



City of San Antonio
Cliff Morton Development and Business Services Center
1901 South Alamo Street
San Antonio, Texas 78204

PLANNING COMMISSION AGENDA
☞ January 23, 2013 ☞
2:00 P.M.

Roberto A. Rodriguez, *Chair*
Donald Oroian, *Vice Chair*
Andrea Rodriguez, *Chair Pro Tem*

Jody R. Sherrill
Daniel D. Kossl
Zachary Harris

Kevin Love
George Peck
Marcello Diego Martinez

Citizens may appear before the Planning Commission to speak for or against any item on this agenda, in accordance with procedural rules governing Planning Commission meetings. Questions relating to these rules may be directed to the Development Services Department at (210) 207-1111. Please note that citizen comments are limited up to three (3) minutes per person and may change as needed. Please plan to attend the meeting fifteen (15) minutes prior to the scheduled time.

DISABILITY ACCESS STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight (48) hours prior to the meeting. For assistance, please call (210) 207-1111 or 711 (Texas Relay Service for the Deaf).

DECLARACIÓN DE ACCESIBILIDAD - El lugar de reunión cuenta con el acceso disponible y estacionamiento para personas discapacitadas. También incluye servicios especiales e interpretes para personas con problemas auditivos. Este servicio debe ser solicitado cuarenta y ocho (48) horas antes del día programado para la reunión. Para más información favor comunicarse al (210) 207-1111 o al 711 (Servicio para personas con problemas auditivos Texas Relay)

For additional information on any item on this agenda, please call (210) 207-1111.

1. **1:30 P.M.** - Work Session, Tobin Room
 - A. Agenda items may be discussed (Development Services Department)
 - B. Plat notes discussion (Development Services Department)

At any time during the meeting, the Planning Commission may meet in executive session for consultation concerning attorney-client matters under Chapter 551 of the Texas Government Code

2. **2:00 P.M.** - Call to Order, Board Room
3. Roll Call
4. Citizens to be heard

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR PLANNING COMMISSION MEETING:

Public Hearing and Consideration of the following Plats, Variances, Planned Unit Development (PUD) plans, Street Rename, Appeals, Land Transactions, Adoption and Amendments of the Neighborhood, Community and Sector Plans as Components of the Master Plan, and other items as identified below.

Plats

5. **080021***: Request by M2G Marshall Road, Ltd., for Planning Commission to rescind Plat 080021, Village at Marshall Road Subdivision. The purpose of this request is to replace Plat 080021 with Plat 120382 on this agenda, which will reconfigure the lot layout. The subject property is generally located southeast of the intersection of U.S. Highway 281 and Marshall Road, in Council District 9. **Staff recommends approval.** (Rudy Muñoz, Planner, (210) 207-5014, rudy.munoz@sanantonio.gov, Development Services Department)
6. **120077***: Request by Centex Homes, for approval of a major plat to subdivide an 8.143-acre tract of land to establish **Silverado Hills Unit 7**, generally located north of the intersection of Western Star and Lasso Bend, outside San Antonio City Limits. **Staff recommends approval.** (Rudy Muñoz, Planner, (210) 207-5014, rudy.munoz@sanantonio.gov, Development Services Department)
7. **120120***: Request by Varco Real Estate Holdings, LLC, for approval of a major plat to subdivide a 7.1305-acre tract of land to establish **Hardy Oaks Office Campus**, generally located west of Hardy Oak Boulevard, north of Meisner, in Council District 9. **Staff recommends approval.** (Larry Odis, Planner, (210) 207-0210, larry.odis@sanantonio.gov, Development Services Department)
8. **120198**: Request by Pulte Homes of Texas, L.P., for approval of a major plat to subdivide an 9.870-acre tract of land to establish **Alamo Ranch Unit 50A Phase 2 Subdivision**, generally located at the extension of Texas Gold Road, west of Treefrog Trail Road, outside San Antonio City Limits. **Staff recommends approval.** (Rudy Muñoz, Planner, (210) 207-5014, rudy.munoz@sanantonio.gov, Development Services Department)
9. **120246**: A two-part request by Estates of Alon Development Group, LTD. for approval of 1) a variance from Section 35-202(c) of the Unified Development Code (“UDC”) Size and Location of Site there is no minimum size for conventional or enclave subdivisions but there shall be a maximum size limit of one hundred fifty (150) acres for enclave subdivisions. 2) a major plat to subdivide a 25.30-acre tract of land to establish the **Bridgepoint Units 10, 11 & 12 Enclave Subdivision**, generally located west of the intersection of State Highway 16 (Bandera Road) and Triana Parkway, outside San Antonio City Limits. **Staff recommendation is for approval.** Richard Carrizales, Planner, (210) 207-8050, Richad.Carrizales@sanantonio.gov, Development Services Department).
10. **120311**: Request by Centex Homes, for approval of a major plat to subdivide a 18.375 acre tract of land to establish **Villages at Bulverde Unit 13A**, generally located south of the intersection of Cambridge Well and Running Ranch, outside San Antonio City Limits. **Staff recommends approval.** (Larry Odis, Planner, (210) 207-0210, larry.odis@sanantonio.gov, Development Services Department)
11. **120373***: Request by Shavano Rogers Ranch No. 3, Ltd., for approval of a major plat to subdivide a 15.12 acre tract of land to establish **Rogers Ranch, Unit P7 PUD Subdivision**, generally located at the extension of Happys Corner Street, south of Golden Maize Road, in Council District 9. **Staff recommends approval.** (Rudy Muñoz, Planner, (210) 207-5014, rudy.munoz@sanantonio.gov, Development Services Department)

12. **120382***: Request by M2G Marshall Road, Ltd., for approval of a major plat to subdivide a 22.681-acre tract of land to replat the **Village at Marshall Road Subdivision**, generally located southeast of the intersection of U.S. Highway 281 and Marshall Road, in Council District 9. **Staff recommends approval.** (Rudy Muñoz, Planner, (210) 207-5014, rudy.munoz@sanantonio.gov, Development Services Department)
13. **120411**: Request by KB Home Lone Star, L.P., for approval of a major plat to subdivide a 9.831 acre tract of land to establish **Fox Grove Subdivision, Unit 13**, generally located south of the intersection of Semora Oak and Pearl Harvest, outside San Antonio City Limits. **Staff recommends approval.** (Larry Odis, Planner, (210) 207-0210, larry.odis@sanantonio.gov, Development Services Department)
14. **120442**: Request by Maruchan Texas, Inc., for approval of a major plat to subdivide a 56.359-acre tract of land to establish the **Maruchan Subdivision**, generally located north of the intersection of Interstate Highway 35 and Fischer Road, outside San Antonio City Limits. **Staff recommends approval.** (Richard Carrizales, Planner, (210) 207-8050, Richard.Carrizales@sanantonio.gov, Development Services Department)

Plat Deferrals

15. **120158**: The consideration that was continued from January 9, 2013 Planning Commission meeting to approve a resolution directing staff to terminate temporary utility service and revoke building permits; or the alternative option to approve an additional deferral request by Tung Van Nguyen to continue temporary utility service prior to plat approval and recordation of the **Lien HOA Temple Subdivision** for one (1) non-single family lot consisting of 3.31 acres, generally located northeast of the intersection of Excalibur Drive and Fratt Road. **Staff recommends approval of deferral.** (Donna Camacho, Planner, (210) 207-5016, donna.camacho@sanantonio.gov, Development Services Department)

Planned Unit Development (PUD) Plans

16. **PUD 12-003***: Request by The Panhandle at Brenthurst, LLC, and Highlands Dominion, LLC, for approval of the Alturas at the Dominion PUD Plan, generally located northeast of the intersection of Brenthurst Lane and Reserva Avila, in City Council District 8. **Staff recommends approval.** (Rudy Muñoz, Planner, (210) 207-5014, rudy.munoz@sanantonio.gov, Development Services Department)

Land Transactions

17. SP 1514 – Consideration of a Resolution supporting and recommending City Council approval to declare as surplus and sell a 0.287 acre vacant tract of land in NCB 8704 located in Council District 1 to Whataburger. (Mary L. Fors, (210) 207-4083, mary.fors@sanantonio.gov, Capital Improvements Management Services)
18. SP 1608 - Consideration of a Resolution supporting and recommending City Council approval to declare as surplus and sell a 0.395 acre vacant parcel of land in NCB 8536 located in Council District 5 to AutoZone. (Mary L. Fors, (210) 207-4083, mary.fors@sanantonio.gov, Capital Improvements Management Services)
19. A request by the Department of Public Works for consideration of nine (9) capital projects that have potential right-of-way impacts and may require property acquisition. Three projects are currently included in the adopted FY 2013-2017 Infrastructure Management Program (IMP) Street and Advanced Transportation District programs, five (5) capital projects will be amended into the adopted FY 2013-2017 IMP (Advanced Transportation District program), and one (1) project will not be

*Property is located within the Camp Bullis Notification Area

amended into the adopted FY 2013-2017 IMP as it is funded through the Stormwater Revenue Bond.
The nine (9) projects that have potential right-of-way impacts include:

Projects in Adopted FY 2013-2017 IMP:

1. Bandera Rd. and Mainland Ave. Intersection Improvement Project
2. S Santa Rosa Ave. and El Paso St. Intersection Improvement Project
3. Rochambeau St. Rehabilitation: Hawthorne St. to Sims Ave.

Projects Proposed for inclusion in IMP:

4. Jones Maltsberger Rd. and Burning Trail St. Intersection Improvement Project
5. LP 1604 and Rogers Ranch Intersection Improvement Project
6. Stone Oak Pkwy and Knight Cross Dr. Intersection Improvement Project
7. West Ave. and Patricia Dr. Intersection Improvement Project
8. W. Southcross Blvd Sidewalks: S Zaramora to 300 feet east of Huron St.

Stormwater Revenue Bond Project (Non-IMP Project):

9. Carriage Mist Drainage Improvements

Comprehensive Master Plan Amendments

20. **PA 13006:** Item continued from January 9, 2013. A request by Carlos Lomelin and Hector Islas, for approval of a resolution to amend the future land use plan contained in the Tobin Hill Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 0.799 acres of land at 211,215 and 219 E. Courtland Place, and 2003 and 2011 McCullough Avenue from “Low Density Mixed Use” to “High Density Residential”, in City Council District 1. Staff recommends Approval. (Robert C. Acosta, Planner, (210) 207-0157, racosta@sanantonio.gov , Department of Planning and Community Development)
21. **PA 13011:** A request by Lillie Beasley for approval of a resolution to amend the future land use plan contained in the San Antonio International Airport Vicinity Land Use Plan, a component of the Master Plan of the City, by changing the use of approximately 0.1653 acres of land at 4530 Walzem Road from “Low Density Residential” to “Neighborhood Commercial”, in City Council District 2. Staff recommendation is Approval. (Tyler Sorrells, AICP, Planner, (210) 207-7395, tyler.sorrells@sanantonio.gov, Department of Planning and Community Development)
22. **PA 13012:** A request by Salah Diab, for approval of a resolution to amend the future land use plan contained in the Kelly/South San PUEBLO Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 0.3819 acres of land at 503 Laredo Highway from “Community Commercial” to “Business Park”, in City Council District 5. Staff recommendation Denial. (Tyler Sorrells, AICP, Planner, (210) 207-7395, tyler.sorrells@sanantonio.gov, Department of Planning and Community Development)
23. **PA 13013:** A request by Roland Lozano, for approval of a resolution to amend the future land use plan contained in the Stinson Airport Vicinity Land Use Plan a component of the Master Plan of the City, by changing the use of approximately 14.767 acres of land out NCB 10879 located at the SW corner of Research Plaza and S. New Braunfels Street from “Regional Commercial” to “Light Industrial”, in City Council District 3. Staff recommends Approval. (Robert C. Acosta, Planner, (210) 207-0157, racosta@sanantonio.gov , Department of Planning and Community Development)
24. **PA 13014:** A request by Kaufman & Killen, Inc. for approval of a resolution to amend the future land use plan contained in the Highlands Community Plan, a component of the Master Plan of the City, by changing the use of approximately 12.801 acres of land out of NCB 10865, located northeast of the intersection of IH-37 and South East Military Drive from “Parks/Open Space,” High Density

Residential,” and “Medium Density Residential” to “Medium Density Residential”, in City Council District 3. Staff recommends Approval. (Jacob T. Floyd, Senior Planner, (210) 207-8318, jacob.floyd@sanantonio.gov , Department of Planning and Community Development)

25. **PA 13015:** A request by Chris Weigand, for approval of a resolution to amend the future land use plan contained in the Eastern Triangle Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.34 acres of land at 4518 Lord Road from “Public Institutional” to “High Density Mixed Use”, in City Council District 2. Staff recommendation Approval. (Tyler Sorrells, AICP, Planner, (210) 207-7395, tyler.sorrells@sanantonio.gov, Department of Planning and Community Development)

Other Items

26. Consideration and possible action on convening the Planning Commission Technical Advisory Committee for the purpose of advising the Planning Commission on current acceptable plat notes form and contents, per section 35-B121(c)(22).
27. Consideration and possible action for the appointment of representatives from Bexar County Public Works, CPS Energy, and SAWS members to the Planning Commission Technical Advisory Committee as temporary voting members during the requested Planning Commission Technical Advisory Committee sessions for purposes of transparency.
28. Approval of the minutes for the January 9, 2013 Planning Commission meeting.
29. Director’s report - City Council Action Update (Planning Commission Items sent to Council).
30. Adjournment.



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 5

Public Hearing:

Planning Commission

January 23, 2013

Application/Case Number:

080021

Project Name:

The Village at Marshall Road

Applicant:

Ty Thaggard

Representative:

Dunaway Associates L.P., c/o

Christopher M. Biggers, P.E.

Owner:

M2G Marshall Road, Ltd.

Staff Coordinator:

Rudy Muñoz, Planner

(210) 207-5014

Rudy.Munoz@sanantonio.gov

Property Address/Location:

Southeast of the intersection of U.S.

Highway 281 and Marshall Road

MAPSCO Map Grid (Ferguson):

483 D-3

Tract Size:

22.64

Council District:

9

Notification:

Internet Agenda Posting January 18,

2013

REQUEST

The applicant is requesting that the Planning Commission **rescind** the approval of Plat 080021, The Village at Marshall Road. The purpose of the request is to replace Plat 080021 with Plat 120382, which will reconfigure the lot layout

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 4, 2013

CASE HISTORY

Plat No. 080021 was approved by the Planning Commission on August 12, 2009. Further, a three year time extension was granted by the Planning Commission on July 25, 2012.

ATTACHMENTS

1. Rescind request letter
2. Plat



MILAM REAL ESTATE CAPITAL, LLC
DEVELOPMENT SERVICES
RECEIVED

January 2, 2013 2013 JAN -4 AM 11:46

Mr. Roderick Sanchez, Director
City of San Antonio
Planning and Development Services
1901 South Alamo
San Antonio, Texas 78204

RE: Village at Marshall Road, Plat No. 120382, Sam's Club #4914

Dear Mr. Sanchez:

M2G Marshall Road, Ltd., as owner of the property and project referenced above, requests that The Village at Marshall Road Subdivision Plat No. 080021, be rescinded and be made void contemporaneous with the approval of Plat No. 120382 by the City of San Antonio Planning Commission. Plat No. 080021 is an unrecorded plat which was recently extended by the City of San Antonio Planning Commission and is set to expire on July 25, 2015.

Sincerely,

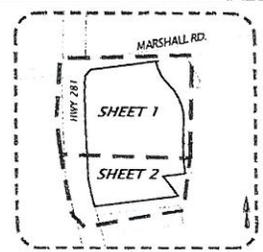
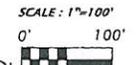
M2G Marshall Rd., Ltd.
By: Milam Real Estate Capital, LLC,
Its Asset Manager

By: 

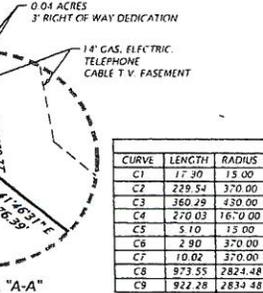
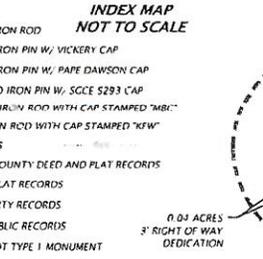
Name: Ty Thaggard

Title: Managing Partner

LINE	LENGTH	BEARING
L1	35.17	N 13°35'47" W
L2	4.66	N 81°46'31" E
L3	12.71	N 81°53'09" E
L4	10.00	S 81°50'44" W
L5	55.83	N 82°28'22" E
L6	25.14	S 13°31'34" E
L7	56.55	S 82°28'22" W
L8	25.07	S 11°54'05" E
L9	16.05	S 82°28'22" W



- LEGEND**
- F.I.R. 1/2" FOUND IRON ROD
 - F.I.R. "V" - FOUND IRON PIN W/ VICKERY CAP
 - F.I.R. "FD" - FOUND IRON PIN W/ PAPE DAWSON CAP
 - F.I.R. "SCCE" - FOUND IRON PIN W/ SCCE S293 CAP
 - F.I.R. "MBC" - FOUND IRON ROD WITH CAP STAMPED "MBC"
 - S.I.R. "KFW" - SET IRON ROD WITH CAP STAMPED "KFW"
 - EXISTING CONTOURS
 - B.C.D.P.R. - BEYAR COUNTY DEED AND PLAT RECORDS
 - D.P.R. - DEED AND PLAT RECORDS
 - R.P.R. - REAL PROPERTY RECORDS
 - O.P.R. - OFFICIAL PUBLIC RECORDS
 - TXDOT MON. - TXDOT TYPE 1 MONUMENT



CURVE TABLE

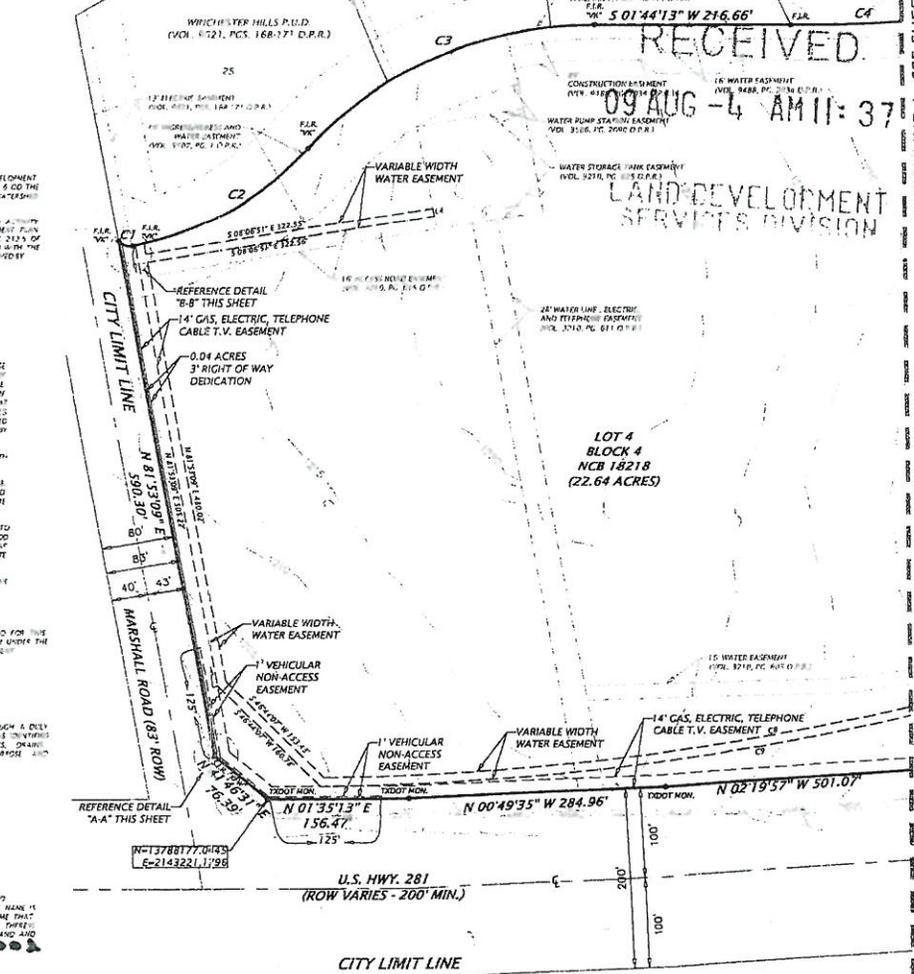
CURVE	LENGTH	RADIUS	TANGENT	DELTA ANGLE	CHORD BEARING	CHORD
C1	17.30	15.00	9.76	66°5'49"	S 22°19'30" W	16.36
C2	229.54	370.00	118.60	35°32'45"	S 28°29'47" E	225.68
C3	360.29	430.00	191.48	48°00'24"	S 22°15'58" E	349.84
C4	270.03	167.00	135.31	09°15'52"	S 02°53'43" E	269.74
C5	5.10	15.00	2.57	19°28'24"	S 45°38'31" W	5.07
C6	2.90	370.00	1.45	00°26'56"	S 10°58'53" E	2.90
C7	10.02	370.00	5.01	01°03'37"	S 11°56'54" E	10.02
C8	973.55	2824.48	491.65	19°44'56"	S 08°31'54" E	968.74
C9	922.28	2834.48	465.25	18°38'34"	S 07°53'39" E	918.22

- NOTES**
- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO THE RIGHT OF WAY THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE UTILITY DEPTH MEASUREMENTS AND RECORDS.
 - OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY INTERFERENCE TO THE EXISTING DRAINAGE SYSTEM WITHIN THE RIGHT OF WAY.
 - MINIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY REGULATIONS FOR ACCESS POINTS TO STATE HIGHWAYS. THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL IN TWO ACCESS POINTS TO U.S. 281 BASED ON OVERALL PLATTED DIMENSIONS OF 138.15.
 - SEWERAGE AS REQUIRED BY APPROPRIATE CITY ORDINANCE A SEWERAGE PERMIT MUST BE APPROVED BY TXDOT PRIOR TO CONSTRUCTION WITHIN STATE RIGHT OF WAY. LOCATIONS OF SEWERAGE WITHIN STATE RIGHT OF WAY SHALL BE DETERMINED BY TXDOT.
- C.F.S. NOTES**
- THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC AND GAS SYSTEM WITH PUBLIC SERVICE BOARD IS HEREBY DESIGNATED THE EASMENTE AND RIGHTS OF WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESCRIBED ON THIS PLAT AS ELECTRIC EASEMENT, GAS EASEMENT, SEWER EASEMENT, SERVICE EASEMENT, DRAINAGE EASEMENT, UTILITY EASEMENT, AND TELEPHONE EASEMENT FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, INSPECTING, RATFOLLING, AND REPAIRING PIPES, HANDLING SURFING WATER, CALLS, CONDUITS, POLES AND TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TO WITH THE RIGHT OF ACCESS AND EGRESS OVER GRANTORS' ADJACENT LANDS, THE RIGHT TO RELOCATE SAID FACILITIES SAID EASEMENT AND RIGHT OF WAY AREAS AND THE RIGHT TO REMOVE FROM SAID LANDS ALL WELLS OR HAPTS TO OTHER OBSTRUCTIONS WHICH ENHANCE OR HARM INTERFERE WITH THE ENJOYMENT OF SAID EASES OR AREAS. HERETOBY IT IS AGREED AND UNDERSTOOD THAT NO AIRDRAWS, CONCRETE SLABS OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS.
 - ANY ON PROPERTY LOTS REQUIRING TRENCH MODIFICATIONS REQUIRED BY CFS EQUIPMENT LOCATED WITHIN SAID EASE AREAS, DUE TO GRADE CHANGES OR ELEVATION ALTERATIONS, SHALL BE CHARGED TO THE PROPERTY OR NEARBY DEFERRED RESPONSIBILITY FOR SAID TRENCH CHANGES OR CHANGES TO ELEVATION.
 - THIS PLAT DOES NOT AFFECT, ALTER, REMOVE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS THE UTILITIES UNDER THE JURISDICTION OF SUCH EASEMENTE ARE DEFERRED.
 - CONCRETE DRIVEWAY APPROACHES AND STOPS ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE CROWNED BY A CURB OR CURB AND GUTTER.
 - ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FEET WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PRESENT OR EXISTING WITHIN THE FIVE (5) FOOT WIDE EASEMENT.

IMPACT FEE PAYMENT DUE: WATER AND WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

- CLEAR VISION NOTE**
- ALL ACCESS DRIVEWAYS SHALL BE PROVIDED WITH CLEAR WHICH AREA IN ACCORDANCE WITH LOC. 35.506 (0.5)
 - OWNER SHALL PROVIDE SHARED CROSS ACCESS WITH ADJACENT LOTS IN ACCORDANCE WITH LOC. 35.506 (0.3)

- SHARE CROSS ACCESS NOTE**
- OWNER SHALL PROVIDE SHARED CROSS ACCESS WITH ADJACENT LOTS IN ACCORDANCE WITH LOC. 35.506 (0.3)



STATE OF TEXAS
COUNTY OF BEYAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT, IN PART OR THROUGH A DEED INSTRUMENT, HAS AGREED TO THE USE OF THE PUBLIC, EGRESS AND SERVICES AS DESCRIBED ON THIS PLAT, AND HAS AGREED TO THE USE OF THE PUBLIC, EGRESS AND SERVICES AS DESCRIBED ON THIS PLAT, AND HAS AGREED TO THE USE OF THE PUBLIC, EGRESS AND SERVICES AS DESCRIBED ON THIS PLAT.

Wanda Mae
 10742 MARSHALL ROAD, LTD. CO. #1

Carol M. Adamek
 CAROL M. ADAMEK
 Notary Public, State of Texas
 My Commission Expires
 July 24, 2010

SUBDIVISION PLAT ESTABLISHING THE VILLAGE AT MARSHALL ROAD

A 22.64 ACRES, OR 986,045 SQUARE FEET TRACT OF LAND OUT OF A CALLED 1036 ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 AND DESCRIBED IN SPECIAL WARRANTY DEED IN VOLUME 6057, PAGE 1701-1748 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY FOR BEYAR COUNTY TEXAS, OUT OF THE WM BRISBEN SURVEY NO. 89 34, ABSTRACT 54, COUNTY BLOCK 4500 NOW IN NEW CITY BLOCK (N.C.B.) 18218 OF THE CITY OF SAN ANTONIO OF BEYAR COUNTY, TEXAS

THIS PLAT OF THE VILLAGE AT MARSHALL ROAD, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION DATED THIS _____ DAY OF _____ A.D. 20____

BY: _____ CHAIRMAN
 BY: _____ SECRETARY

OWNER/DEVELOPER:
B&M MARSHALL ROAD, LTD.
 335 E. SONTERRA BLVD, SUITE 200
 SAN ANTONIO, TEXAS 78258
 PHONE: (210) 308-6288
 FAX: (210) 979-6126

STATE OF TEXAS
COUNTY OF BEYAR

I, _____ COUNTY CLERK OF BEYAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE _____ DAY OF _____ A.D. _____ AT _____ M. AND DULY RECORDED THE _____ DAY OF _____ A.D. _____ AT _____ M. IN THE DEED AND PLAT RECORDS OF BEYAR COUNTY IN BOOK _____ CH PAGE _____ IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE.

