES
(VOL. 11496, PG. 1425-1427 R.P.R.)
THE NOMA P. STRANG
REVOCABLE TRUST

N.C.B. 14881

0.227 ACRES QUITCLAIM
CITY ORDINANCE 64348 1987
LARRY VAN HORN

2.670 ACRES
(VOL. 10717, PG. 690-686 R.P.R.)
BRAND L. SCOTT JR.
SAM C. SCOTT JR.
ANTHONY C. SCOTT

**AN
EXHIBIT
OF
RELOAD FACILITY REZONING**

NOTE:
THIS EXHIBIT IS BASED ON RECORDED DATA AND DOES NOT REPRESENT AN ON THE GROUND SURVEY.

EXHIBIT B
To Ordinance No. _____
Passed and approved 02/23/06

REVISED: FEBRUARY 23, 2006
REVISED: DECEMBER 20, 2005

JOB NO.: 9319-05

REF.: 3479-50

Date: Feb. 23, 2006, 11:42am User ID: APALOMO
File: N:\Survey05\CIVIL\5466-20\546620-RV-021606-AP.dwg