THIS _____ DAY OF _____ A.D. _____

 COUNTY CLERK, BEYAR COUNTY, TEXAS

FILED BY JR
 6/17/2009

ATTACHMENT 2



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 6

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120077

Project Name:

Silverado Hills Unit 7

Applicant:

Charles Marsh

Representative:

Pape-Dawson Engineers, Inc., c/o
Shauna L. Weaver, P.E.

Owner:

Centex Homes

Staff Coordinator:

Rudy Muñoz, Planner
(210) 207-5014
Rudy.Munoz@sanantonio.gov

Property Address/Location:

North of the intersection of Western
Star and Lasso Bend

MAPSCO Map Grid (Ferguson):

450 F-4

Tract Size:

8.143 acres

Council District:

ETJ

Notification:

Internet Agenda Posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 8.143-acre tract of land to establish the **Silverado Hills Unit 7**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 8, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of forty one (41) single-family residential lots and approximately one thousand one hundred and thirty three (1,333) linear feet of public streets.

B. Zoning

The proposed plat is located outside the city limits of San Antonio, therefore zoning is not applicable.

C. Major Thoroughfare

Canyon Golf Road, Secondary Arterial Type A, 86-foot minimum right-of-way

D. Services Available

SAWS Water and Sewer

E. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on January 3, 2013.

Furthermore, this plan lies within the Camp Bullis 5-Mile Awareness Zone, the tract is less than ten (10) acres, and does not immediately abut the Camp Bullis or Camp Stanley installations. Therefore, the Military Installation's review was not applicable in accordance with the executed Memorandum of Understanding (MOU).

F. Interdepartmental Review

LOCs were issued from all reviewing agencies on January 2, 2013.

II. SUPPLEMENTAL INFORMATION

A. Associated Applications

MDP 802B, Friesenhahn, accepted March 6, 2007

III. RECOMMENDATION

Approval of the proposed **Silverado Hills Unit 7 Subdivision**

IV. ATTACHMENT

1. Proposed Plat

PLAT NUMBER 120077

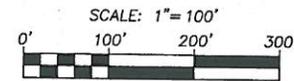
SUBDIVISION PLAT OF SILVERADO HILLS UNIT 7

AN 8.143 ACRE TRACT OF LAND OUT OF A 99.37 ACRE TRACT OF LAND CONVEYED TO CENTEX HOMES IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 12203, PAGES 100-111 OF THE OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS, OUT OF THE GUADALUPE COLLEGE SURVEY NUMBER 416, ABSTRACT 262, COUNTY BLOCK 4847, BEAR COUNTY, TEXAS.

PAPE-DAWSON ENGINEERS INC. REGISTRATION # 470

555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000 FAX: 210.375.9010

DATE OF PRINT: January 4, 2013



- LEGEND: BLK BLOCK, CB COUNTY BLOCK, DPR DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS, DRD DEED RECORDS OF BEAR COUNTY, TEXAS, OPR OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS, etc.

- 15 GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT, 20 OVERHEAD ELECTRIC, GAS, TELEPHONE & CABLE TV, EASEMENT (TOP LOT - 1/2 OF AN ACRE), 15 BUILDING SETBACK LINE, etc.

SURVEYOR'S NOTES: 1. PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED 'PAPE-DAWSON' UNLESS NOTED OTHERWISE. 2. COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (COGS 1996) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE...

STATE OF TEXAS COUNTY OF BEAR I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND EASEMENTS, AND THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNITED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

Shauna L. Weaver LICENSED PROFESSIONAL ENGINEER STATE OF TEXAS COUNTY OF BEAR I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

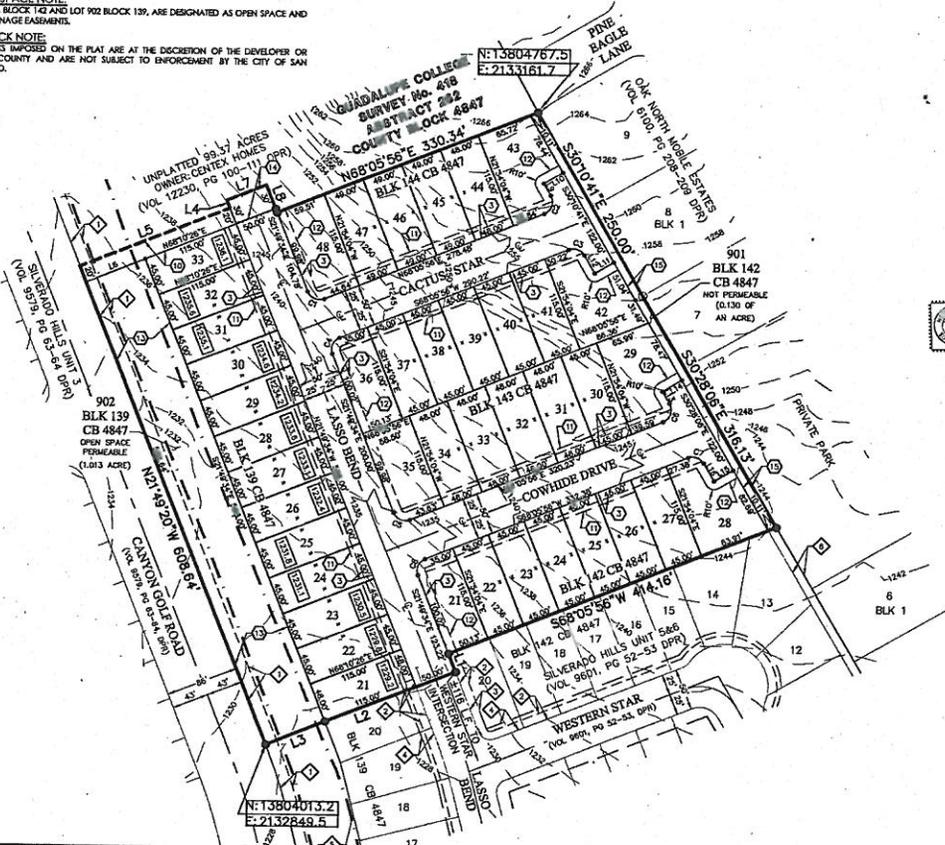
FIRE FLOW NOTE: IN AN EFFORT TO MEET THE CITY OF SAN ANTONIO'S FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIRE FLOW DEMAND OF 1,200 GPM AT 25 PSI RESIDUAL PRESSURE. FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF 8' ABOVE FINISHED ADJACENT GRADE.

FINISHED FLOOR NOTE: FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF 8' ABOVE FINISHED ADJACENT GRADE. BEAR COUNTY MAINTENANCE NOTE: THE MAINTENANCE OF ALL PRIVATE STREETS, OPEN SPACE, GREENBELTS, PARKS, DRAINAGE EASEMENTS AND EASEMENTS OF ANY NATURE WITHIN SILVERADO HILLS UNIT 7 SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION OR THEIR SUCCESSORS AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO OR BEAR COUNTY, TO INCLUDE BUT NOT LIMITED TO: LOT 901, BLOCK 142 AND LOT 902, BLOCK 139.

OPEN SPACE NOTE: LOT 901, BLOCK 142 AND LOT 902, BLOCK 139, ARE DESIGNATED AS OPEN SPACE AND AS DRAINAGE EASEMENTS. SETBACK NOTE: SETBACKS SHOWN ON THE PLAT ARE AT THE DISCRETION OF THE DEVELOPER OR BEAR COUNTY AND ARE NOT SUBJECT TO ENFORCEMENT BY THE CITY OF SAN ANTONIO.

FINISHED FLOOR-FOR FLOODPLAIN NOTE: THE 1% ANNUAL CHANCE (100-YR) FLOODPLAIN LIMITS SHOWN ON THIS PLAT WERE DELINEATED BASED UPON A LETTER OF ANALYSIS (LOA) STUDY PREPARED BY PAPE-DAWSON ENGINEERS AND APPROVED BY FEMA ON APRIL 22, 2012 CASE NO. 11-64-0484. CONSTRUCTION IMPROVEMENTS OR STRUCTURES WITHIN THE FLOODPLAIN ARE PROHIBITED WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF SAN ANTONIO AND/OR BEAR COUNTY.

LOA/R STUDY NOTE: THE 1% ANNUAL CHANCE (100-YR) FLOODPLAIN LIMITS SHOWN ON THIS PLAT WERE DELINEATED BASED UPON A LETTER OF ANALYSIS (LOA) STUDY PREPARED BY PAPE-DAWSON ENGINEERS AND APPROVED BY FEMA ON APRIL 22, 2012 CASE NO. 11-64-0484. CONSTRUCTION IMPROVEMENTS OR STRUCTURES WITHIN THE FLOODPLAIN ARE PROHIBITED WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF SAN ANTONIO AND/OR BEAR COUNTY.



LINE TABLE with columns: LINE, BEARING, LENGTH. Includes lines L1 through L16.

CURVE TABLE with columns: CURVE, RADIUS, DELTA, CHORD BEARING, CHORD LENGTH. Includes curves C1 through C8.

STATE OF TEXAS COUNTY OF BEAR THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATED TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PARCELED LAND DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES THEREIN SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

ROSE PORTILLO My Commission Expires August 19, 2013. STATE OF TEXAS COUNTY OF BEAR CERTIFICATE OF APPROVAL THE UNDERSIGNED, COUNTY JUDGE OF BEAR COUNTY, TEXAS AND PRESIDING OFFICER OF THE COMMISSIONERS COURT OF BEAR COUNTY, TEXAS DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS DULY FILED WITH THE COMMISSIONERS COURT OF BEAR COUNTY, TEXAS AND THAT AFTER EXAMINATION IT APPEARED THAT SAID PLAT IS IN CONFORMITY WITH THE STATUTES, RULES AND REGULATIONS GOVERNING SAME, AND THIS PLAT WAS APPROVED BY THE SAID COMMISSIONERS COURT.

RECEIVED 3 JAN - 7 PM 4: 4 LAND DEVELOPMENT DIVISION OFFICE DIVISION COUNTY CLERK BEAR COUNTY, TEXAS STATE OF TEXAS COUNTY OF BEAR

COUNTY CLERK BEAR COUNTY, TEXAS STATE OF TEXAS COUNTY OF BEAR I, _____, COUNTY CLERK OF BEAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON _____ DAY OF _____ A.D. 20__ AT _____ M. AND DULY RECORDED THE _____ DAY OF _____ A.D. 20__ AT _____ M. IN THE DEED AND PLAT RECORDS OF BEAR COUNTY, IN BOOK VOLUME _____ ON PAGE _____ IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 20__ COUNTY CLERK, BEAR COUNTY, TEXAS DEPUTY



Civil Job No. 6003-51; Survey Job No. 9127-05 ATTACHMENT



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 7

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120120

Project Name:

Hardy Oaks Office Campus

Applicant:

David Varela

Representative:

Cobb Fendley & Associates
c/o Abel Guzman, P.E.

Owner:

Varco Real Estate Holdings, LLC

Staff Coordinator:

Larry Odis, Planner
(210)207-0210
larry.odis@sanantonio.gov

Property Address/Location:

West of Hardy Oak Boulevard, north
of Meisner

MAPSCO Map Grid (Ferguson):

517 A-1

Tract Size:

7.1305 acres

Council District:

9

Notification:

Internet Agenda posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 7.1305-acre tract of land
to establish **Hardy Oaks Office Campus**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 10, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of two (2) non-single family residential lots.

B. Zoning

“C-3 ERZD MLOD” General Commercial Edwards Recharge Zone Military Lighting Overlay District

C. Major Thoroughfare

Hardy Oak Boulevard, Secondary Arterial Type A, 86-foot minimum ROW

D. Services Available

SAWS Water and Sewer

E. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on November 13, 2012.

The subject property is located within the Edwards Recharge Zone. The Aquifer Protection and Evaluation Section of the San Antonio Water Systems (SAWS) reviewed the proposed project as indicated in the attached report (**ATTACHMENT 2**). No significant recharge features were observed on this site. The request meets all of the requirements for development over the recharge zone.

Furthermore, this plan lies within the Camp Bullis 5-Mile Awareness Zone, the tract is less than ten (10) acres, and does not immediately abut the Camp Bullis or Camp Stanley installations. Therefore, the Military Installation’s review was not applicable in accordance with the executed Memorandum of Understanding (MOU).

F. Interdepartmental Review

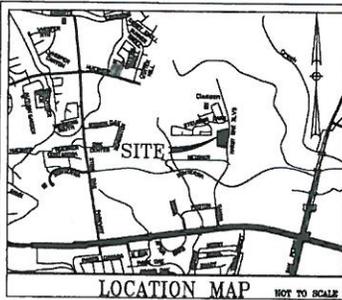
LOCs were issued from all reviewing agencies on January 03, 2013.

II. RECOMMENDATION

Approval of the proposed **Hardy Oaks Office Campus** Subdivision Plat

III. ATTACHMENTS

1. Proposed plat
2. SAWS Aquifer Letter



OPS ENERGY PLAT NOTES:
 Q) THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM CITY PUBLIC SERVICE DEPARTMENT IS HEREBY DESIGNATED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "SERVICE EASEMENT", "OVERPASS EASEMENT", "UTILITY EASEMENT", "GAS EASEMENT", AND "TRANSFORMER EASEMENT" FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR JUMPING WIRES, CABLES, CONDUITS, PIPELINES OR TRAYS - FURNISHING EACH WITH ITS NECESSARY APPURTENANCES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS WITHIN SAID EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF OR OTHER OBSTRUCTIONS WHICH INTERFERE WITH THE EFFICIENT USE OF SAID LINES AND APPURTENANCES THEREIN. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR OTHER STRUCTURES SHALL BE PLACED WITHIN SAID EASEMENT AREAS.
 LIT & STORM WATER RETENTION IS REQUIRED FOR THIS PROPERTY. THE ENGINEER OF RECORD FOR THIS SUBDIVISION PLAT HAS ESTIMATED THAT AN AREA OF NECESSARY STORAGE AND RETENTION OF WATER SHALL BE PROVIDED FOR THIS USE. THIS IS AN ESTIMATE ONLY AND DETAILED ANALYSIS MAY REVEAL DIFFERENT REQUIREMENTS.

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE NAD 83

THE MAINTENANCE OF THE RETENTION POND AND OUTLET STRUCTURE SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS OR HOMEOWNERS ASSOCIATION AND THEIR SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO OR BEAR COUNTY.

NO STRUCTURE, FENCES WALLS, OR OTHER OBSTRUCTIONS THAT IMPED DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS AS APPROVED SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF SAN ANTONIO AND BEAR COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REPAIR ANY IMPEDING OBSTRUCTIVE PLACES WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY RECONFIGURATIONS WITHIN SAID DRAINAGE EASEMENTS.

PLAT NO. 120120

SUBDIVISION PLAT ESTABLISHING HARDY OAKS OFFICE CAMPUS

ESTABLISHING LOTS 11 & 12, BLOCK 55, N.C.B. 19221 BEING 74,300 ACRES OF LAND IN THE CITY OF SAN ANTONIO, N.C.B. 15569, OUT OF A 7514 ACRE TRACT OF LAND DESCRIBED IN BEING RECORDED IN VOLUME 5530, PAGES 1033-1020, OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS, AND OUT OF THE SENECA DRAGGAGE AND AGRICULTURE COMPANY SURVEY NO. 17, ABSTRACT NO. 726, COUNTY BLOCK 4938, BEAR COUNTY, TEXAS.

SCALE: 1" = 100'
 FERNANDEZ, FRAZER, WHITE AND ASSOCIATES, INC.
 11824 RADLUM
 SAN ANTONIO, TEXAS 78216
 (210) 377-0774



TEXAS REGISTRATION NO. 274
 1100 NW LOOP 410, SUITE 350
 SAN ANTONIO, TEXAS 78213
 (210) 828-4611

STATE OF TEXAS
 COUNTY OF BEAR
 THE OWNER OF THE LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES THEREIN SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

David W. Vreeland
 OWNER VARIOUS REAL ESTATE HOLDINGS LLC
Wanda
 HARDY OAK DEVELOPMENT LLC

STATE OF TEXAS
 COUNTY OF BEAR
 BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **DAVID VREELAND** and acknowledged to me that he executed the foregoing instrument, and acknowledged to me that he subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 16 DAY OF DECEMBER A.D. 2012.

VICTORIA J. STOLJANICH
 Notary Public
 STATE OF TEXAS
 My Comm. Exp. Apr. 16, 2016

STATE OF TEXAS
 COUNTY OF BEAR
 BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **Dina Green** and acknowledged to me that she executed the foregoing instrument, and acknowledged to me that she subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 16 DAY OF December A.D. 2012.

RITA A. RAYMOND
 Notary Public
 STATE OF TEXAS
 My Commission Expires April 05, 2015

STATE OF TEXAS
 COUNTY OF BEAR
 THIS PLAT OF HARDY OAKS OFFICE CAMPUS HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, IS HEREBY APPROVED BY THE COMMISSION IN ACCORDANCE WITH STATE OR LOCAL LAWS AND REGULATIONS AND/OR WHERE ADMINISTRATIVE EXCEPTIONS AND/OR VARIANCES HAVE BEEN GRANTED.

DATED THIS 16 DAY OF AD A.D.
 BY: CHAIRMAN
 BY: SECRETARY
 STATE OF TEXAS
 COUNTY OF BEAR
 COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 16 DAY OF DECEMBER A.D. 2012 AT 10 H AND 10 M IN THE RECORDS OF SAID COUNTY, IN BOOK 786 OF PAGE 10 IN TESTIMONY WHEREOF, I HAVE AFFIXED MY OFFICIAL SEAL OF OFFICE, THIS 16 DAY OF DECEMBER A.D. 2012.
 COUNTY CLERK, BEAR COUNTY, TEXAS
 PAGE 1 OF 1

CURVE	DELTA ANGLE	ARC LENGTH	TANGENT	RADIUS	CHORD BEARING	CHORD LENGTH
C1	1°38'24"	16.63'	8.31'	576.00'	N 15°43'47" W	16.63'
C2	18°58'09"	383.06'	193.30'	1157.04'	S 16°16'07" W	381.32'
C3	26°55'18"	396.10'	201.78'	843.00'	S 12°17'33" W	392.47'
C4	10°53'46"	160.32'	80.40'	843.00'	S 20°18'18" W	160.08'
C5	16°01'31"	235.78'	118.67'	843.00'	S 08°50'40" W	235.02'
C6	1°42'08"	25.55'	12.52'	843.00'	S 12°36'42" W	25.02'
C7	23°03'59"	35.20'	17.84'	87.44'	S 03°18'20" W	34.98'

LINE BEARING	DISTANCE
L1 S 79°07'42" E	110.20'
L2 N 10°52'18" E	4.50'
L3 S 79°07'42" E	25.00'
L4 N 10°52'18" E	25.00'
L5 S 79°07'42" E	25.00'
L6 N 10°52'18" E	4.50'
L7 S 79°07'42" E	113.79'
L8 S 01°48'16" E	8.11'
L9 N 88°13'44" E	9.00'
L10 N 88°13'44" E	9.00'
L11 N 88°13'44" E	9.02'
L12 N 01°39'48" W	25.00'
L13 N 88°13'44" E	8.98'
L14 S 74°07'42" E	25.11'
L15 S 15°52'18" W	20.50'
L16 S 74°07'42" E	20.50'
L17 N 15°52'18" E	20.50'
L18 S 74°07'42" E	24.00'
L19 S 15°52'18" W	20.50'
L20 S 74°07'42" E	251.53'
L21 N 74°07'42" W	329.02'
L22 N 13°35'42" E	11.39'
L23 S 01°32'23" E	18.06'
L24 N 00°51'51" E	289.77'
L25 S 00°51'51" W	303.63'
L26 S 88°58'12" W	5.32'
L27 N 01°01'48" W	25.00'
L28 N 88°58'12" E	30.46'

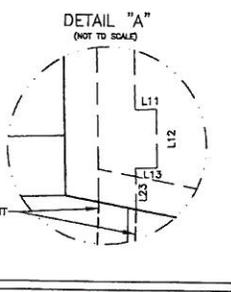
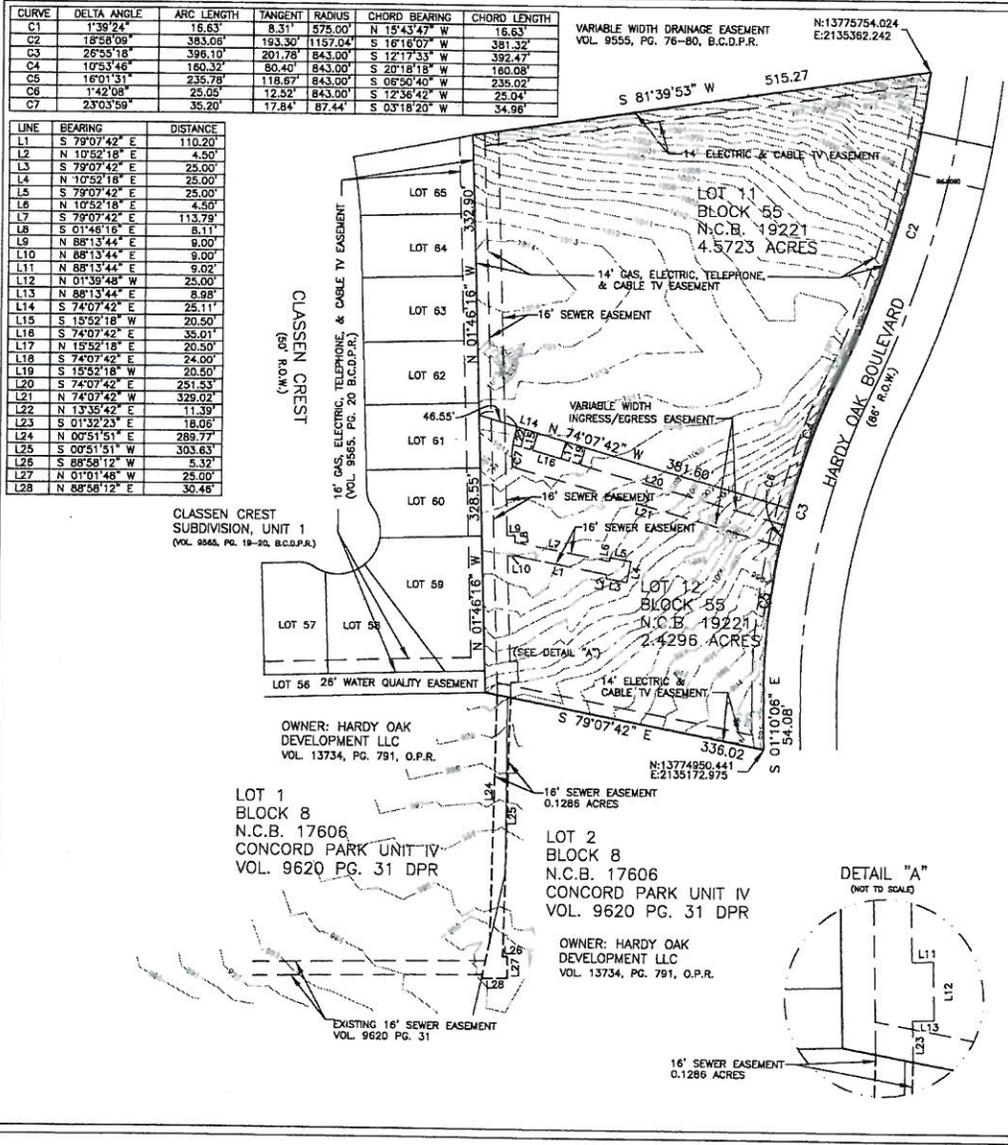
LEGEND
 --- --- EXISTING CONTOUR
 --- --- BOUNDARY
 --- --- EASEMENT
 B. C. D. P. R. = BEAR COUNTY DEED & PLAT RECORDS
 D. P. R. = OFFICIAL PUBLIC RECORD

EDWARDS NOTES:
 THIS SUBDIVISION IS WITHIN THE EDWARDS RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VII, DIVISION 4 OF THE SAN ANTONIO CITY CODE "DOTTLES" MAINTAIN RECHARGE ZONE AND WATERED PROTECTION, OR LATEST REVISIONS THEREOF.
 NO PERSON SHALL COMMENCE THE CONSTRUCTION OF ANY REGULATED ACTIVITY UNLESS AN EDWARDS MAINTAIN PROTECTION PLAN (E-WATER POLLUTION ABATEMENT PLAN) OR "WAP" OR MODIFICATION TO AN APPROVED PLAN AS REQUIRED BY 20 TAC 2823 OF THE TEXAS WATER CODE, OR LATEST REVISION THEREOF, HAS BEEN FILED WITH THE APPROPRIATE REGIONAL TIED OFFICE, AND THE APPLICATION HAS BEEN APPROVED BY THE EXECUTIVE DIRECTOR OF THE TIED.

IMPACT FEE PAYMENT DUE:
 WATER AND WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.
WASTE WATER NOTE:
 THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT.

STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY FERNANDEZ, FRAZER, WHITE & ASSOC.

STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, AND TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNITED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.
Albert B. Fernandez
 REGISTERED PROFESSIONAL LAND SURVEYOR
Michael Guzman
 REGISTERED PROFESSIONAL ENGINEER



ATTACHMENT 1



March 8, 2012

Mr. Charles Hickman, P.E.
Cobb, Fendley & Associates, Inc
1100 NW Loop 410 Suite 350
San Antonio, Texas 78213

RE: SAWS File No. 120001 - Request for review of **Hardy Oaks Office Campus, Plat No. 120120** located on North of Sonterra Blvd on west side of Hardy Oak

Dear Mr. Hickman:

On February 20, 2012, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request to review a plat for the property referenced above. Staff reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ). The land use of the subject plat is for commercial and consists of approximately 7.001 acres located entirely within the EARZ. No sensitive features were observed. The property is not within the 100-year floodplain preservation area.

The proposed development is a **Category 1** property under the provisions of Aquifer Protection Ordinance No. 81491-File No. 1659 (Hardy Oak MOB). Should any documentation become available that would alter this Category designation, the documentation may be submitted to the San Antonio Water System for review and possible Category redesignation.

A Water Pollution Abatement Plan (WPAP) and/or an Organized Sewage Collection System (SCS) Plan have been submitted for review and approval by the Texas Commission on Environmental Quality (TCEQ). **No building permit will be released until a Water Pollution Abatement Plan has been submitted to and approved by TCEQ.**

After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System, recommends the approval of Hardy Oaks Office Campus, Plat No. 120120.

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3520.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk M. Nixon', is written over the typed name.

Kirk M. Nixon
Manager

Resource Protection Division

KMN/GDJ:LMR



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 8

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120198

Project Name:

Alamo Ranch Unit 50A Phase 2

Applicant:

Charles Marsh

Representative:

Pape-Dawson Engineers, Inc., c/o
Shauna L. Weaver, P.E.

Owner:

Pulte Homes of Texas, L.P.

Staff Coordinator:

Rudy Muñoz, Planner
(210) 207-5014
Rudy.Munoz@sanantonio.gov

Property Address/Location:

The extension of Texas Gold Road,
west of Treefrog Trail Road

MAPSCO Map Grid (Ferguson):

577 C-7

Tract Size:

9.870 acres

Council District:

ETJ

Notification:

Internet Agenda Posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 9.870-acre tract of land to establish the Alamo Ranch Unit 50A Phase 2 Subdivision

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 10, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of forty-six (46) single-family residential lots, one (1) non-single family residential lot, and approximately one thousand five hundred and seventy five (1,575) linear feet of public streets.

B. Zoning

The proposed plat is located outside the city limits of San Antonio, therefore zoning is not applicable.

C. Services Available

SAWS Water and Sewer

D. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on December 12, 2012.

E. Interdepartmental Review

LOCs were issued from all reviewing agencies on January 9, 2013.

II. SUPPLEMENTAL INFORMATION

A. Associated Application

MDP 808-D Alamo Ranch/ West Winds, accepted on May 25, 2006

III. RECOMMENDATION

Approval of the proposed **Alamo Ranch Unit 50A Phase 2 Subdivision**

IV. ATTACHMENT

1. Proposed Plat



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 9

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120246

Applicant:

Israel Fogiel

Representative:

Vickery and Associates, Inc.
c/o Kara J. Heasley, P.E.

Owner:

Estates of Alon Development Group,
LTD.

Staff Coordinator:

Richard Carrizales, Planner
(210) 207-8050
Richard.Carrizales@sanantonio.gov

Property Address/Location:

West of the intersection of State
Highway 16 (Bandera Road) and
Triana Parkway

MAPSCO Map Grid (Ferguson):

512 C-4

Tract Size:

25.30 Acres

Council District:

ETJ

Notification:

Internet Agenda Posting
January 18, 2013

REQUEST

Approval of: 1) a variance from Section 35-202(c) of the Unified Development Code ("UDC") Size and Location of Site there is no minimum size for conventional or enclave subdivisions but there shall be a maximum size limit of one hundred fifty (150) acres for enclave subdivisions. 2) A major plat to subdivide a 25.30-acre tract of land to establish the **Bridgepoint Units 10, 11 & 12 Enclave Subdivision**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 8, 2013

I. ANALYSIS

A. Proposed Use(s)

The proposed plat will consist of eighty-four (84) single-family residential lots, two (2) non-single family residential lots and approximately two thousand nine hundred thirty (2,930) linear feet of private streets.

B. Zoning

The proposed plat, is located outside the city limits of San Antonio, therefore zoning is not applicable.

C. Services Available

SAWS Water and Sewer

D. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on December 27, 2012.

E. Interdepartmental Review

LOCs were issued from all reviewing agencies on January 4, 2013.

Furthermore, On November 9, 2012, the applicant submitted a Variance request to the requirement of Section 35-202(c) Size and Location of Site, there is no minimum size for conventional or enclave subdivisions but there shall be a maximum size limit of one hundred fifty (150) acres for enclave subdivisions of the Unified Development Code (UDC). The Development Services Director has not objection to the Variance request as indicated in the attached report (**ATTACHMENT 3**).

II. SUPPLEMENTAL INFORMATION

A. Associated Application

MDP 009A-07, Parkside Village, accepted on November 5, 2008

III. RECOMMENDATION

Approval of the proposed **Bridgepoint Units 10, 11 & 12 Enclave** Subdivision Plat.

Staff reviewed request, and found it to be in conformance with the Unified Development Code (UDC) with exception of the Variance mentioned above. In regards to the Variance, staff does concur with the applicant's justification. Therefore, the Director of Development Services recommends approval of the Variance and plat.

IV. ATTACHMENTS

1. Proposed Plat
2. Variance request
3. Variance Request Analysis

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

Attachment 2

November 6, 2012

RECEIVED
13 JAN -7 PM 3: 37

Variance Request Review
c/o Development Services Staff
Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, Texas 78204

LAND DEVELOPMENT
SERVICES DIVISION

DEVELOPMENT SERVICES
RECEIVED
2012 NOV -7 AM 11: 33

Re: Bridgepoint Unit 10, 11 & 12
Plat ID No. 120246
UDC Section 35-202(c)
Subdivision Platting Variance

Dear CoSA DSD,

Bridgepoint Unit 10, 11 & 12, ID No. 120246 is the final Unit to be platted out of the Bridgepoint MDP #004C-06. This project is an Enclave Development. On behalf of our Client, Estates of Alon Development Group, Ltd., Vickrey & Associates, Inc. respectfully requests consideration of a platting variance to the following section of the UDC:

UDC Section 35-202(c) states: "Size and Location of Site. There is no minimum size for conventional or enclave subdivisions but there shall be a maximum size limit of one hundred fifty (150) acres for enclave subdivisions."

At the time the Bridgepoint MDP was originally submitted, the issue of the overall tract being larger than the 150-acre limit was raised by CoSA review staff; V&A coordinated with City staff and the MDP was approved with a note placed on the MDP stating a variance would be required.

The Bridgepoint MDP includes 51 acres of parkland and open space dedication, far exceeding the minimum dedication of 6.3 acres at 1 acre of dedication for every 70 single family lots. For this reason, V&A feels that approval of this variance will not be contrary to the spirit and intent of the UDC or the regulations concerning maximum size of Enclave Developments, and that the public interest underlying the proposed variance outweighs the public interest underlying the above-referenced section of the UDC.

The following is a tabulation of platted acreage within the project.

Bridgepoint Subdivision	Acreage
Elementary School	12.00
Triana 3A (Entrance Road)	5.127
Unit 1	27.56
Unit 2	12.24



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Units 3 & 7	20.42
Units 8 & 15	36.84
Units 4, 6 & 9	22.12
Units 5, 13 & 14	35.34
Units 10, 11 & 12	25.31
Commercial (Not Yet Platted)	1.454
TOTAL	198.41

LAND DEVELOPMENT
SERVICES DIVISION

Note: Some of the above acreages do not match the acreage shown on the approved and recorded plats due to platting of offsite easements, and replatting of easements or other areas.

In addition, V&A provides the following statements in accordance with UDC Section 35-483(e):

- There are no adverse impacts to the public health, safety or public welfare with the granting of this variance.
- If the applicant complies strictly with the 150 acre maximum for Enclave Development would leave the project incomplete.
- The hardship is due to the size of the tract under development and not due to personal circumstance.
- The hardship is unique as compared to surrounding properties.
- The hardship is not the result of the applicant's own actions.
- The granting of this variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

DEVELOPMENT SERVICES
RECEIVED
2012 NOV -7 AM 11:33

In our professional opinion, the proposed variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

VICKREY & ASSOCIATES, INC.
Texas Board of Professional Engineers Registration #F-159

Kara J. Heasley
Kara J. Heasley, P.E., LEED AP
Associate / Project Manager

KJH/ksh

ESTATES OF ALON DEVELOPMENT GROUP, LTD.

Israel Fogiel
Israel Fogiel
President





CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
 P.O. BOX 839966 | SAN ANTONIO TEXAS 78283-3966



Attachment 3

VARIANCE REQUEST ANALYSIS

Project:	Bridgepoint Units 10, 11 & 12 Enclave
Address:	
A/P #/PPR #/Plat#:	Plat# 120246
AEVR #:	
AEVR Submittal Date:	November 9, 2012
AEVR Submitted by:	Kara J. Heasley, P.E.
Issue:	Size and Location of Site
Code Sections:	2012 Unified Development Code (UDC), Section 35-202 (c)
By:	Richard Carrizales, Planner.

On November 7, 2012, the Development Services Department, Land Entitlements Section received a variance request from the 150-acre maximum subdivision size requirement for enclave subdivisions of Section 35-202(c) of the Unified Development Code (“UDC”). The subject property consists of Units 10, 11 and 12 of the Bridgepoint Master Development Plan (“MDP”), MDP 004C-06, which was accepted on February 8, 2010. These units represent the last three (3) phases of the proposed single-family residential enclave subdivision to be developed at a density of 3.65 units per acre. The proposed single-family residential enclave subdivision consists of 432 lots on approximately 178.43 acres. The total MDP area consists of 198.41 acres.

Pursuant to the Interlocal Governmental Agreement between the City of San Antonio and Bexar County, Article II: Use Patterns is excluded from the Unified Development Code that was adopted by the Bexar County Commissioners Court. Since the section of this request is under Article II, Bexar County is not a party of this request.

Pursuant to Section 35-202(c), Size and Location of Site, there is no minimum size for conventional or enclave subdivisions but there shall be a maximum size limit of one hundred fifty (150) acres for enclave subdivisions. Due to the acreage of the proposed enclave subdivision, the applicant is requesting a variance from this UDC requirement. According to the applicant, the overall tract for the Brigdepoint MDP includes 51 acres of parkland/open space, which exceeds the minimum 6.3 acres required per the parkland calculation requirements of the UDC. The applicant states that the 51-acre parkland/open space dedication reduces the developable area to 147.41 acres, which is less than the 150-acre maximum subdivision size requirement. The MDP also includes 14.49 acres of detention, 2.58 acres of commercial, and 12.0 acres of school.

The DSD staff agrees with the applicant's analysis for the following reasons:

- It is noted the development already has two (2) access points.
- The overall proposed developable area is less than the One hundred fifty (150) acres.
- The property is otherwise landlocked and would not be developable.
- At fifty one (51) acres set aside for open space, it equals approximately twenty five (25) percent of the property.
- The proposed subdivision complies with all other subdivision standards of the UDC, to include the transportation and street design standards of Section 35-506 of the UDC.

Based on these findings, staff recommends **approval** of the request. Furthermore, staff finds that the requested variance meets the overall intent of the UDC.

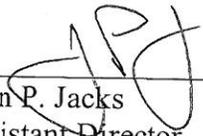
Recommend Approval of Variance Request:



Elizabeth Carol, AICP
Principle Planner
Development Services Department

1.8.13

Date



John P. Jacks
Assistant Director
Development Services Department

1-8-13

Date



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 10

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120311

Project Name:

Villages at Bulverde Unit 13A

Applicant:

Charles Marsh

Representative:

Pape-Dawson Engineers, Inc.
c/o Dennis R. Rion, P.E.

Owner:

Centex Homes

Staff Coordinator:

Larry Odis, Planner
(210)207-0210
larry.odis@sanantonio.gov

Property Address/Location:

South of the intersection of
Cambridge Well and Running Ranch

MAPSCO Map Grid (Ferguson):

484 B-1

Tract Size:

18.375 acres

Council District:

ETJ

Notification:

Internet Agenda posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 18.375-acre tract of land to establish **Villages at Bulverde Unit 13A**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 14, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of ninety-five (95) single-family lots, six (6) non-single family lots and approximately two thousand seven hundred three (2,703) linear feet of public streets.

B. Zoning

The proposed plat is located outside the city limits of San Antonio, therefore zoning is not applicable.

C. Services Available

SAWS Water and Sewer

D. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on January 14, 2013.

The subject property is located within the Edwards Recharge Zone. The Aquifer Protection and Evaluation Section of the San Antonio Water Systems (SAWS) reviewed the proposed project as indicated in the attached report (**ATTACHMENT 2**). One significant recharge feature was observed on this site. The request meets all of the requirements for development over the recharge zone.

E. Interdepartmental Review

LOCs were issued from all reviewing agencies on January 8, 2013.

II. SUPPLEMENTAL INFORMATION

A. Associated Application

MDP 749-A Indian Springs, accepted on August 13, 2004

III. RECOMMENDATION

Approval of the proposed **Villages at Bulverde Unit 13A** Subdivision Plat

IV. ATTACHMENT

1. Proposed plat
2. SAWS Aquifer Letter



August 7, 2012

Ms. Shauna Weaver, P. E.
Pape-Dawson Engineers, Inc.
555 East Ramsey
San Antonio, Texas 78216

RE: File No. 1207003 - Request for review of Villages at Bulverde Unit 13A, Plat No. 120311 located on eastside of Bulverde Road, approximately 5 miles north of Loop 1604.

Dear Ms. Weaver:

On July 23, 2012, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request to review a plat for the property referenced above. Staff reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ). The land use of the subject plat is for and consists of approximately 17.510 acres located entirely within the EARZ. One significant recharge feature (S-1) a water well was observed on the site and will be plugged under SAWS permit. Several solution cavities were observed on site and will be preserved within a 50' buffer as per TCEQ approval letter dated 10/10/2007. The property is not within the 100-year floodplain preservation area.

The proposed development is a **Category I** property under the provisions of Aquifer Protection Ordinance No. 81491-File No. 1945. Should any documentation become available that would alter this Category designation, the documentation may be submitted to the San Antonio Water System for review and possible Category redesignation.

A Water Pollution Abatement Plan (WPAP) has been submitted to the Texas Commission on Environmental Quality (TCEQ) and approved in their letter dated October 10, 2007. At the time of this request, it is unknown if an Organized Sewage Collection System (SCS) Plan has been submitted to or approved by the Texas Commission on Environmental Quality (TCEQ). After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System, recommends the approval of Villages at Bulverde Road Unit 13A, Plat No. 120311.

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3520.

Sincerely,

A handwritten signature in black ink that reads 'Kirk M. Nixon'.

Kirk M. Nixon
Manager
Resource Protection Division

KMN/GDJ:LRD



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 11

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120373

Project Name:

Rogers Ranch, Unit P7 PUD

Applicant:

Lloyd A. Denton, Jr.

Representative:

Pape-Dawson Engineers, Inc., c/o
W.R. Wood, P.E.

Owner:

Shavano Rogers Ranch No. 3, Ltd.

Staff Coordinator:

Rudy Muñoz, Planner
(210) 207-5014
Rudy.Munoz@sanantonio.gov

Property Address/Location:

The extension of Happys Corner
Street, south of Golden Maize Road

MAPSCO Map Grid (Ferguson):

515 C-1

Tract Size:

15.12

Council District:

9

Notification:

Internet Agenda Posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 15.12-acre tract of land to
establish the **Rogers Ranch, Unit P7 PUD Subdivision**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 8, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of fifty nine (59) single-family residential lots, and approximately two thousand four hundred and seventy seven (2,477) linear feet of private streets.

B. Zoning

“PUD R-6 ERZD” Planned Unit Development, Single-Family Residential, Edwards Aquifer Recharge Zone District

C. Services Available

SAWS Water and Sewer

D. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on November 1, 2012.

The subject property is located within the Edwards Recharge Zone. The Aquifer Protection and Evaluation Section of the San Antonio Water Systems (SAWS) reviewed the proposed project as indicated in the attached report (**ATTACHMENT 2**). No significant recharge features were observed on this site. The request meets all of the requirements for development over the recharge zone.

Furthermore, the subject property lies within the Camp Bullis 5-Mile Awareness Zone. In accordance with the executed Memorandum of Understanding (MOU), the City’s Office of Military Affairs was notified. The Camp Bullis Military Installation reviewed the project and has no concerns.

E. Interdepartmental Review

LOCs were issued from all reviewing agencies on October 31, 2012.

II. SUPPLEMENTAL INFORMATION

A. Associated Applications

MDP 538 B, Rogers Ranch, accepted on June 14, 2006

PUD 04-002B, Rogers Ranch, approved on October 24, 2012

III. RECOMMENDATION

Approval of the proposed **Rogers Ranch Unit P7 PUD Subdivision**

IV. ATTACHMENTS

1. Proposed Plat
2. SAWS Aquifer Letter



Mr. Rick Wood, P.E.
 Executive Vice President
 Pape-Dawson Engineers, Inc.
 555 E. Ramsey
 San Antonio, Texas 78216

RECEIVED
 August 9, 2012
 13 JAN 10 PM 2:30

LAND DEVELOPMENT
 SERVICES DIVISION

RE: File No. 1208002 - Request for review of **Rogers Ranch Unit P7 PUD, Plat No. 120373** located on west of the intersection of Happy's Corner and Canoe Brook.

Dear Mr. Wood:

On August 3, 2012, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request to review a plat for the property referenced above. Staff reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ). The land use of the subject plat is for single family residential and consists of approximately 15.030 acres located entirely within the EARZ. No sensitive features were observed. The property lies within the 100-year floodplain preservation area.

The proposed development is a **Category 1** property under the provisions of Aquifer Protection Ordinance No. 81491-File No. 1951. Should any documentation become available that would alter this Category designation, the documentation may be submitted to the San Antonio Water System for review and possible Category redesignation.

At the time of this request, it is unknown if a Water Pollution Abatement Plan (WPAP) and/or an Organized Sewage Collection System (SCS) Plan have been submitted to or approved by the Texas Commission on Environmental Quality (TCEQ). **No building permit will be released until a Water Pollution Abatement Plan has been submitted to and approved by TCEQ.**

After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System, recommends the approval of Rogers Ranch P7 PUD, Plat No. 120373.

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3520.

Sincerely,

Kirk M. Nixon

Kirk M. Nixon

Manager

Resource Protection Division

KMN/GDJ:LRD



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 12

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120382

Project Name:

Village at Marshall Road

Applicant:

Ty Thaggard

Representative:

Dunaway Associates, L.P., c/o
Christopher M. Biggers P.E.

Owner:

M2G Marshall Road, Ltd.

Staff Coordinator:

Rudy Muñoz, Planner
(210) 207-5014
Rudy.Munoz@sanantonio.gov

Property Address/Location:

Southeast of the intersection of U.S.
Highway 281 and Marshall Road

MAPSCO Map Grid (Ferguson):

483 D-3

Tract Size:

22.681

Council District:

9

Notification:

Internet Agenda Posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 22.681-acre tract of land
to establish the **Village at Marshall Road Subdivision**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 4, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of six (6) non-single family residential lots.

B. Zoning

“C-2 CD ERZD” Commercial Edwards Aquifer Recharge Zone District with a Conditional Use for an Indoor Theater Permitting Over 2 Screens and/or Stages.

C. Major Thoroughfares

U.S. Highway 281, Freeway, 250-foot minimum right-of-way
Marshall Road, Secondary Arterial Type B, 86-foot minimum right-of-way

D. Services Available

SAWS Water and Sewer

E. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on December 21, 2012.

The subject property is located within the Edwards Recharge Zone. The Aquifer Protection and Evaluation Section of the San Antonio Water Systems (SAWS) reviewed the proposed project as indicated in the attached report (**ATTACHMENT 2**). Two significant recharge features were observed on this site. The request meets all of the requirements for development over the recharge zone.

Furthermore, the subject property lies within the Camp Bullis 5-Mile Awareness Zone. In accordance with the executed Memorandum of Understanding (MOU), the City’s Office of Military Affairs was notified. The Camp Bullis Military Installation reviewed the project and had no concerns.

F. Interdepartmental Review

LOCs were issued from all reviewing agencies on December 19, 2012.

Furthermore, On November 16, 2012, the applicant submitted a request for an Administrative Exception to the requirement of Section 35-506(a)(2)(B), Building Permit Requirements for Curb and Sidewalk, of the Unified Development Code (UDC). On December 4, 2012, the Development Services Director granted the requested administrative exception as indicated in the attached report (**ATTACHMENT 3**).

II. SUPPLEMENTAL INFORMATION

A. Associated Application

MDP 20, Encino Park, accepted on October 31, 1983

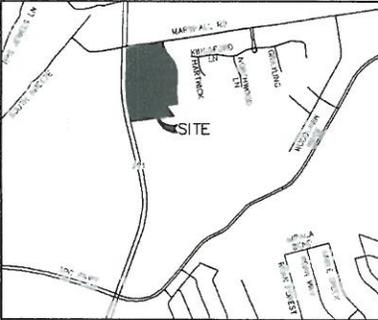
III. RECOMMENDATION

Approval of the proposed **Village at Marshall Road Subdivision**

Staff reviewed the request, and found it to be in conformance with the Unified Development Code (UDC) with exception of the Administrative Exception mentioned above. In regards to the Administrative Exception, staff does concur with the applicant's justification. Therefore, the Director of Development Services recommends approval of the Administrative Exception and plat.

IV. ATTACHMENTS

1. Proposed plat
2. SAWS Aquifer Letter
3. Administrative Exception



VICINITY MAP
NOT TO SCALE
MAPSCO GRID:483-D-3

NOTES:

- No structure, fences, walls or other obstructions that impede drainage shall be placed within the limits of the drainage easements shown on this plat. No landscaping or other type of modifications, which alter the cross-sections of the drainage easements, as approved, shall be allowed without the approval of the Director of Public Works. The City of San Antonio and Bexar County shall have the right of ingress and egress over grantor's adjacent property to remove any impeding obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements.
- The property shown herein is in Flood Zone "X" and determined to be outside the 500-year floodplain as identified by the Flood Insurance Rate Map 48025C0140 0, Effective Date September 29, 2010 for Bexar County, Texas and incorporated Areas shown from the website <http://www.fema.gov/firm/>.

C.P.S. NOTES:

- The City of San Antonio as part of its Electric and Gas System (City Public Service Board) is hereby dedicating the easements and rights-of-way for electric and gas distribution and service facilities in the area depicted on the plat as "Electric Easement," "Gas Easement," "Anchor Easement," "Service Easement," "Overhang Easement," "Utility Easement," and "Transformer Easement" for the purpose of installing, constructing, reconstructing, maintaining, repairing, patrolling, and creating poles, hanging or burying wires, cables, conduits, pipelines or transformers, and with its necessary appurtenances. Together with the right of ingress and egress over grantor's adjacent land, the right to relocate said facilities within other easements which encumber or may interfere with the efficiency of said lines or appurtenances. Therein, it is agreed and understood that no buildings, concrete slabs, or walls will be placed within said easement area.
- Any GPS monetary fees resulting from modifications required of GPS equipment, located with said easement, due to grade changes or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alterations.
- This plat does not amend, alter, release or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities unless the changes to such easements are described below.

WASTEWATER EDU NOTE:

The number of wastewater equivalent dwelling units (EDU's) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the development services department.

DETENTION POND NOTES:

- Storm water detention is required for this property (Lot #1). Building permits for this property shall be issued only in conjunction with necessary storm water detention approved by the City of San Antonio. The property may be eligible to post a fee in lieu of detention (FID) if affluence drainage conditions allow but only when approved by the City of San Antonio. Maintenance of on-site storm water detention shall be the sole responsibility of the lot owners and/or property owners association and their successors or assigns.

I hereby certify that proper engineering consideration has been given to this plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the Unified Development Code, except for those variances granted by the San Antonio Planning Commission.

Christopher M. Biggers
 Christopher M. Biggers
 Registered Professional Engineer
 Texas Registration Number: 100189

SURVEYORS NOTES:

- Property corners are monumented with cap or disk marked "PAPPE-DANSON" unless noted otherwise.
- Coordinates shown are based on the North American Datum of 1983 (NAD 83) (NAD 83) from the Texas Coordinate System established for the South Central Zone displayed in Grid values derived from the NGS Cooperative CORS Network.
- Dimensions shown are Surface.
- Bearings are based on the North American Datum of 1983 (NAD 83) from the Texas Coordinate System established for the South Central Zone.

I hereby certify that the above plat conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by Pope-Dawson Engineers.

Angela Marie Darlin 1/4/13
 Registered Professional Land Surveyor Date

NOTES:

- Finished Floor Elevations must be a minimum of eight (8) inches above final adjacent grade (35-504(E)(2)(P5-40)
- Potential Recharge Feature #5-201. Evidence and location per site geologic map prepared by Frost Geo Sciences. Control #FC-112226.
- Contour and Contour Elevations were produced by a conglomeration of government entities including Bexar County, City of San Antonio, Federal Emergency Management Agency, San Antonio River Authority and others. This data is derived from 2005 aerial data and was produced using established techniques, methodologies and equipment.

EDWARDS AQUIFER NOTES:

This subdivision is within the Edwards Aquifer Recharge Zone. Development within this subdivision is subject to Chapter 34, Article 6 of the San Antonio City Code entitled "Aquifer Recharge Zone and Watershed Protection," or latest versions thereof. Any regulated activity must comply with all Federal, State and Local Regulations relating to development within the Edwards Aquifer Recharge Zone.

TYDOT NOTES:

- For residential development directly adjacent to state right-of-way, the developer shall be responsible for adequate set-back and/or sound abatement measures for future noise reduction.
- Maximum access points to state Highway from this property will be regulated as directed by "Regulations for Access Driveways to State Highways". This property is eligible for a maximum combined total of two access points to U.S. Highway 281 based on overall plotted Highway frontage of 1,238.15 feet.

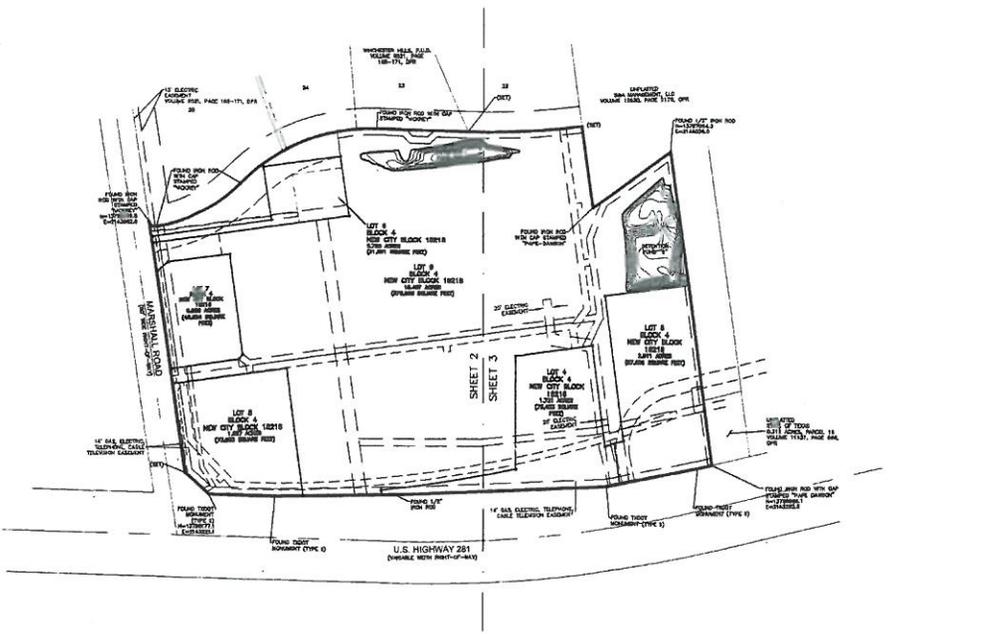
SHARED DRIVE ACCESS NOTE:

Owner shall provide shared access across with adjacent lot in accordance with UDC 35-506 (C)(3)

The maintenance of the drainage easements, access easements, grants, and open permeable spaces shown herein shall be the responsibility of the property owner or homeowners association and their successors or assigns and not the responsibility of the City of San Antonio or Bexar County.

LEGEND

OPR= OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
 DPR= DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
 P.U.D.= PLANNED UNIT DEVELOPMENT



INDEX
MAP

PLAT NUMBER: 120382

SUBDIVISION PLAT
ESTABLISHING
VILLAGE AT MARSHALL ROAD

Being a total of 22,481 acres, establishing Lots 4 through 6, Block 4, HCB 18218, being all of a 22.68 acre tract of land covered by 1844 Marshall Road, LTD. in a Deed recorded in Volume 12722, Page 1267 of the Official Public Records of Bexar County, Texas, out of the SW 1/4, British Survey No. 89 1/2, Abstract 54, County Block 4900, now in New City Block 18218, of the City of San Antonio, Bexar County, Texas.

THIS PLAT WAS PREPARED IN JANUARY, 2013

DUNAWAY

550 Kolley Avenue • Suite 400 • Fort Worth, Texas 76107
 Tel: 817.335.1121 • Fax: 817.335.7457

DATE: JANUARY 02, 2013 JOB NUMBER: B000204.001

The owner of the land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public, except areas identified on private or part of an estate or planned unit development, forever all streets, alleys, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.

1821 Marshall Road, Ltd.,
 9601 McAllister Freeway, Suite 1100
 San Antonio, TX 78216
 Agent: Milton Best Estate Condo, LLC

By: *Milton Best*
 Ty Higgins

STATE OF TEXAS
 COUNTY OF BEXAR

Before me, the undersigned authority on this day personally appeared
 Ty Higgins known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this 1st day of January, 2013.

Lori L. Manola
 Lori L. Manola
 Notary Public BEXAR COUNTY, TEXAS
 My Commission Expires March 10, 2016

2013
 DEVELOPMENT SERVICES
 RECEIVED

This plat of VILLAGE AT MARSHALL ROAD has been submitted to and considered by the Planning Commission of the City of San Antonio, Texas, in conformity with the provisions of the Unified Development Code, and/or where administrative exceptions have been granted.

Dated this ___ day of _____, 2013

By: _____
 Chairman

By: _____
 Secretary

STATE OF TEXAS
 COUNTY OF BEXAR

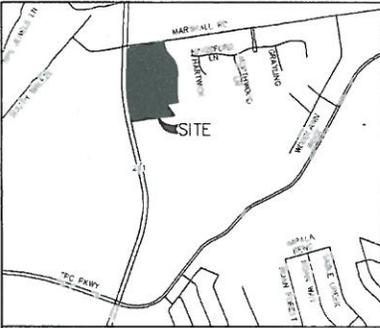
I, _____ COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2012, AT _____ AND DULY RECORDED THE _____ DAY OF _____, 2013, AT _____ IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME OR PAGE IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS _____ DAY OF _____, 2013.

COUNTY CLERK, BEXAR COUNTY, TEXAS

By: _____
 DEPUTY



ATTACHMENT 1



VICINITY MAP
NOT TO SCALE
MAPSCO GRID: 483 D-3

NOTES:

- No structure, fences, walls or other obstructions that impede drainage shall be placed within the limits of the drainage easements shown on this plot. No landscaping or other type of modification, which alter the cross-sections of the drainage easements, as approved, shall be allowed without the approval of the Director of Public Works. The City of San Antonio and Bexar County shall have the right of ingress and egress over grantor's adjacent property to remove any impeding obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements.
- The property shown hereon is in Flood Zone "X" and determined to be outside the 500-year floodplain as identified by the Flood Insurance Rate Map 48029C0140 G, Effective Date September 26, 2016 for Bexar County, Texas and incorporated areas shown from the website <http://www.fema.gov/firm/>.

C.P.S. NOTES:

- The City of San Antonio as part of its Electric and Gas System (City Public Service Board) is hereby dedicating the easements and rights-of-way for electric and gas distribution and service facilities in the area designated on this plot as "Electric Easement," "Gas Easement," "Anchor Easement," "Service Easement," "Overhang Easement," "Utility Easement," and "Transformer Easement" for the purpose of installing, constructing, reconstructing, maintaining, removing, improving, protecting, and erecting poles, hanging or burying wires, cables, conduits, pipelines or transformers, such with its necessary appurtenances. Together with the right of ingress and egress over grantor's adjacent land, the right to install said facilities within other obstructions which and/or may interfere with the efficiency of said lines or appurtenances. There is this agreed and understood that no building, concrete slabs, or walls will be placed within said easement area.
- Any CPS monetary loss resulting from modifications required of CPS equipment, located with said easement, due to grade changes or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alterations.
- This plot does not amend, alter, release or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities unless the changes to such easements are described below.

WASTEWATER EDDI NOTE:

The number of wastewater equivalent dwelling units (EDU's) paid for this subdivision plot are kept on file at the San Antonio Water System under the plot number issued by the development services department.

RETENTION POND NOTES:

- Storm water detention is required for this property (Lot #1). Building permits for this property shall be issued only in conjunction with necessary storm water detention approved by the City of San Antonio. The property may be eligible to post a fee in lieu of detention (FID) if certain drainage conditions allow but only when approved by the City of San Antonio. Maintenance of on-site storm water detention shall be the sole responsibility of the lot owners and/or property owners association and their successors or assigns.

I hereby certify that proper engineering consideration has been given to this plot to the matters of streets, lots and drainage layout. To the best of my knowledge this plot conforms to all requirements of the Unified Development Code, except for those variances granted by the San Antonio Planning Commission.

K. Biggers
Christopher M. Biggers
Registered Professional Engineer
Texas Registration Number 100189

SURVEYORS NOTES:

- Property corners are monumented with cap or disk marked "PAPE-DAWSON" unless noted otherwise.
- Coordinates shown are based on the North American Datum of 1983 (NAD 83), from the Texas Coordinate System established for the South Central Zone displayed in Grid values derived from the NGS Cooperative CORS Network.
- Dimensions shown are Surface.
- Bearings are based on the North American Datum of 1983 (NAD 83), from the Texas Coordinate System established for the South Central Zone.

I hereby certify that the above plot conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by Pape-Dawson Engineers.

Angela Marie Caplan 1/4/13
Registered Professional Land Surveyor Date

NOTES:

- Finished Floor Elevations must be a minimum of eight (8) inches above final adjacent grade (35-604)(2)(PS-40)
- Potential Recharge Feature #3-201. Existence and location per site geologic map prepared by Frol Geo Sciences. Control FC-12226.
- Contour and Contour Elevations were produced by a compilation of government entities including Bexar County, City of San Antonio, Federal Emergency Management Agency, San Antonio River Authority and others. This data is derived from 2003 aerial data and was produced using established techniques, methodologies and equipment.

EDWARDS AQUIFER NOTES:

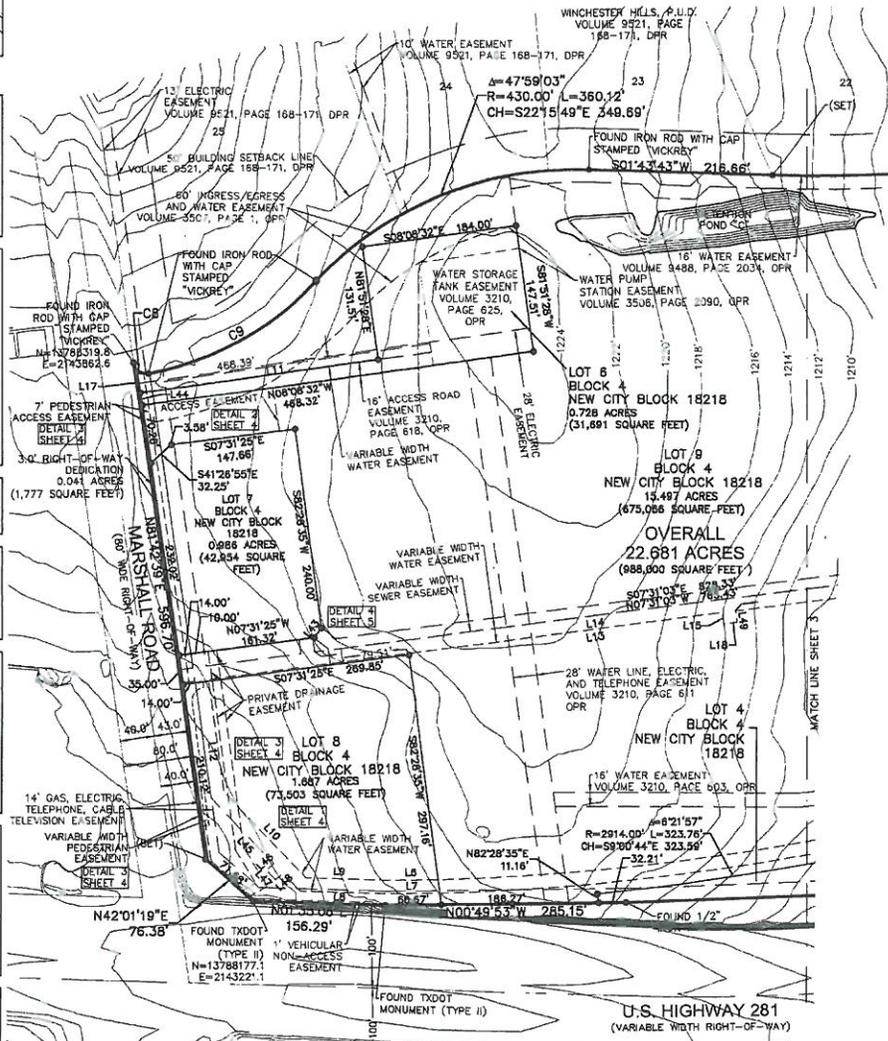
This subdivision is within the Edwards Aquifer Recharge Zone. Development within this subdivision is subject to Chapter 24, Article V, Division 6 of the San Antonio City Code entitled "Aquifer Recharge Zone and Watershed Protection," in its latest revisions thereof. Any regulated activity must comply with all Federal, State and Local Regulations relating to development within the Edwards Aquifer Recharge Zone.

TxDOT NOTES:

- For residential development directly adjacent to state right-of-way, the developer shall be responsible for adequate wet-back and/or sound abatement measures for future noise reduction.
- Maximum access points to state highway from this property will be regulated as directed by Regulations for Access Driveways to State Highways. This property is eligible for a maximum combined total of two access points to U.S. Highway 281 based on overall plotted highway frontage of 1,235.15 feet.

SHARED CROSS ACCESS NOTE:

Owner shall provide shared cross access with adjacent lot in accordance with UOC 35-500 (r)(3). The maintenance of the drainage easements, access easements, gravellets, and open permeable spaces shown hereon shall be the responsibility of the property owner or homeowners association and their successors or assigns and not the responsibility of the City of San Antonio or Bexar County.



PLAT NUMBER: 120382

**SUBDIVISION PLAT
ESTABLISHING
VILLAGE AT MARSHALL ROAD**

Being a total of 22.681 acres, establishing Lots 4 through 9, Block 4, NCD 18218, being all of a 22.681 acre tract of land conveyed to BSM Marshall Road, LTD. in a Deed recorded in Volume 12728, Page 1267 of the Official Public Records of Bexar County, Texas, out of the W4, Block 4, NCD 18218, S4, County Block 4900, now in New City Block 18218, of the City of San Antonio, Bexar County, Texas.

THIS PLAT WAS PREPARED IN JANUARY, 2013



DATE: JANUARY 02, 2013 JOB NUMBER: B000204-001

The owner of the land shown on this plat, in person or through a duly authorized agent, certifies to the use of the public, except areas identified on private or part of an estate or planned unit development, former oil streets, ditches, ponds, watercourses, ditches, easements, and public places thereon shown for the purpose and consideration therein expressed.

1425 Marshall Road, Ltd.,
9601 McAllister Freeway, Suite 1160
San Antonio, TX 78218
Agent: Wilson Real Estate Company, LLC

By: *Lois L. MacLara*
Notary Public

STATE OF TEXAS
COUNTY OF BEXAR
Before me, the undersigned authority of this day personally appeared *Lois L. MacLara*, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this 02 day of JANUARY, 2013.

By: *Lois L. MacLara*
Notary Public



2013 JAN 02 AM 11:45
DEVELOPMENT SERVICES

This plat of VILLAGE AT MARSHALL ROAD has been submitted to and approved by the Planning Commission of the City of San Antonio, Texas, in conformity with the provisions of the City Code, and the plat is hereby approved by such commission in accordance with the City Code and the provisions of the City Code, and/or where administrative exemption(s) apply, and/or where administrative exemption(s) have been granted.

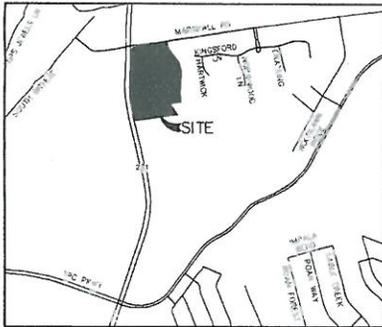
Dated this 02 day of JANUARY, 2013.
By: _____ Chairman
By: _____ Secretary

STATE OF TEXAS
COUNTY OF BEXAR

I, _____ COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 02 DAY OF JANUARY, 2012, AT 11:45 A.M. AND DULY RECORDED THE 02 DAY OF JANUARY, 2013, AT 11:45 A.M. IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME ON PAGE IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE. THIS 02 DAY OF JANUARY, 2013.

COUNTY CLERK, BEXAR COUNTY, TEXAS
By: _____ DEPUTY

ATTACHMENT 1



VICINITY MAP
NOT TO SCALE
MAPSCO GRID-483-D-3

NOTES:

- No structure, fence, wall or other obstructions that impede drainage shall be placed within the limits of the drainage easements shown on this plot. No landscaping or other type of modifications, which alter the cross-sections of the drainage easements, as approved, shall be allowed without the approval of the Director of Public Works. The City of San Antonio and Bexar County shall have the right of ingress and egress over grantor's adjacent property to remove any impeding obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements.
- The property shown herein is in Flood Zone "X" and determined to be outside the 500-year floodplain as identified by the Flood Insurance Rate Map 4802200140-G, Effective Date September 29, 2010 for Bexar County, Texas and Incorporated Areas shown from the website <http://www.fema.gov/firm/>.

C.P.S. NOTES:

- The City of San Antonio as part of its Electric and Gas System (City Public Service Board) is hereby dedicating the easements and right-of-way for electric and gas distribution and service facilities in the area designated on this plot as "Electric Easement," "Gas Easement," "Sanitary Easement," "Service Easement," "Overhead Easement," "Utility Easement," and "Post-tension Easement" for the purpose of installing, constructing, reconstructing, maintaining, removing, inspecting, patrolling, and erecting poles, hanging or burying wires, cables, conduits, pipes or transformers, each with its necessary appurtenances. Together with the right of ingress and egress over grantor's adjacent land, the right to relocate said facilities within other obstructions which endanger or may interfere with the efficiency of said lines or appurtenances. Therein it is agreed and understood that no buildings, concrete slabs, or walls will be placed within said easement area.
- Any CPS monetary fees resulting from modifications required of CPS equipment, located with said easement, due to grade changes or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alterations.
- This plot does not amend, alter, relocate or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities unless the changes to such easements are described below.

WASTEWATER E.U. NOTE:

The number of wastewater equivalent dwelling units (EDU's) paid for this subdivision plot are kept on file at the San Antonio Water System under the plot number issued by the development services department.

DETENTION POND NOTES:

- Storm water detention is required for this property (Lot #1). Building permits for this property shall be issued only in conjunction with necessary storm water detention approved by the City of San Antonio. The property may be eligible to post a fee in lieu of detention (FLO) if certain drainage conditions also but only when approved by the City of San Antonio. Maintenance of on-site storm water detention shall be the sole responsibility of the lot owner and/or property owners association and their successors or assignees.

I hereby certify that proper engineering consideration has been given to this plot to the matters of streets, lots and drainage layout. To the best of my knowledge this plot conforms to all requirements of the Unified Development Code, except for those variances granted by the San Antonio Planning Commission.

Christopher M. Biggers
Christopher M. Biggers
Registered Professional Engineer
Texas Registration Number 100189

SURVEYORS NOTES:

- Property corners are monumented with cap or disk marked "PAPE-DAWSON" unless noted otherwise.
- Coordinates shown are based on the North American Datum of 1983 (NAD 83), from the Texas Coordinate System established for the South Central Zone displayed in Grid values derived from the NGS Cooperative CORS Network.
- Dimensions shown are Surface.
- Bearings are based on the North American Datum of 1983 (NAD 83), from the Texas Coordinate System established for the South Central Zone.

I hereby certify that the above plot conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by Pope-Dawson Engineers.

Angela Marie Carlin
Angela Marie Carlin
Registered Professional Land Surveyor
Date: 1/4/13

NOTE:

- Finished Floor Elevations must be a minimum of eight (8) inches above final adjacent grade (35-5046(X)PS-40)
- Patented Recharge Feature #25-201. Existence and location per site geologic map prepared by Frost Geo Sciences. Control #C-C1223.
- Contours and Contour Elevations were produced by a combination of government entities including Bexar County, City of San Antonio, Federal Emergency Management Agency, San Antonio River Authority and others. This data is derived from 2002 aerial data and was produced using established techniques, methodologies and equipment.

EDWARDS AQUIFER NOTES:

This subdivision is within the Edwards Aquifer Recharge Zone. Development within this subdivision is subject to Chapter 34, Article IV, Division 9 of the San Antonio City Code entitled "Aquifer Recharge Zone and Wetland Protection," or its later revisions thereof. Any regulated activity must comply with all Federal, State and Local Regulations relating to development within the Edwards Aquifer Recharge Zone.

TYPOT NOTES:

- For residential development directly adjacent to state right-of-way, the developer shall be responsible for adequate set-back and/or sound abatement measures for future noise reduction.
- Maximum access points to state highway from this property will be regulated as directed by "Regulations for Access Driveways to State Highways". This property is eligible for a maximum combined total of two access points to U.S. Highway 281 based on overall platted highway frontage of 1,238.15 feet.

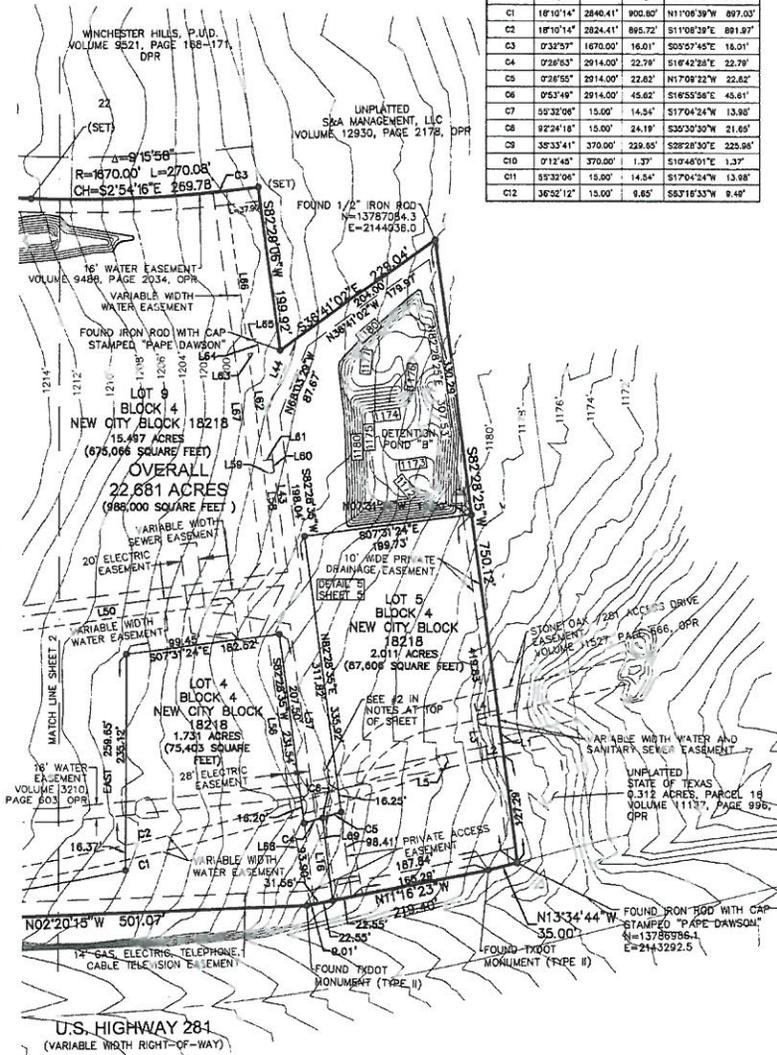
SHARED CROSS ACCESS NOTE:

Owner shall provide shared cross access with adjacent lot in accordance with LDC 33-506 (X)(3)

The maintenance of the drainage easements, access easements, greenbelts, and open permeable spaces shown herein shall be the responsibility of the property owner or homeowners association and their successors or assignees and not the responsibility of the City of San Antonio or Bexar County.

Curve Number	Central Angle	Radius	Arc Length	Chord Bearing and Distance
C1	18°10'14"	2840.41'	900.62'	N11°08'39"W 897.03'
C2	18°10'14"	2824.41'	895.72'	S11°08'39"E 891.87'
C3	0°32'57"	1670.00'	16.01'	S05°07'46"E 16.01'
C4	0°28'53"	2914.00'	22.79'	S18°42'28"E 22.79'
C5	0°26'55"	2914.00'	22.82'	N1°08'22"W 22.82'
C6	0°53'48"	2914.00'	45.62'	S16°53'58"E 45.61'
C7	50°32'06"	15.00'	14.54'	S17°04'24"W 13.80'
C8	92°24'18"	15.00'	24.19'	S30°30'30"W 21.65'
C9	35°33'41"	370.00'	229.55'	S08°28'30"E 225.94'
C10	0°12'45"	370.00'	1.37'	S10°48'01"E 1.37'
C11	55°32'06"	15.00'	14.54'	S17°04'24"W 13.88'
C12	36°52'12"	15.00'	9.65'	S87°16'33"W 9.48'

Line Number	Bearing	Distance
L1	S82°28'25"W	86.80'
L2	N11°52'26"W	25.07'
L3	N82°28'25"E	85.83'
L4	S13°30'37"E	25.14'
L5	N89°48'14"E	16.00'
L6	N00°46'53"W	74.38'
L7	S00°48'53"E	74.78'
L8	N00°35'06"W	100.97'
L9	N01°35'06"E	83.87'
L10	N44°45'45"E	142.81'
L11	N00°08'32"W	294.35'
L12	N81°42'35"E	131.04'
L13	S07°31'03"E	485.08'
L14	N07°31'03"W	798.52'
L15	S82°28'25"W	13.46'
L16	S08°28'35"E	96.80'
L17	N81°42'35"E	27.80'
L18	S07°31'25"E	16.00'
L19	N81°34'30"E	35.00'
L20	S07°31'25"E	10.00'
L21	S81°34'30"W	35.00'
L22	N07°31'25"W	10.00'
L23	S07°31'25"E	16.00'
L24	S82°28'35"E	16.99'
L25	S07°31'03"E	16.49'
L26	S82°28'35"E	18.90'
L27	N07°31'03"W	16.49'
L28	S07°31'25"E	16.00'
L29	S07°31'25"E	15.00'
L30	S37°28'35"E	20.92'
L31	N37°28'35"E	20.92'
L32	N82°28'35"E	19.90'
L33	S82°28'35"E	18.01'
L34	S82°28'35"E	16.00'
L35	N07°31'03"W	3.43'
L36	N07°31'24"W	17.80'
L37	N07°31'03"W	54.66'
L38	N82°31'43"W	3.53'
L39	S07°31'03"E	22.62'
L40	N52°31'43"W	19.33'
L41	S82°28'35"E	43.50'
L42	N07°31'24"W	16.00'
L43	N52°31'25"W	14.14'
L44	N81°42'39"E	16.00'
L45	N46°45'46"E	106.63'
L46	S43°14'14"E	9.00'
L47	N46°45'46"E	13.00'
L48	N43°14'14"E	12.00'
L49	N82°28'23"E	13.46'
L50	S07°31'03"E	288.15'
L51	S82°28'35"E	106.63'
L52	N07°31'25"W	20.00'
L53	N82°28'35"E	83.38'
L54	N08°14'29"E	100.98'
L55	S08°14'29"W	92.65'
L56	S82°28'27"W	220.42'
L57	N82°28'27"E	240.17'
L58	N82°28'35"E	107.33'
L59	S07°31'25"W	11.50'
L60	N52°28'35"E	16.00'
L61	N07°31'25"W	11.50'
L62	N82°28'35"E	124.66'
L63	S07°31'25"E	12.50'
L64	N82°28'35"E	16.00'
L65	N07°31'25"W	12.50'
L66	N52°28'35"E	183.80'
L67	S82°28'35"W	441.86'
L68	S7°03'47"W	95.20'
L69	N76°35'47"E	94.61'



PLAT NUMBER: 120382

SUBDIVISION PLAT
ESTABLISHING
VILLAGE AT MARSHALL ROAD

Being a total of 22,881 acres, establishing Lots 4 through 9, Block 4, NCB 1821B, being all of a 22.881 acre tract of land conveyed to the B&M Marshall Road, L.P., in a deed recorded in Volume 12726, Page 1367 of the Official Public Records of Bexar County, Texas, out of the W.B. Britain Survey, No. 85 1/2, Abstract 54, County Block 4500, now in New City Block 1821B of the City of San Antonio, Bexar County, Texas.

THIS PLAT WAS PREPARED IN JANUARY, 2013

DATE: JANUARY 02, 2013 JOB NUMBER: 600024.001

The owner of the land shown on this plat, in person or through a duly authorized agent, declares to the use of the public, except areas identified as private or part of an undeveloped or planned unit development, former all streets, alleys, parks, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.

M20 Marshall Road, Ltd.
9501 MacMiller Freeway, Suite 1100
San Antonio, TX 78258
Agent: M&B Capital, LLC

By: *Ty Trapp*
Ty Trapp

STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority on this day personally appeared
Ty Trapp, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this 2nd day of January, 2013.

Lori L. Madala
LORI L. MADALA
Notary Public
BEXAR COUNTY, TEXAS
March 10, 2016

2013 JAN 4 AM 11:49
DEVELOPMENT SERVICES RECEIVED

This plat of VILLAGE AT MARSHALL ROAD is hereby submitted to and considered by the Planning Commission of the City of San Antonio, Texas, in a public hearing approved by such commission in accordance with state or local laws and regulations and/or where administrative action and/or enforcement have been granted. Dated this 4th day of January, 2013.

By: _____
Chairman

By: _____
Secretary

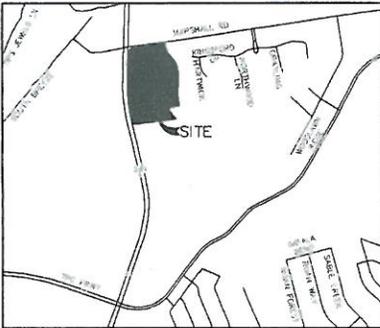
STATE OF TEXAS
COUNTY OF BEXAR

_____, COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 2013, AT ____ M, AND DULY RECORDED THE ____ DAY OF _____, 2013, AT ____ M, IN THE CLERK AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME ON PAGE IN TESTIMONY WHEREOF, WITH MY HAND AND OFFICIAL SEAL OF OFFICE, THIS ____ DAY OF _____, 2013.

COUNTY CLERK, BEXAR COUNTY, TEXAS

By: _____
DEPUTY

ATTACHMENT 1



VICINITY MAP
NOT TO SCALE
MAPSCO GRID-483 D-3

NOTES:

- No structure, fence, wall or other obstruction that impedes drainage shall be placed within the limits of the drainage easements shown on this plat. No landscaping or other type of modifications, which alter the cross-sections of the drainage easements, as approved, shall be allowed without the approval of the Director of Public Works. The City of San Antonio and Bexar County shall have the right to ingress and egress over grantor's adjacent property to remove any impeding obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements.
- The property shown herein is in Flood Zone "X" and determined to be outside the 500-year floodplain as identified by the Flood Insurance Rate Map 480200140 G, Effective Date September 29, 2010 for Bexar County, Texas and Incorporated Areas shown from the website <http://www.fema.gov/firm/>.

C.P.S. NOTES:

- The City of San Antonio as part of its Electric and Gas System (City Public Service Board) is hereby dedicating the easements and rights-of-way for electric and gas distribution and service facilities in the areas designated on this plat as "Electric Easement," "Gas Easement," "Anchor Easement," "Service Easement," "Overhead Easement," "Utility Easement," and "Transformer Easement" for the purpose of installing, constructing, reconstructing, maintaining, removing, inspecting, repairing, and erecting poles, hanging or burying wires, cables, conduits, pipelines or transformers, each with its necessary appurtenances. Together with the right of ingress and egress over grantor's adjacent land, the right to re-route said facilities within other obstructions which endanger or may interfere with the efficiency of said lines or appurtenances. Therein it is agreed and understood that no buildings, concrete slabs, or walls will be placed within said easement area.
- Any CPS monetary loss resulting from modifications required of CPS equipment, located with said easement, due to grade changes or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alterations.
- This plat does not amend, alter, release or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities unless the changes to such easements are described below.

WASTEWATER SERV. NOTE:

The number of wastewater equivalent dwelling units (EDU's) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the development services department.

DETENTION POND NOTES:

- Storm water detention is required for this property (Lot #). Building permits for this property shall be issued only in conjunction with necessary storm water detention approved by the City of San Antonio. The property may be eligible to post a fee in lieu of detention (FLID) if all of the following conditions are met but only when approved by the City of San Antonio. Maintenance of on-site storm water detention shall be the sole responsibility of the lot owner and/or property owners association and their successors or assigns.

I hereby certify that proper engineering consideration has been given to this plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the Unified Development Code, except for those variances granted by the San Antonio Planning Commission.

V. B. Biggers
Christopher M. Biggers
Registered Professional Engineer
Texas Registration Number 100189

SURVEYORS NOTES:

- Property corners are monumented with cap or disk marked "PAPE-DAWSON" unless noted otherwise.
- Coordinates shown are based on the North American Datum of 1983 (NAD 83) (CORS 1996), from the Texas Coordinate System established for the South Central Zone displayed in Grid values derived from the NGS Cooperative CORS Network.
- Dimensions shown are Surface.
- Bearings are based on the North American Datum of 1983 (NAD 83) (CORS 1996), from the Texas Coordinate System established for the South Central Zone.

I hereby certify that the above plat conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by Pope-Dawson Engineers.

Angela Marie Carlin 1/4/13
Registered Professional Land Surveyor Date

NOTES:

- Finished Floor Elevations must be a minimum of eight (8) inches above final adjacent grade (35'-50"(C12)(P5-40)
- Potential Recharge Feature #5-201. Existence and location per site geologic map prepared by Frost Geo Sciences. Control #C-12225.
- Center and Corner Elevations were produced by a triangulation of government entities including Bexar County, City of San Antonio, Federal Emergency Management Agency, San Antonio River Authority and others. This data is derived from 2005 aerial data and was produced using established techniques, methodologies and equipment.

EDWARDS AQUIFER NOTES:

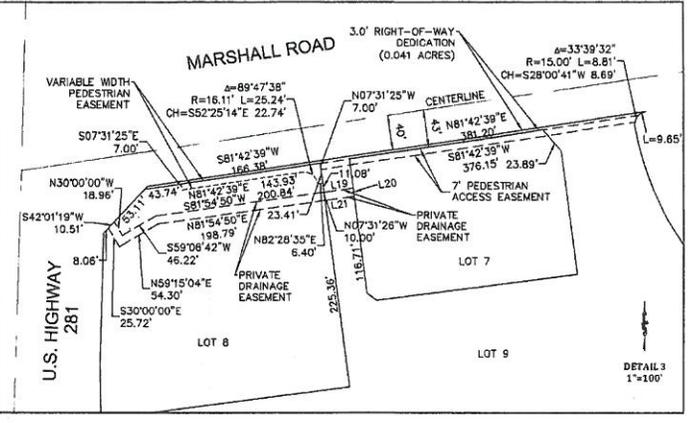
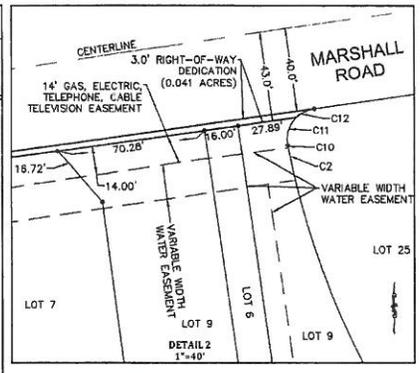
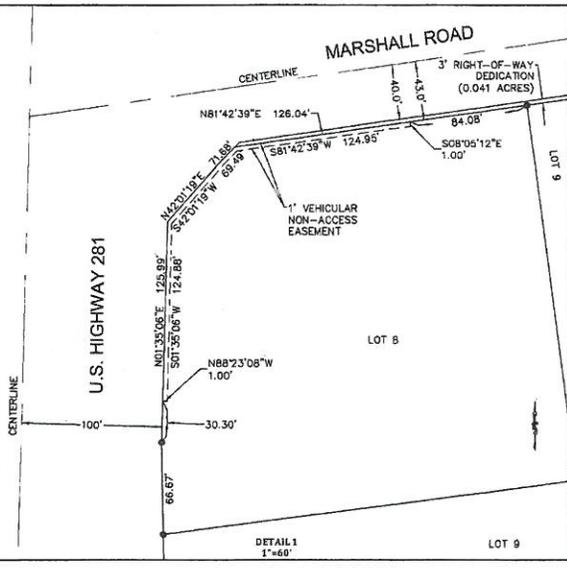
This subdivision is within the Edwards Aquifer Recharge Zones. Development within this subdivision is subject to Chapter 58, Article VI, Division 6 of the San Antonio City Code entitled "Aquifer Recharge Zones and Recharge Protection," or latest revisions thereof. Any regulated activity must comply with all Federal, State and Local Regulations relating to development within the Edwards Aquifer Recharge Zones.

TxDOT NOTES:

- For residential development directly adjacent to state right-of-way, the developer shall be responsible for adequate set-back and/or sound abatement measures for future noise reduction.
- Maximum access points to state highway from this property will be regulated as directed by "Regulations for Access Driveways to State Highways". This property is eligible for a maximum combined total of two access points to U.S. Highway 281 based on overall platted highway frontage of 1,235.15 feet.

SHARED CROSS ACCESS NOTE:

Owner shall provide shared cross access with adjacent lot in accordance with UDC 35-306 (C)(3).
The maintenance of the drainage easements, access easements, easements, and open permeable spaces shown herein shall be the responsibility of the property owner or homeowners association and their successors or assigns and not the responsibility of the City of San Antonio or Bexar County.



PLAT NUMBER: 120382
**SUBDIVISION PLAT
ESTABLISHING
VILLAGE AT MARSHALL ROAD**
Being a total of 22.861 acres, establishing Lots 4 through 9, Block 4, NGB 18210, being all of a 22.861-acre Surveyed Block Marshall Road, L10, in a Deed recorded in Volume 12726, Page 1307 of the Official Public Records of Bexar County, Texas, out of the W.M. British Survey No. 89 1/2, Abstract 64, County Block #60, now in New City Block 12121 of the City of San Antonio, Bexar County, Texas.
THIS PLAT WAS PREPARED IN JANUARY, 2013

The owner of the land shown on this plat, in person or through a duly authorized agent, dedicated to the use of the public, except areas identified as private or part of an end-use or planned unit development, forever all streets, alleys, ports, easements, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.
M20 Marshall Road, Ltd.,
9601 McAllister Freeway, Suite 1150
San Antonio, TX 78216
Agent: Wilson and State Capital, LLC
By: *Ly Thompson*

STATE OF TEXAS
COUNTY OF BEXAR
Before me, the undersigned authority on this day personally appeared
Ly Thompson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this 1st day of January, 2013.
Lori L. Madala
NOTARY PUBLIC BEXAR COUNTY, TEXAS
LORI L. MADALA
Notary Commission Expires
March 10, 2016

2013 JAN 11 AM 11:45
DEVELOPMENT SERVICES
This plat of VILLAGE AT MARSHALL ROAD has been submitted to and considered by the Planning Commission of the City of San Antonio, Texas, and hereby approved by such commission in accordance with state-adopted laws and regulations, and/or where administrative exceptions and/or variances (as) have been granted.
Dated this _____ day of _____, 2013.
By: _____
Chairman
By: _____
Secretary

STATE OF TEXAS
COUNTY OF BEXAR
_____, COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2012, AT _____ M., AND DULY RECORDED THE _____ DAY OF _____, 2013, AT _____ M. IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME ON PAGE IN TESTIMONY WHEREOF, I WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE. THIS _____ DAY OF _____, 2013.
COUNTY CLERK, BEXAR COUNTY, TEXAS
By: _____
DEPUTY



ATTACHMENT 1



VICINITY MAP
NOT TO SCALE
MAPSCO GRID: 483-D-3

NOTES:

- No structure, fence, wall or other obstruction that impedes drainage shall be placed within the limits of the drainage easements shown on this plat. The landscaping or other types of modifications, which alter the cross-sections of the drainage easements, as approved, shall be allowed without the approval of the Director of Public Works. The City of San Antonio and Bexar County shall have the right of ingress and egress over greater or adjacent property to remove any impeding obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements.
- The property shown herein is in Flood Zone "X" and determined to be outside the 500-year floodplain as identified by the Flood Insurance Rate Map 4802200140 D, Effective Date September 29, 2010 for Bexar County, Texas and Incorporated Areas shown from the website <http://www.fema.gov/firm/>.

C.P.S. NOTES:

- The City of San Antonio as part of its Electric and Gas System (City Public Service Board) is hereby dedicating the easements and rights-of-way for electric and gas distribution and service facilities in the areas designated on this plat as "Electric Easement," "Gas Easement," "Anchor Easement," "Service Easement," "Ducting Easement," "Utility Easement," and "Transformer Easement" for the purpose of installing, constructing, reconstructing, maintaining, removing, inspecting, patrolling, and erecting poles, hanging or burying wires, cables, conduits, pipelines or transformers, each with its necessary appurtenances. Together with the right of ingress and egress over greater or adjacent land, the right to relocate said facilities within other constructions which enclose or may interfere with the efficiency of said lines or appurtenances. Therein it is agreed and understood that no building, concrete slab, or wall will be placed within said easement area.
- Any GPS monetary loss resulting from modifications required of GPS equipment, located with said easement, due to grade changes or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alterations.
- This plat does not amend, alter, release or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities unless the changes to such easements are described below.

WASTEWATER EDU NOTE:

The number of wastewater equivalent dwelling units (EDU's) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the development services department.

DETENTION POND NOTES:

- Storm water detention is required for this property (Lot #). Building permits for this property shall be issued only in conjunction with necessary storm water detention approved by the City of San Antonio. The property may be eligible to post a fee in lieu of detention (FID) if all site drainage conditions allow but only when approved by the City of San Antonio. Maintenance of on-site storm water detention shall be the sole responsibility of the lot owner and/or property owners association and their successors or assigns.

I hereby certify that proper engineering consideration has been given to this plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the Unified Development Code, except for those variances granted by the San Antonio Planning Commission.

K. Biggers
Christopher M. Biggers
Registered Professional Engineer
Texas Registration Number 100189

SURVEYORS NOTES:

- Property corners are monumented with cap or disk marked "PAPE-DAWSON" unless noted otherwise.
- Coordinates shown are based on the North American Datum of 1983 (NAD 83) (CORS 1986), from the Texas Coordinate System established for the South Central Zone displayed in Grid values derived from the NGS Cooperative CORS Network.
- Dimensions shown are Surface.
- Bearings are based on the North American Datum of 1983 (NAD 83) (CORS 1986), from the Texas Coordinate System established for the South Central Zone.

I hereby certify that the above plat conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by Pope-Dawson Engineers.

Angela Marie Carlin
1/4/13
Registered Professional Land Surveyor Date

NOTES:

- Finished Floor Elevations must be a minimum of eight (8) inches above final adjacent grade (31-504)(2)(9)(5-40)
- Potential Recharge Feature 90-201: Existence and location per site geologic map prepared by Frost Geo Sciences. Control 4FC-13225.
- Contour and Colour Elevations were produced by a configuration of government entities including Bexar County, City of San Antonio, Federal Emergency Management Agency, San Antonio River Authority and others. This data is derived from 2005 contour data and was produced using established techniques, methodologies and equipment.

EDWARDS AQUIFER NOTES:

This subdivision is within the Edwards Aquifer Recharge Zone. Development within this subdivision is subject to Chapter 34, Article V, Division 6 of the San Antonio City Code entitled "Aquifer Recharge Zone and Watershed Protection," or latest revisions thereof. Any regulated activity must comply with all Federal, State and Local Regulations relating to development within the Edwards Aquifer Recharge Zone.

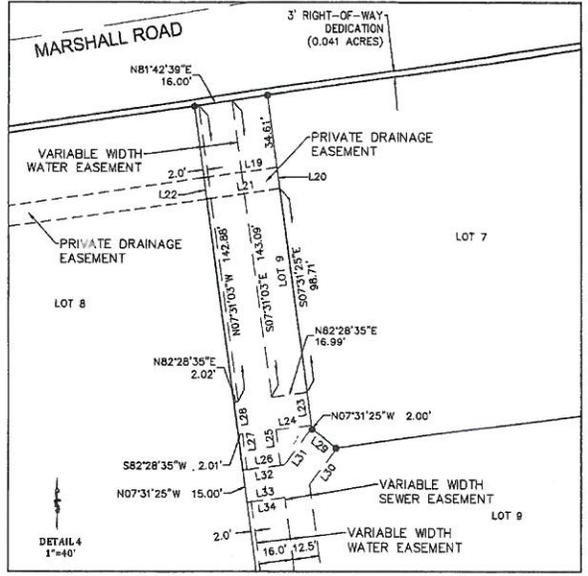
TDOT NOTES:

- For residential development directly adjacent to state right-of-way, the developer shall be responsible for adequate set-back and/or sound abatement measures for future noise reduction.
- Maximum access points to state highway from this property will be regulated as directed by "Regulations for Access Entrances to State Highways". This property is eligible for a maximum combined total of two access points to U.S. Highway 281 based on overall plat road highway frontage of 1,238.15 feet.

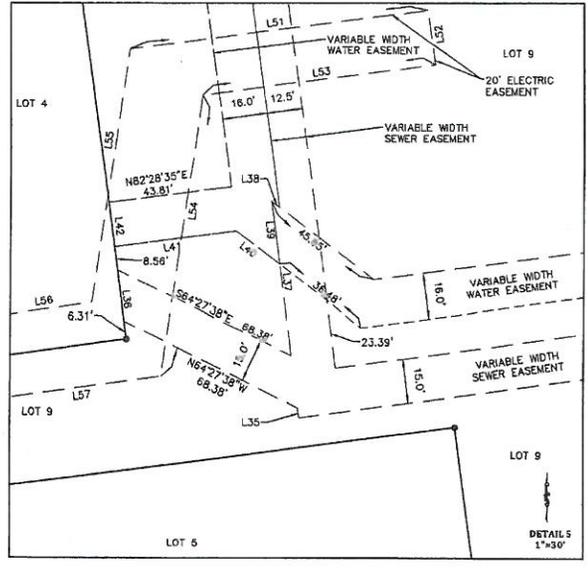
SHARED CROSS ACCESS NOTE:

Owner shall provide shared cross access with adjacent lot in accordance with UDC 35-506 (7)(3)

The maintenance of the drainage easements, access easements, granthalls, and open permeable apices shown herein shall be the responsibility of the property owner or homeowners association and that easements or easements and not the responsibility of the City of San Antonio or Bexar County.



DETAIL 4
1"=40'



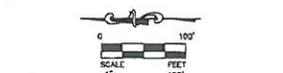
DETAIL 5
1"=30'

PLAT NUMBER: 120382

**SUBDIVISION PLAT
ESTABLISHING
VILLAGE AT MARSHALL ROAD**

Being a total of 22.881 acres, establishing Lots 4 through 9, Block 4, N08 18218, being all of a 22.88 acre tract of land shown in the Official Public Records of Bexar County, Texas, out of the 1st Street Addition No. 91 1/2, Adair St. County Block 4900, now in New City Block 18218, of the City of San Antonio, Bexar County, Texas.

THIS PLAT WAS PREPARED IN JANUARY, 2013



DUNAWAY
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121 • Fax: 817.335.7437

DATE: JANUARY 02, 2013 JOB NUMBER: B000204-001

The owner of the land shown on this plat, in person or through a duly authorized agent, certifies to the use of the public, except areas identified as private or part of an enclave or planned unit development, forever all streets, alleys, parks, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.

W20 Marshall Road, Ltd.,
9801 McAllister Freeway, Suite 1160
San Antonio, TX 78216
Agent: Matt Romo, Loretta Caputo, LLC

Lori L. Madla
Lori L. Madla
Notary Public

STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority on this day personally appeared
Lori L. Madla, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this 02nd day of January, 2013.

Lori L. Madla
NOTARY PUBLIC BEXAR COUNTY, TEXAS
LORI L. MADLA
Notary Commission Expires
March 10, 2016

DEVELOPMENT SERVICES
 RECEIVED
 2013 JAN 14 AM 11:46

This plat of VILLAGE AT MARSHALL ROAD has been submitted to and considered by the Planning Commission of the City of San Antonio, Texas, and approved by such commission in accordance with state official rules and regulations; and/or where administrative action(s) and/or variance(s) have been granted. Dated this 02nd day of January, 2013.

By: _____
Chairman

By: _____
Secretary

STATE OF TEXAS
COUNTY OF BEXAR

I, _____, COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE _____ DAY OF _____, 2012, AT _____ M., AND DULY RECORDED THE _____ DAY OF _____, 2013, AT _____ M. IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME _____ ON PAGE IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

COUNTY CLERK, BEXAR COUNTY, TEXAS

By: _____
DEPUTY



ATTACHMENT 1



October 10, 2012

Mr. Christopher M. Biggers
Principle Director Retail Services
Dunaway Associates, L.P.
550 Bailey Ave
Fort Worth, Texas 76107

RE: SAWS File No. 1209005 - Request for review of **The Village at Marshall Road, Plat No. 120382** located at the intersection of US 281 & Marshall Road.

Dear Mr. Biggers:

On September 20, 2012, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request to review a plat for the property referenced above. Staff reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ). The land use of the subject plat is for commercial and consists of approximately 22.681 acres located entirely within the EARZ. Two solution cavities were observed, one was located midway on the face of the road cut (feature-1), while the other feature was located on the face of the road cut but at ground surface(feature-2). Due to the fact the features were uncovered during excavation of the road and there close proximity to the road, the features are to be sealed. The property is not within the 100-year floodplain preservation area.

The proposed development is a **Category 1** property under the provisions of Aquifer Protection Ordinance No. 81491-File No. 1959. Certain changes to the project may create a substantial alteration the provision of the Water Quality Ordinance and altar its category.

As of the date of this report, the Texas Commission on Environmental Quality (TCEQ) has not approved the Water Pollution Abatement Plan (WPAP) for the property within this plat. No building permit will be released until a Water Pollution Abatement Plan has been submitted to and approved by TCEQ.

After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System, recommends the approval of The Village at Marshall Road, Plat No. 120382.

Dunaway Associates, L.P.
The Village at Marshall Road
Page 2

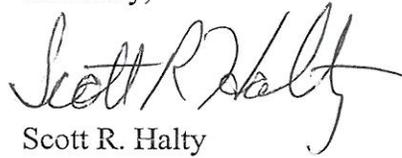
ATTACHMENT 2

DEVELOPMENT SERVICES
RECEIVED

2013 JAN -8 AM 8:52

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3537.

Sincerely,



Scott R. Halty
Director
Resource Protection & Compliance

SRH: lrd



CITY OF SAN ANTONIO
PLANNING & DEVELOPMENT SERVICES DEPARTMENT

ADMINISTRATIVE EXCEPTION VARIANCE REQUEST ANALYSIS

Project:	The Village at Marshall
Address:	2530 Marshall Road, San Antonio, TX 78259
A/P #/PPR #/Plat#:	Plat#2012000382
AEVR #:	A5401
AEVR Submittal Date:	11/19/2012
AEVR Submitted by:	Chris Biggers, P.E., Owner's Agent
Issue:	Sidewalk and Curb Requirements
Code Sections:	Unified Development Code (UDC), Section 35-506 (a)(2) and (q)
By:	Pablo G. Martinez, P.E., Senior Engineer

The Development Services Department (DSD) has reviewed the information presented in Mr. Biggers' letter submitted November 19, 2012. Please refer to the attached Map for approximate location. Also refer to the applicant's letter and site plan for more information.

The Unified Development Code (UDC) – Article V, Section 35-506 (a)(2)(B) and (q), Building Permit Requirements for Curb and Sidewalk – Refer to section (q) for sidewalk standards. In addition to the above requirements, premises used as motor vehicle service stations or parking lots require the construction of a minimum six (6) inch raised curb or other approved traffic barrier, within the lot, along the entire street frontage except at approved driveway approaches and access walks to prevent vehicular access to the street except at designated driveway(s).

Currently, the applicant does not wish to construct sidewalks fronting US Hwy 281 due to the topography of the property and the Texas Department of Transportation (TxDOT) right-of-way constraints. The development is also proposing to construct a driveway connecting to US 281 and cutting down the ground elevation to approximately 8 feet, making this accessibility not recommended for pedestrian traffic. The DSD staff does agree with the applicant's analysis to not construct the sidewalk fronting US Hwy 281 for the following reasons:

1. The section of the property fronting the US Hwy 281 right-of-way is approximately 8 feet higher in elevation than the road. The sidewalk can only be at the bottom level next to the highway road or on the upper level inside private property. Placing the sidewalk next to the TxDOT road is unsafe and very dangerous for pedestrians since there is no existing curb.
2. The construction of the sidewalk far inside the private property will not provide any more benefit than the proposed parking lot. In other words, the development is proposing to

have parking throughout the section fronting US 281 and adding sidewalk at that location will not be more beneficial than using the parking lot for accessibility.

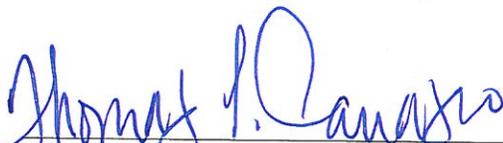
- There are no existing sidewalks in the area along US 281; therefore there is no impact in sidewalk continuity. The development will provide ADA accessibility to Marshall Road.

The DSD staff agrees with the applicant's analysis and agrees that the recommendation for approval would not adversely impact the community. The AEVR does meet the intent of the UDC. Therefore, staff recommends approval.

RECOMMENDATION: Administrative Exception Approval

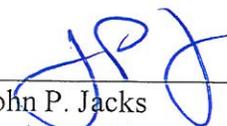

 Pablo G. Martinez, P.E., CPM
 Senior Engineer
 DSD – TIA/Streets Engineering

11/20/12
 Date


 Thomas L. Carrasco, P.E.
 Development Services Engineer
 DSD – Land Development Engineering

11/26/2012
 Date

I have reviewed the AEVR Analysis and concur with the recommendation.


 John P. Jacks
 Assistant Director
 Development Services Department

Date 12-4-12

Dunaway No.B000204.001

November 16, 2012

Administrative Exception / Variance Request Review¹
c/o Development Services Staff
Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, TX78204

Reference: The Village at Marshall Road
Plat # 2012000382
UDC 35-506 (q)

Administrative Exception

Dear COSA DSD:

Please consider this letter as request for Administrative Exception regarding the Village at Marshall Road (plat #2012000382) to be located at the southeast corner of Marshall Road and US 281.

The San Antonio Unified Development Code (UDC) 35-506 (q) requires sidewalk on the subdivision side of perimeter streets. A plat comment has been made requesting sidewalks along the plat side of northbound US 281.

US 281 is a four-lane TxDOT roadway with two through lanes in both the northbound and southbound directions and shoulders and drainage ditches on either side. There are no existing curbs on the road in this area, and the posted speed limit is 60 miles per hour and increases to 65 miles per hour just north of Marshall Road. Since there are no existing curbs along US 281 in this location, the cross-sectional slope of the roadway causes the northbound road to drain to the east side. Therefore curbs should not be added to the existing roadway because they would interfere with the existing drainage pattern. In addition, the existing grading along the property line at US 281 has some very steep rock walls along the edge of the property. Because of the high speed limit, lack of curbs, and the close adjacency of the rock wall, placing sidewalks along US 281 would create a dangerous situation for pedestrians and actually endanger the public health, safety, and welfare. Please refer to Figure 1 below for a picture from Google Earth showing the western property line of the Village at Marshall Road where it abuts US 281.

The Village at Marshall Road - San Antonio, Texas
November 16, 2012
Page 2

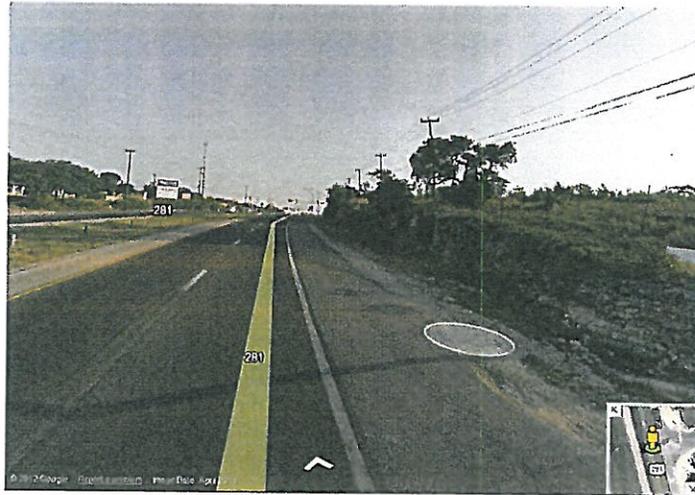


Figure 1: At the southwest property corner looking north along US 281

The site is also bounded on the south by the Village at Stone Oak shopping center, and there is an existing gas station north of Marshall Road. Neither of these developments has sidewalk installed along US 281 for continuity. Please refer to Figures 2, 3, and 4 below from Google Earth for photographs of the area.



Figure 2: At the southwest property corner looking south along US 281.

The Village at Marshall Road - San Antonio, Texas
November 16, 2012
Page 3



Figure 3: At the northwest property corner looking northeast.



Figure 4: At the northwest property corner looking south along US 281.

As part of the Traffic Impact Analysis and required improvements to both US 281 and Marshall Road, both streets will be widened and improved as shown on the attached exhibit prepared by Pape-Dawson. None of the proposed roadway improvements include adding curbs to the roads since this would interfere with their designed drainage patterns. The attached aerial exhibit also shows the existing conditions for the roadways along the proposed development with no existing sidewalks installed.

The Village at Marshall Road - San Antonio, Texas
 November 16, 2012
 Page 4

In our professional opinion, the proposed administrative exception remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public. In fact, it is our professional opinion that the installation of sidewalk along US 281 in particular would actually endanger the public health, safety, and welfare.

Sincerely,

Chris Biggers, PE
 Dunaway Associates, LP

B000204 001~San Antonio(NN)~Variance Req Ltr~2012-1115~KE

Attachment(s)

For Office Use Only:		AEVR #:	Date Received:
		_____	_____
DSD – Director Official Action:			
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED	
Signature:		Date:	
Printed Name: _____		Title: _____	
Comments: _____ _____			



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 13

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120411

Project Name:

Fox Grove Subdivision Unit 13

Applicant:

Joseph C. Hernandez

Representative:

Vickrey & Associates, Inc.
c/o Kara J. Heasley, P.E.

Owner:

KB Home Lone Star, L.P.

Staff Coordinator:

Larry Odis, Planner
(210)207-0210
larry.odis@sanantonio.gov

Property Address/Location:

South of the intersection of Semora
Oak and Pearl Harvest

MAPSCO Map Grid (Ferguson):

484 D-7

Tract Size:

9.831 acres

Council District:

ETJ

Notification:

Internet Agenda posting January 18,
2013

REQUEST

Approval of a major plat to subdivide a 9.831-acre tract of land to establish Fox Grove Subdivision, Unit 13

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 10, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of forty-six (46) single-family residential lots, and approximately one thousand four hundred sixty (1,460) linear feet of public streets.

B. Zoning

The proposed plat is located outside the city limits of San Antonio, therefore zoning is not applicable.

C. Major Thoroughfare

Dusty Canyon, Secondary Arterial Type A, 86-foot minimum ROW

D. Services Available

SAWS Water and Sewer

E. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on December 21, 2012.

The subject property is located within the Edwards Recharge Zone. The Aquifer Protection and Evaluation Section of the San Antonio Water Systems (SAWS) reviewed the proposed project as indicated in the attached report (**ATTACHMENT 2**). No significant recharge features were observed on this site. The request meets all of the requirements for development over the recharge zone.

F. Interdepartmental Review

LOCs were issued from all reviewing agencies on December 27, 2012.

II. SUPPLEMENTAL INFORMATION

A. Associated Application

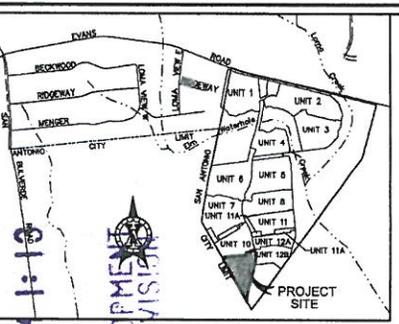
MDP 705-A Fox Grove, accepted on November 13, 2012

III. RECOMMENDATION

Approval of the proposed **Fox Grove Subdivision, Unit 13** Subdivision Plat

IV. ATTACHMENT

1. Proposed plat
2. SAWS Aquifer Letter



LOCATION MAP
NOT TO SCALE
MARSOP MAP GRID 484 D72

- LEGEND**
- SET 1/2" IRON ROD WITH CAP STAMPED "MOOREY PROP. COR."
 - FOUND 1/2" IRON ROD WITH CAP STAMPED "MOOREY PROP. COR."
 - D.R. DEED RECORDS OF BEAR COUNTY, TEXAS
 - O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS
 - D.P.R. DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS
 - 740- EXISTING CONTOURS
 - 740- PROPOSED CONTOURS
 - G.E.C.A. GAS, ELECTRIC, TELEPHONE AND CABLE TV
 - R.S.L. RAILROAD SETBACK LINE
 - ESMT EASEMENT
 - R.O.W. RIGHT OF WAY
 - EXISTING VOLUME
 - VOL. PAGE
 - CL. CLEAR VISION ESMT
 - BLK. BLOCK
 - CB AC. COUNTY BLOCK ACRES
 - PEDESTRIAN
 - VEHICULAR NON-ACCESS ESMT

ADDITIONAL NOTES:

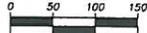
- THE FINISHED FLOOR ELEVATION FOR EACH LOT SHALL BE A MINIMUM OF 8 INCHES ABOVE THE FINISHED ADJACENT DRAINAGE.
- NO STRUCTURE, FENCES, WALLS OR OTHER OBSTRUCTIONS THAT EXCEED DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING OR OTHER TREE IMPOSITIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS, THE CITY OF SAN ANTONIO AND BEAR COUNTY SHALL WAIVE THE RIGHT OF INTEREST AND EGRESS OVER GRANITE'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- THE MAINTENANCE OF DRAINAGE EASEMENTS, ACCESS EASEMENTS, EASEMENTS AND OTHER PERMISSIBLE GRANTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR HOME OWNERS ASSOCIATION AND GRANITE'S ADJACENT PROPERTY AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO OR BEAR COUNTY.
- CONCRETE DRIVEWAY APPROACHES FOR RESIDENTIAL AND COMMERCIAL LOTS SHALL BE ELEVATED AT LEAST 1 FOOT HIGHER THAN FINISHED GRADE WATER SURFACE ELEVATION FOR THE 100-YEAR ULTIMATE DEVELOPMENT FLOOD.

- CPS NOTES:**
- THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATING THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "GAS EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHEAD EASEMENT," "UTILITY EASEMENT," AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, INSPECTING, PATROLLING, AND DRECTING POLES, HANGING OR BURNING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES, TOGETHER WITH THE RIGHT OF INTEREST AND EGRESS OVER GRANITE'S ADJACENT LAND, THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENHANCE OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES HEREIN. SUCH FACILITIES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE RULES AND ORDINANCES OF THE CITY OF SAN ANTONIO.
 - ANY CPS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS EQUIPMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS BEING RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.
 - THIS PLAT DOES NOT AVOID, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED BELOW.
 - CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY OVERHEAD WIRE. GROUND ELECTRIC AND GAS FACILITIES.
 - ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC, GAS, TELEPHONE AND CABLE T.V. EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC, GAS, TELEPHONE AND CABLE T.V. FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.

PLAT NO. 120411
SUBDIVISION PLAT ESTABLISHING
FOX GROVE SUBDIVISION, UNIT 13

BEING A TOTAL OF 8.831 ACRE TRACT OF LAND BEING 2.3316 ACRES OUT OF THE E. ARNOLD SURVEY NO. 64, ABSTRACT 1197, COUNTY BLOCK 484 IN BEAR COUNTY, TEXAS AND ALSO OUT OF A CALLED 306.3 ACRE TRACT AS CONVEYED FROM EDWIN J. ADELMAN, 41 ST OF KB HOME CONSTATEL L.P., A TEXAS LIMITED PARTNERSHIP IN SPECIAL WARRANTY DEED DATED MARCH 18, 2002, RECORDED IN BEAR COUNTY, PAGE 2192 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS.

SCALE: 1"=100'



VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
12940 Country Parkway San Antonio, Texas 78216-2004
Telephone: (210) 349-3271
Firm Registration No: F-159



STATE OF TEXAS
COUNTY OF BEAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, INDICATES TO THE FILE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER:
KB Home Lone Star LP,
A TEXAS LIMITED PARTNERSHIP
By: NESA, Inc., its general partner
By: Joseph C. Heasley
Title: Director of Land Development
4000 Fredericksburg
San Antonio, Texas 78229
(210) 349-1111

Joseph C. Heasley
OWNER

DULY AUTHORIZED AGENT

STATE OF TEXAS
COUNTY OF BEAR

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, HUSBAND/WIFE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/DEEDED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10th DAY OF December, A.D. 2012

Sharon Mealer Basches
NOTARY PUBLIC BEAR COUNTY, TEXAS

CERTIFICATE OF APPROVAL

THE UNDERSIGNED, COUNTY JUDGE OF BEAR COUNTY, TEXAS AND PRESIDENT OF THE COMMISSIONERS' COURT OF BEAR COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT HAS BEEN FILED WITH THE CLERK OF THE COMMISSIONERS' COURT OF BEAR COUNTY, TEXAS AND THAT AFTER COMPLAINT HAS BEEN FILED WITH THE CLERK OF THE COMMISSIONERS' COURT OF BEAR COUNTY, TEXAS AND THAT THE PLAT IS IN CONFORMITY WITH THE STATUTES, RULES AND ORDINANCES GOVERNING SAME, AND THIS PLAT WAS APPROVED BY THE SAID COMMISSIONERS' COURT.

ON THIS DAY OF _____, A.D. 2012

SHARON MEALER BASCHES
Notary Public, State of Texas
My Commission Expires
August 26, 2014

COUNTY JUDGE, BEAR COUNTY, TEXAS

COUNTY CLERK, BEAR COUNTY, TEXAS

THIS PLAT OF FOX GROVE SUBDIVISION, UNIT 13 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE COMMISSIONERS' COURT OF THE CITY OF SAN ANTONIO, TEXAS, IS HEREBY APPROVED BY SUCH COMMISSIONER IN ACCORDANCE WITH STATE OR LOCAL LAWS AND REGULATIONS AND/OR WHERE ADMINISTRATIVE EXCEPTION(S) AND/OR VARIANCE(S) HAVE BEEN GRANTED.

DATED THIS DAY OF _____, A.D. _____

BY: _____ CHURMAN

BY: _____ SECRETARY

STATE OF TEXAS
COUNTY OF BEAR

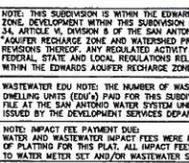
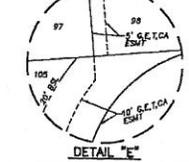
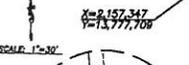
I, _____, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE _____ DAY OF _____, A.D. _____, AT _____ AND DAY RECORDED IN THE _____ DAY OF _____, A.D. _____ AT _____ IN THE RECORDS OF SAID COUNTY, IN BOOK VOLUME _____ ON PAGE _____ IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS DAY OF _____, A.D. _____

BY: _____ DEPUTY

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LAND DEVELOPMENT SERVICE

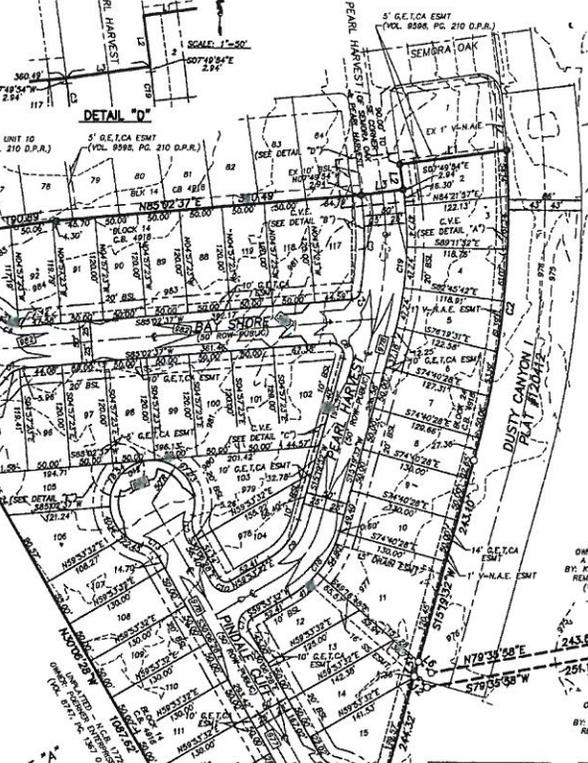


NOTE: THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, DIVISION B OF THE SAN ANTONIO CITY CODE ENTITLED "AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION," OR LATEST REVISIONS THEREOF. ANY REGULATED ACTIVITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS RELATING TO DEVELOPMENT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

WASTEWATER EDDY NOTE: THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAN ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT.

NOTE: IMPACT FEE PAYMENT DUES WATER AND WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

IN AN EFFORT TO MEET THE CITY OF SAN ANTONIO'S FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIVE (5) GPM DEMAND OF 1000 GPM @ 25 P.S.I. RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF SAN ANTONIO DIRECTOR OF DEVELOPMENT SERVICES AND THE SAN ANTONIO FIRE DEPARTMENT FIRE MARSHAL.



LINE TABLE

LINE	BEARING	LENGTH
L1	N82°10'33"E	127.01'
L2	N07°49'34"W	29.98'
L3	N82°10'08"E	30.00'
L4	N25°26'33"E	55.33'
L5	N15°19'32"E	17.71'
L6	S49°16'48"E	19.80'
L7	N59°10'18"E	128.78'
L8	N36°19'18"E	50.13'
L9	S53°19'41"E	16.00'
L10	S36°18'19"W	53.39'
L11	S29°10'14"W	125.28'
L12	N48°18'48"W	18.00'
L13	S36°18'19"W	17.48'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	155°50'07"	786.00'	316.38'	109.80'	S72°19'59"W	272.64'
C2	183°17'19"	1114.00'	388.93'	165.87'	N53°03'31"E	360.87'
C3	163°20'01"	375.00'	110.39'	65.69'	N02°34'09"E	110.00'
C4	78°00'30"	10.00'	13.27'	7.81'	N47°02'22"E	12.31'
C5	49°40'48"	30.00'	26.01'	13.89'	S70°08'29"E	25.21'
C6	279°21'54"	55.00'	256.17'	46.68'	S43°27'23"E	71.18'
C7	49°40'48"	30.00'	26.01'	13.89'	S67°03'14"W	25.21'
C8	101°16'55"	15.00'	18.87'	21.87'	N37°46'25"W	24.62'
C9	44°34'00"	75.00'	56.34'	30.77'	N37°08'32"E	58.88'
C10	80°00'00"	10.00'	15.71'	10.00'	S8°49'26"E	14.14'
C11	44°34'00"	30.00'	64.30'	12.91'	S8°49'26"E	23.72'
C12	273°28'24"	50.00'	236.28'	47.34'	S59°53'32"W	88.79'
C13	46°34'00"	30.00'	34.28'	12.91'	N57°23'29"W	23.72'
C14	49°40'48"	30.00'	26.01'	13.89'	N37°08'29"E	25.21'
C15	279°21'54"	55.00'	256.17'	46.68'	N59°53'32"E	71.18'
C16	49°40'48"	30.00'	26.01'	13.89'	S34°36'32"E	25.21'
C17	80°00'00"	10.00'	15.71'	10.00'	S14°53'32"E	14.14'
C18	44°34'00"	125.00'	97.23'	51.22'	N37°08'32"E	84.80'
C19	231°29'24"	425.00'	171.77'	87.00'	N13°44'49"E	170.61'

STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY VICKREY & ASSOCIATES, INC.

MOOREY & ASSOCIATES, INC.
BY: ERIC N. MILLER, P.E. L.P.S.

Eric N. Miller 12/4/12
REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT BY THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUTS TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNITED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

MOOREY & ASSOCIATES, INC.
BY: KARA J. HEASLEY, P.E.

Kara J. Heasley 12/4/12
LICENSED PROFESSIONAL ENGINEER

UNPLATTED
EX 20 ONE 8' RECYCLED WATER ESMT
(VOL. 2962, PG. 24, D.P.R.)

UNPLATTED - CB 4918
OWNER: KB HOME LONE STAR LP,
A TEXAS LIMITED PARTNERSHIP
BY: NESA INC., ITS GENERAL PARTNER
REMAINDER OF 388.3 ACRE TRACT
(VOL. 9306, PG. 2192 D.P.R.)

ATTACHMENT 1



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SEP 10 2012

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September 5, 2012
LAND DEVELOPMENT
SERVICES DIVISION

Ms. Kara J. Heasley, P.E.
Vickrey & Associates, Inc.
12940 Country Parkway
San Antonio, Texas 78216

RE: File No. 1209002 - Request for review of Fox Grove Subdivision Unit 13, Plat No. 120411 located south of the intersection of Dusty and Coral Spur.

Dear Ms. Heasley:

On September 5, 2012, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request to review a plat for the property referenced above. Staff reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ). The land use of the subject plat is for single family residential and consists of approximately 9.427 acres located entirely within the EARZ. No notable significant features were observed. The property is not within a 100-year floodplain preservation area.

The proposed development is a **Category 3** property under the provisions of Aquifer Protection Ordinance No. 81491-File No. 1958. In accordance with Ordinance No. 81491, an Aquifer Protection Plan for all Category 2 and 3 properties is required to be submitted to and approved by the Aquifer Protection & Evaluation Section of the San Antonio Water System. An Aquifer Protection Plan was submitted to SAWS and approved in a letter dated January 6, 2012-File No. 197.

Certain changes to the project may create a substantial alteration the provision of the Water Quality Ordinance and altar its category .

A Water Pollution Abatement Plan (WPAP) and an Organized Sewage Collection System (SCS) Plan have been submitted to the Texas Commission on Environmental Quality (TCEQ) and approved in their letter(s) dated November 15, 2011, and December 27, 2010, respectively.

After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System, recommends the approval of Fox Grove Unit 13, Plat No. 120411.

Ms. Heasley, P.E.
Fox Grove Subdivision Unit 13
Page 2

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LAND DEVELOPMENT
SERVICES DIVISION

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3537.

Sincerely,


60

Scott R Halty

Director

Resource Protection & Compliance

SRH: LRD



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 14

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120442

Applicant:

Haruo Nishida

Representative:

Pape-Dawson Engineers, Inc.
c/o Dennis R. Rion, P.E.

Owner:

Maruchan Texas, Inc.

Staff Coordinator:

Richard Carrizales, Planner
(210) 207-8050
Richard.Carrizales@sanantonio.gov

Property Address/Location:

North of the intersection of Interstate
Highway 35 and Fischer Road

MAPSCO Map Grid (Ferguson):

680 A-5

Tract Size:

56.359 Acres

Council District(s):

ETJ

Notification:

Internet Agenda Posting
January 18, 2013

REQUEST

Approval of a major plat to subdivide a 56.359-acre tract of land to establish the **Maruchan Subdivision.**

APPLICATION TYPE

Subdivision Plat

RECOMMENDED ACTION

Approval

DATE FILED WITH PLANNING COMMISSION

January 9, 2013

I. ANALYSIS

A. Proposed Use

The proposed plat will consist of one (1) non-single family residential lot.

B. Zoning

The proposed plat, is located outside the city limits of San Antonio, therefore zoning is not applicable.

C. Major Thoroughfare(s)

Fischer Road, Secondary Arterial Type A, 86-foot minimum ROW

D. Services Available

SAWS Water and Sewer

E. Inter-jurisdictional Review

Letters of Certification (LOCs) were issued from all reviewing agencies on November 29, 2012.

F. Interdepartmental Review

LOCs were issued from all reviewing agencies on January 3, 2013.

II. RECOMMENDATION

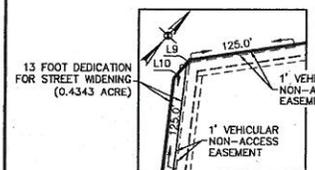
Approval of the proposed **Maruchan Subdivision Plat**.

III. ATTACHMENT

1. Proposed Plat



LOCATION MAP
MAPSCO MAP GRID: 680AS
NOT TO SCALE



DETAIL "A"
NOT TO SCALE

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN UNPLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER/DEVELOPER: MARUCHAN TEXAS, INC.
15800 LAGUNA CANYON ROAD
IRVINE, CA 92618
(949) 789-2200

STATE OF TEXAS
COUNTY OF BEXAR
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **Harold Nishida**, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN HIS CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY OF December, A.D. 2012.

STATE OF TEXAS
COUNTY OF BEXAR
THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN UNPLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER/DEVELOPER: JEFF BAILEY
SIGNING AGENT: JEFF BAILEY
EASEMENT AND TRUST EASEMENT FOR MEDIO BAILEY PARTNERS, LTD. (TRACS ONLY)
MEDIO BAILEY PARTNERS, LTD.
5131 BROADWAY STREET
SAN ANTONIO, TEXAS
(210) 822-2424

STATE OF TEXAS
COUNTY OF BEXAR
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **Jeff Bailey**, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN HIS CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY OF December, A.D. 2012.

STATE OF TEXAS
COUNTY OF BEXAR
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNITED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

STATE OF TEXAS
COUNTY OF BEXAR
I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

C.P.S. ENERGY NOTES:
1. THE CITY OF SAN ANTONIO HAS REVIEWED THIS ELECTRIC AND GAS TRUNK LINE PUBLIC SERVICE SCHEMES & HEREBY DECLARED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THE PLAT AS "TRUNK LINES" AND/OR "MAINLINE" SERVICE EASEMENTS "TRUNK LINES" AND/OR "MAINLINE" SERVICE EASEMENTS. THE CITY OF SAN ANTONIO HAS REVIEWED THIS ELECTRIC AND GAS TRUNK LINE PUBLIC SERVICE SCHEMES & HEREBY DECLARED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THE PLAT AS "TRUNK LINES" AND/OR "MAINLINE" SERVICE EASEMENTS "TRUNK LINES" AND/OR "MAINLINE" SERVICE EASEMENTS. THE CITY OF SAN ANTONIO HAS REVIEWED THIS ELECTRIC AND GAS TRUNK LINE PUBLIC SERVICE SCHEMES & HEREBY DECLARED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THE PLAT AS "TRUNK LINES" AND/OR "MAINLINE" SERVICE EASEMENTS "TRUNK LINES" AND/OR "MAINLINE" SERVICE EASEMENTS.

EDU NOTE:
THE NUMBER OF EQUIVALENT DWELLING UNITS (EDU) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT.

SURVEYOR'S NOTES:
1. PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED THEREAFTER UNLESS NOTED OTHERWISE.
2. COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (COORDS 1983) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COORDINATE CORRS NETWORK.
3. DIMENSIONS SHOWN ARE SURFACE.
4. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (COORDS 1983), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

SANMS HIGH PRESSURE NOTE:
THE TRACT IS BELOW THE GROUND ELEVATION OF 680 FEET WHERE THE STATIC PRESSURE WILL NORMALLY EXCEED 80 PSI. AT ALL SUCH LOCATIONS, THE DEVELOPER OR BUILDER SHALL INSTALL AT EACH, ON OR UNDER THE SURFACE OF THE MUD, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF SAN ANTONIO.

IMPACT FEE PAYMENT NOTE:
WATER AND WASTEWATER IMPACT FEES HAVE NOT PAID AT THE TIME OF PLATING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

NOTES:
1. FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE HIGHWAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR APPROPRIATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
2. MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THE PROPERTY WILL BE REGULATED AS DIRECTED BY "ACCESS MANAGEMENT MANUAL". THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF ZERO (0) ACCESS POINTS ALONG INTERSTATE HIGHWAY 35, BASED ON OVERALL PLATTED HIGHWAY FRONTAGE OF 30.22.

BUILDING SETBACK NOTE:
THE SETBACKS IMPOSED ON THIS PLAT ARE AT THE DISCRETION OF THE DEVELOPER OR BEAR COUNTY AND ARE NOT SUBJECT TO ENFORCEMENT BY THE CITY OF SAN ANTONIO.

BEXAR COUNTY MAINTENANCE NOTE:
THE MAINTENANCE OF ALL PRIVATE STREETS, OPEN SPACE, GREENBELTS, PARKS, DRAINAGE EASEMENTS, AND EASEMENTS OF ANY NATURE WITHIN MARUCHAN SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR THEIR SUCCESSORS AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO OR BEAR COUNTY. TO INCLUDE BUT NOT LIMITED TO LOT 2, BLOCK 2.

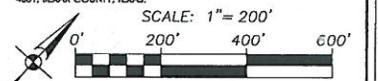
DRAINAGE EASEMENT NOTES:
NO STRUCTURE, FENCE, WALLS OR OTHER OBSTRUCTIONS THAT IMPERE DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THE PLAT. NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENT, AS APPROVED SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS. THE CITY OF SAN ANTONIO AND BEAR COUNTY SHALL HAVE THE RIGHT TO INGRESS AND EGRESS OVER THE GRANULARS ADJACENT PROPERTY TO REMOVE ANY IMPEDING OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.

LEGEND

DPR	DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS	27' ELECTRIC AND GAS EASEMENT (VOL. 1574, PGS 204-208, OPR)
OPR	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS	14' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT (VOL. 1548, PG 143, OPR)
VOL	VOLUME (PAGE(S))	UNPLATTED 1.251 ACRES OWNER: SOUTHWESTERN BELL TELEPHONE CO. (VOL. 4571, PG 566, OPR)
ROW	RIGHT-OF-WAY	LOT 1, BLOCK 2, MCR 14494 NORTH PASE TORTA SUBDIVISION, PHASE I (VOL. 1976, PG 139-141, OPR)
CO	FOUND 1/2" IRON ROD (SURVEYOR)	UNPLATTED 3.613 ACRES (TRACT 3) OWNER: MEDIO BAILEY PARTNERS, LTD. (VOL. 12857, PG 118-126, OPR)
(TYPE 1)	FOUND 1/2" IRON ROD (SURVEYOR)	LOT 1, BLOCK 3, CB 4301 LIVES COUNTRY STORE SUBDIVISION (VOL. 1548, PG 143, OPR)
(TYPE 2)	MONUMENTATION	LOT 2, BLOCK 3, CB 4301 LIVES COUNTRY STORE SUBDIVISION (VOL. 1548, PG 143, OPR)
(TYPE 3)	EXISTING CONTOURS	UNPLATTED REMAINING PORTION OF A 68.60 ACRES (OUT OF TRACT 2) OWNER: MEDIO BAILEY PARTNERS, LTD. (VOL. 12857, PG 118-126, OPR)
(TYPE 4)	65' DRAINAGE EASEMENT (0.1790 ACR)	
(TYPE 5)	37' DRAINAGE EASEMENT (0.0611 ACR)	
(TYPE 6)	5'X20' WATER EASEMENT (101.51')	
(TYPE 7)	14' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT (VOL. 1976, PG 139-141, OPR)	
(TYPE 8)	20' WIDE UTILITY EASEMENT (VOL. 7852, PG 1434, OPR)	
(TYPE 9)	15' WIDE SANITARY SEWER EASEMENT (VOL. 7853, PG 2021, OPR)	

PLAT NUMBER 120442
SUBDIVISION PLAT OF MARUCHAN SUBDIVISION

BEING A 56.359 ACRE TRACT OF LAND ESTABLISHING LOT 2, BLOCK 2, COUNTY BLOCK 4301, BEING A 55.400 ACRE TRACT OF LAND CONVEYED TO MARUCHAN TEXAS, INC. IN DEED RECORDED IN VOLUME 15676, PAGES 1006-1013 OF THE OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS, AND BEING 0.421 OF AN ACRE OUT OF A 8.2215 ACRE TRACT, 0.022 OF AN ACRE OUT OF A 3.613 ACRE TRACT AND 0.358 OF AN ACRE OUT OF A 13.143 ACRE TRACT CONVEYED TO MEDIO BAILEY PARTNERS, LTD. BY DEED RECORDED IN VOLUME 12857, PAGES 118-126, IN THE OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS, ALL OUT OF THE FRANCISCO RICARDO HERNANDEZ SURVEY NO. 6, AND ABSTRACT NO. 6, COUNTY BLOCK 4301, BEAR COUNTY, TEXAS.



PAPE-DAWSON ENGINEERS
TREC, REG. REGISTRATION # 470
555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000
FAX: 210.375.9070
DATE OF PRINT: November 28, 2012

LINE TABLE

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S36°15'11"E	249.39'	L13	S71°48'22"E	51.84'
L2	N54°00'15"E	149.91'	L14	S44°54'42"W	15.67'
L3	N35°03'22"W	90.55'	L15	S44°54'42"W	14.55'
L4	S48°11'29"W	1133.06'	L16	N71°48'22"W	47.22'
L5	N00°27'45"E	28.04'	L17	S48°11'29"W	16.11'
L6	S48°11'29"W	13.09'	L18	S35°03'22"E	87.00'
L7	S48°11'29"W	14.10'	L19	N54°55'38"E	30.00'
L8	S48°11'29"W	1116.94'	L20	N35°03'22"E	86.43'
L9	N00°27'45"E	5.67'	L21	N47°57'50"E	66.00'
L10	N00°27'45"E	22.38'	L22	S44°57'50"W	13.20'
L11	S44°57'50"W	79.20'	L23	S44°57'50"W	66.00'
L12	N35°03'22"E	13.75'			

CERTIFICATE OF APPROVAL
THE UNDERSIGNED, COUNTY JUDGE OF BEAR COUNTY, TEXAS AND PRESIDING OFFICER OF THE COMMISSIONERS COURT OF BEAR COUNTY, DOES HEREBY CERTIFY THAT THE ATTACHED PLAT WAS DULY FILED WITH THE COMMISSIONERS COURT OF BEAR COUNTY, TEXAS AND THAT AFTER EXAMINATION IT APPEARED THAT SAID PLAT IS IN CONFORMITY WITH THE STATUTES, RULES AND REGULATIONS GOVERNING SAME, AND THIS PLAT WAS APPROVED BY THE SAID COMMISSIONERS COURT.

ON THIS _____ DAY OF _____, A.D. 20____

RECEIVED
13 JUN - 4 PM
LAN REVELL JENNER
SERVICES, LLP

STATE OF TEXAS
COUNTY OF BEXAR
COUNTY CLERK, BEAR COUNTY, TEXAS
THE PLAT OF MARUCHAN SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS. IT IS HEREBY APPROVED BY SUCH COMMISSION IN ACCORDANCE WITH STATE OR LOCAL LAWS AND REGULATIONS AND/OR WHERE ADMINISTRATIVE EXCEPTION(S) AND/OR VARIANCE(S) HAVE BEEN GRANTED.
DATED THIS _____ DAY OF _____, A.D. 20____

BY: _____ CHAIRMAN
BY: _____ SECRETARY

STATE OF TEXAS
COUNTY OF BEXAR
I, _____ COUNTY CLERK OF BEAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE _____ DAY OF _____, A.D. 20____, AT _____ M, AND DULY RECORDED IN _____ VOLUME _____, PAGE _____, ON _____ DAY OF _____, A.D. 20____, IN THE DEED AND PLAT RECORDS OF BEAR COUNTY, IN BOOK/ VOLUME _____ OF _____ IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS _____ DAY OF _____, A.D. 20____.

MARUCHAN SUBDIVISION
Civil Job No. 7601-02; Survey Job No. 9158-12



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 15

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

120158

Project Name:

Lien HOA Temple

Applicant:

Tung Van Nguyen

Representative:

Paul M. Morawski, P.E.

Owner:

SA Lien HOA Temple Trang

Staff Coordinator:

Donna Camacho, Planner
(210) 207-5016
Donna.Camacho@sanantonio.gov

Property Address/Location:

Generally located northeast of the intersection of Excalibur Drive and Fratt Road

MAPSCO Map Grid (Ferguson):

584 F-2

Tract Size:

3.31 acres

Council District:

2

Notification:

Internet Agenda posting January
18, 2013

REQUEST

The consideration that was continued from January 9, 2013 Planning Commission meeting to approve a resolution directing staff to terminate temporary utility service and revoke building permits; or the alternative option to approve an additional deferral request by Tung Van Nguyen to continue temporary utility service prior to plat approval and recordation of the **Lien HOA Temple Subdivision** for one (1) non-single family lot consisting of 3.31 acres, generally located northeast of the intersection of Excalibur Drive and Fratt Road.

APPLICATION TYPE

Subdivision plat deferral

RECOMMENDED ACTION

Approval of plat deferral

ANALYSIS

A. Proposed Use

Church

B. Zoning

"R-6" Single Family Residential District.

C. Services Available

SAWS Water and Sewer.

D. Interdepartmental Review

Request for reviews were approved by Streets, TIA and Storm Water divisions.

CASE HISTORY

A previous plat deferral was approved on this plat on May 23, 2012, but the deferral expired on November 22, 2012. A resolution was submitted to the Planning Commission on January 9, 2013 to have the utilities suspended and Building Permits revoked. However, at the meeting, the applicant requested, and the commission granted a continuance on the resolution as a new deferral application and fees were paid to give the applicant additional time to resolve issues with SAWS.

RECOMMENDATION

The Director of Development Services recommends **approval** of the plat deferral with the following conditions:

1. No permanent building permit and/or utility service shall be issued until the plat is approved and recorded in the office of the County Clerk.
2. The plat is formally filed within one hundred eighty (180) days of this action and considered by the Planning Commission within thirty (30) days of a formal plat filing.
3. If no building permit or utility service is issued, and/or a complete plat filing is not filed within one hundred eighty (180) days of this action, the plat filing fees shall not be refunded and the plat deferral request shall become null and void.

ATTACHMENTS

1. Proposed Plat
2. Letter of Request
3. Resolution

DEVELOPMENT SERVICES
RECEIVED

2013 JAN -4 PM 2:12

TUNG NGUYEN
MONK
LIEN HOA
5045 EXCALIBUR
SAN ANTONIO TX

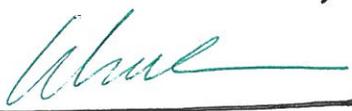
4 JANUARY 2013

CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
1901 S. ALAMO ST.
SAN ANTONIO TEXAS 78283

ATT: MS D. CARRASCO

Gentlemen,

PLEASE ACCEPT THIS LETTER AS
MY REQUEST FOR DEFERRAL TO
WORK OUT MY S.A.W.S. CERTIFICATION
AND INSPECTION OR MY "WELL PLUGGING"
RESPECTFULLY SUBMITTER



TUNG NGUYEN

RESOLUTION NO. _____

Authorizing the termination of electric service and revoking building permits pending plat approval and recording of Lien HOA Temple Subdivision Plat #120158 in connection with a previously approved deferral.

Whereas, the quality of development within the City of San Antonio and its extraterritorial jurisdiction is, in large measure, dependent upon the quality of the subdivision regulations and their effective administration and;

Whereas, the Planning Commission is empowered by the City Charter to prepare, adopt, and administer rules and regulations pertinent to subdivision/platting; and

Whereas, Section 35-434 of the Unified Development Code authorizes the Planning Commission to grant a deferral to allow the issuance of building permits and temporary utility service prior to plat approval and recording of four or fewer lots; and

Whereas, the Commission approved a deferral for the Lien HOA Temple Subdivision Plat #120158 on May 23, 2012; and

Whereas, the time which the platting requirement may be deferred shall normally not exceed 180 days from the date of approval; and

Whereas, the City of San Antonio has given the required 45 day advance notice to Noe Garcia and the project engineer, Paul Morawski, via email that the time in which to file the require plat would expire on November 19, 2012 and failure to comply could result in termination of service and revocation of building permits; and

Whereas, the applicant has not filed an appeal to the termination of temporary utility service; revocation of the building permit or met the 180 day deferral condition; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

To direct the staff to terminate temporary utility service and revoke building permit(s) pending plat approval and recording of such plat with the Bexar County Clerk's office.

Passed and approved this ____ day of _____, 2013.

ATTEST:

APPROVED:

Executive Secretary

Roberto R. Rodriguez, Chairman
San Antonio Planning Commission



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

LAND ENTITLEMENTS SECTION

STAFF REPORT

AGENDA ITEM NO. 16

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

12-003

Project Name:

Alturas at the Dominion

Applicant:

Rajeev Puri

Representative:

Pape-Dawson Engineers, Inc.
c/o Chris Orem, P.E.

Owner:

The Panhandle at Brenthurst, LLC,
and Highlands Dominion, LLC

Staff Coordinator:

Rudy Muñoz, Planner
(210) 207-5014
Rudy.Munoz@sanantonio.gov

Property Address/Location:

Northeast of the intersection of
Brenthurst Lane and Reserva Avila

MAPSCO Map Grid (Ferguson):

480 C-5

Tract Size:

51.45 acres

Council District:

8

Notification:

Notices mailed January 2, 2013

- 2 to property owners within 200 feet within the subdivision
- Notice to the Dominion Homeowners Association and to the Forest Crest Neighborhood Association

Internet Agenda Posting January 18, 2013

REQUEST

Approval of the Alturas at the Dominion Planned Unit Development (PUD) Plan

RECOMMENDED ACTION

Approval

ALTERNATIVE ACTIONS

The possible actions the Planning Commission may take on this are as follows:

1. Approval as requested
2. Approval with conditions
3. Denial

I. ANALYSIS

A. Proposed Use

The proposed PUD Plan will consist of ten (10) single-family residential lots and approximately two thousand and fifty (2,050) linear feet of private streets.

B. Zoning

“PUD R-6 S MSAO-1 MLOD” Planned Unit Development Single-Family Residential with specific use authorization for a golf course accessory to a residential subdivision, Military Sound Attenuation Overlay District, and Military Lighting Overlay District.

C. Surrounded Land Uses and Zoning

Land Use Overview		
	Zoning Districts	Current Land Use
North	PUD R-6 S MSAO-1 MLOD	Single-Family Residential
South	PUD R-6 S MSAO-1 MLOD	Single-Family Residential
East	PUD R-6 S MSAO-1 MLOD	Vacant
West	PUD R-6 S MSAO-1 MLOD	Single-Family Residential

D. Inter-jurisdictional Review

The subject property lies within the Camp Bullis 5-Mile Awareness Zone. In accordance with the executed Memorandum of Understanding (MOU), the City’s Office of Military Affairs was notified. The City’s Office of Military Affairs was notified.

E. Interdepartmental Review

The dedicatory instrument (Legal Instrument) must be approved by the City Attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat in accordance with Section 35-344(i) of the UDC.

II. SUPPLEMENTAL INFORMATION

A. Associated Applications

MDP 55, Dominion, accepted on June 29, 1983
MDP 026-07, Howell at the Dominion, accepted on October 31, 2007

B. Evaluation Criteria

According to Section 35-344(a) of the Unified Development Code (UDC), the Planning Commission shall utilize the evaluation criteria of this Section in reviewing a PUD plan. Staff finds that the Alturas at the Dominion PUD, as proposed, meets the evaluation criteria of Section 35-344(a) of the UDC.

C. Notices

To the present, staff has not received any written responses from the surrounding property owners.

III. RECOMMENDATION

Approval of the proposed Alturas at the Dominion Planned Unit Development

IV. ATTACHMENTS

1. Proposed PUD Plan



CITY OF SAN ANTONIO
CAPITAL IMPROVEMENTS MANAGEMENT SERVICES
REAL ESTATE DISPOSITION
STAFF REPORT **AGENDA ITEM NO.** **ITEM # 17 - 4**

Public Hearing:

Planning Commission
January 23, 2013

Special Project Number:

1514

Applicant:

Whataburger
c/o Bill Holik, Director – Property
Management

Staff Coordinator:

Mary L. Fors, Management Analyst
(210) 207-4083
mary.fors@sanantonio.gov

Property Address/Location:

City-owned property located at the
corner of San Pedro Avenue and
Basse Road within NCB 8704

Tract Size:

a 0.287 acre vacant property located
within NCB 8704

Council District(s):

1

Advertisement:

Hart Beat, 8/27/12 and 8/29/12

REQUEST

Request to declare as surplus and dispose of a 0.287 acre vacant
property located within NCB 8704

RECOMMENDED ACTION

Staff recommends **approval** of this request to declare as surplus
and dispose of a 0.287 acre vacant property located within NCB
8704

SYNOPSIS OF ANALYSIS

In compliance with City procedures, petitioner's request has been
canvassed through interested City departments, utilities and
applicable agencies. Petitioner has agreed to all conditions
imposed through this canvassing.

ATTACHMENTS

- Request for Council Action
- Map
- Conceptual Plan
- Resolution
- Sales Contract

[View RFCA Detail](#) [Continue](#)

CITY OF SAN ANTONIO
Request for Council Action

Agenda Item #
Council Meeting Date: 1/31/2013
RFCA Tracking No: R-10015

DEPARTMENT: Capital Improvements
Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
Council District 1, Council District 5

SUBJECT:
Disposition: Sale of Surplus City-Owned Properties

SUMMARY:

Consideration of the following ordinances authorizing the declaration as surplus and disposition of two real properties owned by the City of San Antonio:

- A. An Ordinance declaring as surplus an irregular 0.287 acre vacant tract of land in NCB 8704, located within Council District 1 and authorizing its sale to Whataburger Real Estate, LLC for \$57,000.00.
- B. An Ordinance declaring as surplus a 0.395 acre vacant parcel of land in NCB 8536, located within Council District 5 and authorizing its sale to AutoZone Texas, LP for \$86,000.00.

BACKGROUND INFORMATION:

Under Municipal Code, all City property must be declared as surplus prior to the disposition of the property. The request to declare property as surplus is submitted to CIMS real estate, then the request and exhibits are sent to departments and utilities that provide services to, or construct infrastructure on the properties. The departments and utilities respond if there is a need for the property or if the property can be disposed of. If the property is determined to be surplus, then surveys and appraisals are completed, and the property is presented to City Council for final authorization to declare the property as surplus and dispose of the property in accordance with Chapter 272 of the Local Government Code.

- A. Whataburger has a restaurant location at the northeast corner of San Pedro Avenue and Basse Road. Whataburger requested the city declare the abutting 0.287 acre vacant tract of land as surplus and authorize its sale to Whataburger. Whataburger intends to use the property as an improved access point to its restaurant. The property would provide more efficient access to the rear of the building, and allow parking spaces secured from the city streets.

- B. AutoZone has a store location at 4303 Commerce Street. In 1989, the city authorized a license agreement under Ordinance 68894 for AutoZone to construct a parking lot on the abutting 0.395 acre city-owned property. AutoZone recently requested the city declare the 0.395 acre property as surplus and authorize its sale to AutoZone. AutoZone intends to expand its current retail store from 9,877 square feet to 16,252 square feet so it can increase its hard parts inventory. This location would then serve as a hub for deliveries to the thirty (30) surrounding stores in the San Antonio area. The hub would allow for broader parts coverage for its area stores.

The properties have been approved through the canvassing process to be declared as surplus. If City Council approves the declaration of these properties as surplus, the properties will be sold in accordance with local laws.

ISSUE:

These ordinances authorize the declaration as surplus and disposition of two real properties owned by the City of San Antonio:

- A. An ordinance declaring as surplus an irregular 0.287 acre vacant tract of land in NCB 8704, located within Council District 1 and authorizing its sale to Whataburger Real Estate, LLC for \$57,000.00.
- B. An ordinance declaring as surplus a 0.395 acre vacant parcel of land in NCB 8536, located within Council District 5 and authorizing its sale to AutoZone Texas, LP for \$86,000.00.

These actions are consistent with City Code and Ordinances requiring City Council approval for the declaration as surplus and subsequent disposal of property.

ALTERNATIVES:

City Council could choose not to approve these items; however, disapproval of these requests may prohibit utilization of the properties, growth and development of the area, and the City's property liability and maintenance responsibilities will not be alleviated. The sale of these properties will allow the re-development of the properties and will place the properties back on the tax rolls.

FISCAL IMPACT:

In compliance with Chapter 37 of the Municipal Code, Section 37-2, fair market value was based upon an Independent State of Texas Certified Professional Appraisal Report.

- A. The property was appraised for a total of \$57,500.00 by Eckmann Groll, Inc. The City of San Antonio and the purchaser have agreed on a sales price of \$57,000.00.

The property will be placed on the tax rolls and generate revenue for the taxing entity. The revenues associated with the sale of this property in the amount of \$57,000.00 will be deposited into the General Fund in accordance with the FY 2013 Adopted Budget.

- B. The property was appraised for a total of \$86,000.00 by Noble & Associates, Inc. The City of San Antonio and the purchaser have agreed on a sales price of \$86,000.00.

The property will be placed on the tax rolls and generate revenue for the taxing entity. The revenues associated with the sale of this property in the amount of \$86,000.00 will be deposited into the General Fund in accordance with the FY 2013 Adopted Budget.

RECOMMENDATION:

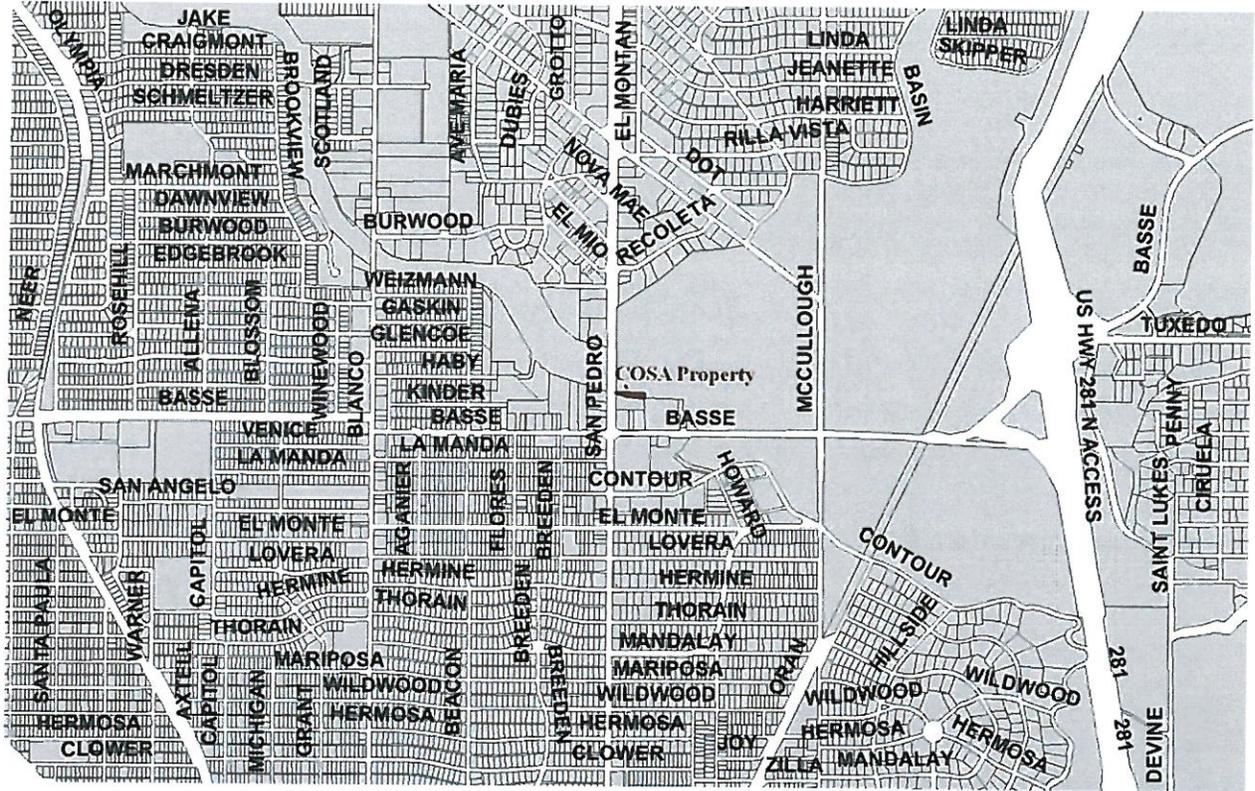
The City of San Antonio's Planning Commission reviewed these requests at its regular meeting on January 23, 2013.

Staff recommends the authorization of the following ordinance authorizing the sale of City-owned real properties:

- A. An ordinance declaring as surplus an irregular 0.287 acre vacant tract of land in NCB 8704, located within Council District 1 and authorizing its sale to Whataburger Real Estate, LLC for \$57,000.00.
- B. An ordinance declaring as surplus a 0.395 acre vacant parcel of land in NCB 8536, located within Council District 5 and authorizing its sale to AutoZone Texas, LP for \$86,000.00.

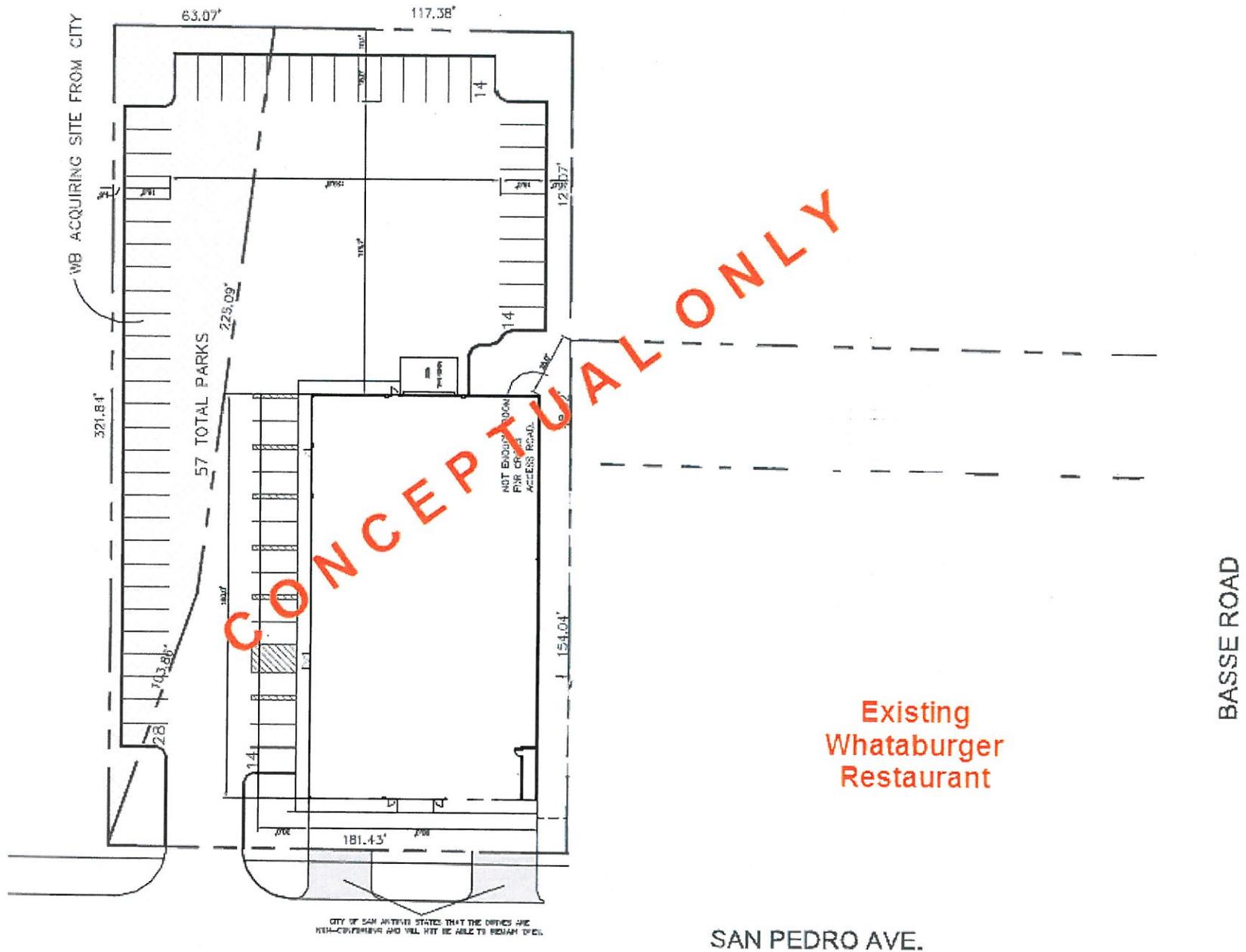
ATTACHMENT(S):

File Description	File Name
Map Whataburger 5922 San Pedro	SanPedro_5922.pdf
Sales Contract Whataburger 5922 San Pedro	Sales Contract_Whataburger.pdf
Map AutoZone 4225 W Commerce	AutoZoneMAP.pdf
Sales Contract AutoZone 4225 W Commerce	Sales Contract_AutoZone.pdf
Conceptual Plan AutoZone 4225 W Commerce	9878-HubExpansion-45X142-Site.pdf
Conceptual Plan Whataburger 5922 San Pedro	Conceptual Drawing.pdf



**S.P. 1514 – Whataburger
Request to purchase city-owned property abutting 5922 San Pedro Avenue**

5922 San Pedro, San Antonio, Texas with City triangle piece shown



RESOLUTION # _____

A RESOLUTION SUPPORTING THE DECLARATION AS SURPLUS AND SALE OF A 0.287 ACRE VACANT TRACT OF LAND IN NCB 8704

* * * * *

WHEREAS, the City Charter has empowered the Planning Commission to approve certain transactions as consistent with the Master Plan; and

WHEREAS, the City Code further subjects approval of surplus properties to public hearing and approval by act of City Council; and

WHEREAS, the City of San Antonio requests to declare a 0.287 acre vacant tract of land in NCB 8704 as surplus and sell; and

WHEREAS, after careful consideration and deliberation, the Planning Commission has elected to support the application and recommend its hearing and approval by City Council;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1. The Planning Commission recommends City Council approve the attached application seeking to declare as surplus and sell a 0.287 acre vacant tract of land in NCB 8704.

SIGNED this 23nd day of January, 2013

Roberto R. Rodriguez, Chairman

Attest:

Executive Secretary
San Antonio Planning Commission

Real Estate Sales Contract

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Authorizing Ordinance:

Authority for Sale: Local Government Code § 272.001(a)

Seller: City of San Antonio

Address: CIMS Department, P.O. Box 839966, San Antonio, Texas
78283-3966 (Attention: Marcia Shelf Orlandi)

Buyer: Whataburger Real Estate LLC

Address: 300 Concorde Plaza, San Antonio, Texas 78216

Property: An irregular 0.287 acre tract out of Old City Lot 41, Range 3
District 3, NCB 8704 and more fully described in Exhibit A
("Land") together with improvements to the Land

(“Improvements”)

Title Company: Chicago Title Company

Address: 270 N. Loop 1604, Suite 115, San Antonio, Texas 78232

Purchase Price: \$57,000

Earnest Money: \$5,000

Independent Consideration: \$100.00

Effective Date: The later of (A) the effective date of the Authorizing Ordinance and (B) the date a representative of the Title Company signs a receipt for this fully executed contract

County for Performance Bexar County, Texas

1. Deadlines and Other Dates.

All deadlines in this contract expire at 5:00 P.M. local time where the Property is located. If a deadline falls on a Saturday, Sunday, or federal or local holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or holiday. Time is of the essence.

1.01.	Earnest Money and Independent Consideration Deadline	5	Days after the Effective Date
1.02.	Updated Title Commitment	15	Days after the Effective Date
1.03.	Delivery of Title and Survey Objections	15	Days after Delivery of both Survey and Title Commitment
1.04.	End of Inspection Period	60	Days after the Effective Date
1.05.	Closing Date	15	Day after end of Inspection Period
1.06.	Closing Time		10:00 AM

The deadlines may be altered by the mutual agreement of the parties. The Assistant Director for Real Estate of the Capital Improvements Management Services Department may consent to such changes on behalf of Seller without further authorization of City Council.

2. Closing Documents.

2.01. At closing, Seller will deliver the following items:

Deed Without Warranty

IRS Nonforeign Person Affidavit

Evidence of Seller's authority to close this transaction

2.02. At closing, Buyer will deliver the following items:

Evidence of Buyer's authority to consummate this transaction

Purchase Price

2.03. The documents listed above are collectively known as the "Closing Documents." Unless otherwise agreed by the parties in writing before closing, the deed will be substantially in the form attached as **Exhibit C**.

3. Exhibits.

The following are attached to and are part of this contract for all purposes as if fully set forth:

Exhibit A—Description of the Land

Exhibit B—Representations

Exhibit C—Form of Deed

4. Purchase and Sale of Property.

Seller will sell and convey the Property to Buyer, and Buyer will buy and pay Seller for the Property. The promises by Buyer and Seller stated in this contract are the consideration for the formation of this contract.

5. Earnest Money.

5.01. Buyer must deposit the Earnest Money with the Title Company no later than the Earnest Money Deadline.

5.02. Buyer may direct Title Company to invest the Earnest Money in an interest-bearing account in a federally insured financial institution by giving notice to Title Company and satisfying Title Company's requirements for investing the Earnest Money in an interest-bearing account. Any interest earned on the Earnest Money will be paid to the party that becomes entitled to the Earnest Money. Accrued interest is a credit against the purchase price at closing.

5.03. Buyer must deliver the Earnest Money in immediately available funds to Title Company and obtain Title Company's signature before the Earnest Money Deadline for this contract to be effective. Immediately available funds are those available for use immediately upon receipt and do not include funds represented by a check or similar instrument that must clear the institution on which it is drawn.

6. Title and Survey.

6.01. *Review of Title.* The following statutory notice is provided to Buyer on behalf of the real estate licensees, if any, involved in this transaction: **Buyer is advised that it should either have the abstract covering the Property examined by an attorney of Buyer's own selection or be furnished with or obtain a policy of title insurance.**

6.02. *Title Commitment; Title Policy.* "Title Commitment" means a Commitment for Issuance of an Owner Policy of Title Insurance by Title Company, as agent for Underwriter, stating the condition of title to the Land. The "effective date" stated in the Title Commitment must be after the Effective Date of this contract. "Title Policy" means an Owner Policy of Title Insurance issued by Title Company, as agent for Underwriter, in conformity with the last Title Commitment delivered to and approved by Buyer.

6.03. *Survey.* Buyer acknowledges receipt from Seller of a survey of the property in the bid-solicitation packet.

6.04. *Delivery of Title Commitment.* Seller must deliver the Title Commitment to Buyer by the deadlines stated in section 1.

6.06. *Title Objections.* Buyer has until the deadline stated in section 1. ("Title Objection Deadline") to review the Survey, Title Commitment, and notify Seller of Buyer's objections to any of them ("Title Objections"). Buyer will be deemed to have approved all matters reflected by the Survey and Title Commitment

to which Buyer has made no Title Objection by the Title Objection Deadline. The matters that Buyer either approves or is deemed to have approved are "Permitted Exceptions." If Buyer notifies Seller of any Title Objections, Seller has five days from receipt of Buyer's notice to notify Buyer whether Seller agrees to cure the Title Objections before closing ("Cure Notice"). If Seller does not timely give its Cure Notice or timely gives its Cure Notice but does not agree to cure all the Title Objections before closing, Buyer may, within five days after the deadline for the giving of Seller's Cure Notice, notify Seller that this contract is terminated. In the absence of such timely notice, Buyer must proceed to close, waiving its objections. At or before closing, Seller must cure the Title Objections that Seller has agreed to cure.

6.07. *Asbestos Survey.* Seller must deliver to Buyer an asbestos survey of the Property not later than Asbestos Survey Deadline, in accordance with the provisions of § 6-293 of the City Code of the City of San Antonio, Texas. *(applicable only if there are buildings on the property)*

7. Inspection Period.

7.01. *Entry onto the Property.* Buyer may enter the Property before closing to inspect it, subject to the following:

- a. Buyer must deliver evidence to Seller that Buyer has insurance for its proposed inspection activities, in amounts and with coverages that are substantially the same as those maintained by Seller or in such lesser amounts or with such lesser coverages as are reasonably satisfactory to Seller;
- b. Buyer may not unreasonably interfere with existing operations or occupants of the Property;
- c. Buyer must notify Seller in advance of Buyer's plans to conduct tests so that Seller may be present during the tests;
- d. If the Property is altered because of Buyer's inspections, Buyer must return the Property to its preinspection condition promptly after the alteration occurs;

- e. Buyer must deliver to Seller copies of all inspection reports that Buyer prepares or receives from third-party consultants or contractors within three days of their preparation or receipt; and
- f. Buyer must abide by any other reasonable entry rules imposed by Seller.

7.02. *Buyer's Right to Terminate.* Buyer may terminate this contract for any reason by notifying Seller before the end of the Inspection Period. The Independent Consideration is compensation to Seller for Buyer's right of cancellation. It is not a part of the Earnest Money and is not refundable under any circumstance.

7.03. *Buyer's Indemnity and Release of Seller*

- a. *Indemnity.* Buyer will indemnify, defend, and hold Seller harmless from any loss, attorney's fees, expenses, or claims arising out of Buyer's investigation of the Property, except for repair or remediation of existing conditions discovered by Buyer's inspection.
- b. *Release.* Buyer releases Seller and those persons acting on Seller's behalf from all claims and causes of action (including claims for attorney's fees and court and other costs) resulting from Buyer's investigation of the Property.

8. Representations.

The parties' representations stated in Exhibit B are true and correct as of the Effective Date and must be true and correct on the Closing Date.

9. Condition until Closing; No Recording of Contract.

9.01. *Maintenance and Operation.* Until closing, Seller will (a) maintain the Property as it existed on the Effective Date, except for reasonable wear and tear and casualty damage; (b) operate the Property in the same manner as it was operated on the Effective Date; and (c) comply with all contracts and governmental regulations affecting the Property.

9.02. *Casualty Damage.* Seller will notify Buyer promptly after discovery of any casualty damage to the Property. Seller will have no obligation to repair or replace the Property if it is damaged by casualty before closing. Buyer may terminate

this contract if the casualty damage that occurs before closing would materially affect Buyer's intended use of the Property, by giving notice to Seller within 15 days after receipt of Seller's notice of the casualty (or before closing if Seller's notice of the casualty is received less than fifteen days before closing). If Buyer does not terminate this contract, Seller will convey the Property to Buyer in its damaged condition.

9.03. *Condemnation.* Seller will notify Buyer promptly after Seller receives notice that any part of the Property has been or is threatened to be condemned or otherwise taken by a governmental or quasi-governmental authority. Buyer may terminate this contract if the condemnation would materially affect Buyer's intended use of the Property by giving notice to Seller within 15 days after receipt of Seller's notice to Buyer (or before closing if Seller's notice is received less than fifteen days before closing). If Buyer does not terminate this contract, (a) Buyer and Seller will each have the right to appear and defend their respective interests in the Property in the condemnation proceedings, (b) any award in condemnation will be assigned to Buyer, and (c) if the taking occurs before closing, the description of the Property will be revised to delete the portion taken.

9.04. *No Recording.* Buyer may not file this contract or any memorandum or notice of this contract in the real property records of any county. If, however, Buyer records this contract or a memorandum or notice, Seller may terminate this contract and record a notice of termination.

10. Termination.

10.01. *Disposition of Earnest Money after Termination*

- a. *To Buyer.* If Buyer terminates this contract in accordance with any of Buyer's rights to terminate, Seller will, within five days of receipt of Buyer's termination notice, authorize Title Company to deliver the Earnest Money to Buyer.
- b. *To Seller.* If Seller terminates this contract in accordance with any of Seller's rights to terminate, Buyer will, within five days of receipt of Seller's termination notice, authorize Title Company to pay and deliver the Earnest Money to Seller.

10.02. *Duties after Termination.* If this contract is terminated, Buyer will promptly return to Seller all documents relating to the Property that Seller has

delivered to Buyer and all copies that Buyer has made of the documents. After return of the documents and copies, neither party will have further duties or obligations to the other under this contract, except for those obligations that cannot be or were not performed before termination of this contract.

11. Closing.

11.01. *Closing.* This transaction will close at Title Company's offices at the Closing Date and Closing Time. At closing, the following will occur:

- a. *Closing Documents.* The parties will execute and deliver the Closing Documents.
- b. *Payment of Purchase Price.* Buyer will deliver the Purchase Price and other amounts that Buyer is obligated to pay under this contract to Title Company in funds acceptable to Title Company. The Earnest Money will be applied to the Purchase Price.
- c. *Disbursement of Funds; Recording; Copies.* Title Company will be instructed to disburse the Purchase Price and other funds in accordance with this contract, record the deed and the other Closing Documents directed to be recorded, and distribute documents and copies in accordance with the parties' written instructions.
- d. *Possession.* Seller will deliver possession of the Property to Buyer, subject to the Permitted Exceptions existing at closing.
- e. Buyer need not close if Seller cannot or does not deliver marketable title at closing. If Buyer does not close for want of marketable title, the earnest money is returned to Buyer.

11.02. *Transaction Costs*

- a. Buyer will pay:
 - i. the basic charge for the Title Policy;
 - ii. one-half of the escrow fee charged by Title Company;
 - iii. the costs to prepare the deed;

- iv. the costs to record all documents to cure Title Objections agreed to be cured by Seller;
 - v. Title Company's inspection fee to delete from the Title Policy the customary exception for parties in possession;
 - vi. the additional premium for the "survey/area and boundary deletion" in the Title Policy
 - vii. the costs to obtain the Survey and certificates or reports of ad valorem taxes;
 - viii. the costs to deliver copies of the instruments described in article 1; and
 - ix. Buyer's expenses and attorney's fees.
- b. Seller will pay:
- i. one-half of the escrow fee charged by Title Company;
 - ii. the costs to obtain, deliver, and record all documents other than those to be recorded at Seller's expense;
 - iii. Seller's expenses and attorney's fees.
- c. *Ad Valorem Taxes.* Property owned by Seller is exempt under Texas Property Tax Code § 11.11. At closing property taxes will be prorated according to Texas Tax Code § 26.10. Seller assumes no responsibility for ad valorem taxes for any period, rollback or otherwise, not otherwise imposed on it by law.
- d. *Income and Expenses.* Income and expenses pertaining to operation of the Property will be prorated as of the Closing Date on an accrual basis and paid at closing as a credit or debit adjustment to the Purchase Price. Invoices that are received after closing for operating expenses incurred on or before the Closing Date and not adjusted at closing will be prorated between the parties as of the Closing Date,

and Seller will pay its share within ten days of notice of Buyer's invoice.

- e. *Postclosing Adjustments.* If errors in the prorations made at closing are identified within ninety days after closing, Seller and Buyer will make postclosing adjustments to correct the errors within fifteen days of receipt of notice of the errors.
- f. *Brokers' Commissions.* Buyer and Seller each represent to the other that they have not acted or omitted to act in any way that could give rise to an entitlement to a commission for the transaction to which this agreement relates except as noted at the beginning. At closing, each party will provide the other party with a release of broker's or appraiser's liens from all brokers or appraisers for which each party was responsible.

12. Default and Remedies.

12.01. *Seller's Default.* If Seller fails to perform any of its obligations under this contract or if any of Seller's representations is not true and correct as of the Effective Date or on the Closing Date ("Seller's Default"), Buyer may elect either of the following as its sole and exclusive remedy:

- a. *Termination.* Buyer may terminate this contract by giving notice to Seller on or before the expiration of the Inspection Period and have the Earnest Money returned to Buyer.
- b. *Specific Performance.* Buyer may sue to enforce specific performance.

12.02. *Buyer's Default.* If Buyer fails to perform any of its obligations under this contract ("Buyer's Default"), Seller may elect to terminate this contract by giving notice to Buyer on or before the Closing Date and Closing Time and have the Earnest Money paid to Seller.

13. Prohibited Interests in Contracts.

13.01 The Charter of the City of San Antonio and its Ethics Code prohibit a City officer or employee, as defined in Section 2-52 of the Ethics Code, from having a financial interest in any contract with the City or any City agency such as city

owned utilities. An officer or employee has a "prohibited financial interest" in a contract with the City or in the sale to the City of land, materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale:

(i) a City officer or employee;

(ii) his parent, child or spouse;

(iii) a business entity in which the officer or employee, or his parent, child or spouse owns (i) 10% or more of the voting stock or shares of the business entity, or (ii) 10% or more of the fair market value of the business entity;

(iv) a business entity in which any individual or entity above listed is a (i) subcontractor on a City contract, (ii) a partner, or (iii) a parent or subsidiary business entity.

13.02 Buyer warrants and certifies as follows:

(i) Buyer and its officers, employees and agents are neither officers nor employees of the City.

(ii) Buyer has tendered to the City a Discretionary Contracts Disclosure Statement in compliance with the City's Ethics Code.

13.03 Contractor acknowledges that City's reliance on the above warranties and certifications is reasonable.

14. Dispute Resolution.

14.01 As a condition precedent to bringing any action arising out of or relating to this agreement or any aspect thereof, including an action for declaratory relief but not an action specifically excepted below, the disputants must first submit in good faith to mediation. The parties may not assert limitations, laches, waiver, and estoppel based upon attempts to mediate.

14.02. Filing suit on a claim that should be mediated hereunder waives the filer's right to demand mediation. But one party's waiver does not affect another party's right. A defendant does not waive mediation for so long as, within a reasonable time after appearing, the defendant gives written notice to the plaintiff or its counsel of intent to require compliance with this paragraph.

14.03 Mediation must be conducted in San Antonio, Bexar County, Texas.

14.04 The party desiring relief has the burden to initiate mediation. Waiting for another party to initiate mediation does not waive the right to it.

14.05 If the parties can otherwise agree on a mediator, they may do so. Alternatively, either party may petition any court of competent jurisdiction to appoint a mediator. The only predicate issues the court need consider before appointing a mediator are whether (i) the copy of the contract before the court is authentic and (ii) the contract was duly signed and delivered by all parties to be bound to mediate. If neither of those issues is denied under oath, the court may appoint a mediator upon motion, without trial.

14.06 Mediator fees must be borne equally.

14.07. The parties need not mediate before going to court for either party to seek emergency injunctive relief.

15. Miscellaneous Provisions.

15.01 *Applicable Law.* This Agreement is entered into in San Antonio, Bexar County, state of Texas. **THE CONSTRUCTION OF THIS AGREEMENT AND THE RIGHTS, REMEDIES, AND OBLIGATIONS ARISING THEREUNDER ARE GOVERNED BY THE LAWS OF THE STATE OF TEXAS.** But the Texas conflicts of law rules must not be used to apply the laws of a jurisdiction other than Texas. The obligations performable hereunder by both parties are performable in San Antonio, Bexar County, Texas.

15.02 *Severability.* If any portion hereof is determined to be invalid or unenforceable, such determination does not affect the remainder hereof.

15.03 *Successors.* This Agreement inures to the benefit of and is binding on the heirs, representatives, successors, and permitted assigns of each party. This clause does not authorize any assignment not otherwise authorized.

15.04 *Integration.* **This Written Agreement Represents The Final Agreement Between The Parties And May Not Be Contradicted By Evidence Of Prior, Contemporaneous, Or Subsequent Oral Agreements Of The Parties. There Are No Oral Agreements Between The Parties.**

15.05 *Modification.*

15.05.01. This Agreement may not be changed orally but only by a written agreement, signed by the party against whom enforcement of any modification is sought. Subject to the foregoing, any of the terms of this Agreement may be modified at any time by the party entitled to the benefit thereof, but no such modification, express or implied, affects the right of the modifying party to require observance of either (i) the same term or condition as it applies on a subsequent or previous occasion or (ii) any other term hereof.

15.05.02 The Director of Capital Improvement Management Services may, without further action of City Council, agree on behalf of Seller to extensions of deadlines or other non-material modifications to the rights and obligations of the parties under this Agreement.

15.06 *Third Party Beneficiaries.* This Agreement is intended for the benefit of the parties hereto and their successors and permitted assigns only. There are no third party beneficiaries hereof.

15.07 *Notices.* Any notice provided for or permitted hereunder must be in writing and by certified mail, return receipt requested, addressed to the parties at their respective addresses set forth in the preamble hereof. If the addressee is a corporation, notices must be addressed to the attention of its President. The giving of notice is complete three days after its deposit, properly addressed and postage prepaid, with the United States Postal Service. Failure to use certified mail does not defeat the effectiveness of notice actually received, but such notice is given only upon actual receipt. Address for notice may be changed by giving notice hereunder.

15.08 *Pronouns.* In construing this Agreement, plural constructions include the singular, and singular constructions include the plural. No significance attaches to whether a pronoun is masculine, feminine, or neuter. The words "herein," "hereof," and other, similar compounds of the word "here" refer to this entire Agreement, not to any particular provision of it.

15.09 *Captions.* Paragraph captions in this Agreement are for ease of reference only and do not affect the interpretation hereof.

15.10 *Counterparts.* This Agreement may be executed in multiple counterparts, each of which is an original, whether or not all parties sign the same document. Regardless of the number of counterparts, they constitute only one agreement. In making proof of this agreement, one need not produce or account for more counterparts than necessary to show execution by or on behalf of all parties.

15.11 *Further Assurances.* The parties must execute and deliver such additional documents and instruments as may be required to effect fully the provisions hereof. No such additional document(s), however, shall alter the rights or obligations of the parties as contained in this agreement

15.12. *Assignment.* With Seller's consent, which is not to be unreasonably withheld, Buyer may assign this contract and Buyer's rights under it only to an entity in which Buyer can, directly or indirectly, direct or cause the direction of its management and policies, whether through the ownership of voting securities or otherwise. Any other assignment is void.

15.13. *Survival.* The obligations of this contract that cannot be performed before termination of this contract or before closing survive termination of this contract or closing, and the legal doctrine of merger does not apply to these matters. If there is any conflict between the Closing Documents and this contract, the Closing Documents control.

15.14. *Ambiguities Not to Be Construed against Party Who Drafted Contract.* The rule of construction that ambiguities in a document will be construed against the party who drafted it will not be applied in interpreting this contract.

15.15. *No Special Relationship.* The parties' relationship is an ordinary commercial relationship, and they do not intend to create the relationship of principal and agent, partnership, joint venture, or any other special relationship.

15.16 *Confidentiality.* The parties will keep confidential this contract, this transaction, and all information learned in the course of this transaction, except to the extent disclosure is required by law or court order or to enable third parties to advise or assist Buyer to investigate the Property or either party to close this transaction.

15.17 *Waiver of Consumer Rights.* Buyer Waives Its Rights Under The Texas Deceptive Trade Practices-Consumer Protection Act, Section 17.41 *et seq.* of The Texas Business and Commerce Code, A Law That Gives Consumers Special Rights and Protections. After Consultation With an Attorney of Its Own Selection, Buyer Voluntarily Consents To This Waiver.

15.18. *Incorporation by Reference.* All exhibits to this Agreement are incorporated into it by reference for all purposes as if fully set forth.

15.19. *Administrative Agreements.* The Director of Capital Improvements Management Services (“CIMS”) and the Assistant Director for Real Estate of CIMS may, without further council action, agree to, sign, and deliver on behalf of the City all consents, certificates, memoranda, estoppels, and modifications of nonmaterial rights and obligations arising under this agreement and may declare defaults and pursue remedies for such defaults.

[Remainder of page intentionally left blank.]

16. Public Information.

Buyer acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public. Nothing in this agreement waives an otherwise applicable exception to disclosure.

In Witness Whereof, the parties have caused their representatives to set their hands.

Seller:

City of San Antonio, a Texas
municipal corporation

Signature: _____

Printed
Name: _____

Title: _____

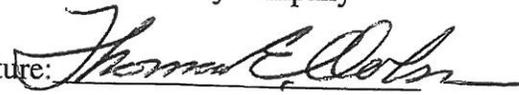
Date: _____

Approved as to Form:

City Attorney

Buyer:

Whataburger Real Estate, LLC,
a Texas limited liability company

Signature: 

Printed
Name: Thomas E. Dobson

Title: Manager

Date: 12/13/12

Title Company Acknowledgment and Receipt

Seller: City of San Antonio

Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Buyer: Whataburger Real Estate, LLC

Address: 300 Concorde Plaza, San Antonio, Texas 78216

Property: An irregular 0.287 acre tract out of Old City Lot 41, Range 3 District 3, NCB 8704 and more fully described in Exhibit A ("Land") together with improvements to the Land ("Improvements").

Title Company agrees to act as escrow agent according to the terms of this Contract. Further, Title Company acknowledges receipt from Buyer of three fully executed counterpart originals of the Contract on the same date, with one fully executed original Contract being returned to each of Seller and Buyer.

Chicago Title Company

By: _____

Printed
Name: _____

Title: _____

Date: _____

Title Company Receipt for Earnest Money

Seller: City of San Antonio

Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Buyer: Whataburger Real Estate, LLC

Address: 300 Concorde Plaza, San Antonio, Texas 78216

Property: An irregular 0.287 acre tract out of Old City Lot 41, Range 3 District 3, NCB 8704 and more fully described in Exhibit A ("Land") together with improvements to the Land ("Improvements")

Title Company acknowledges receipt from Buyer of earnest money in the amount set forth below:

Amount: _____

Chicago Title Company

By: _____

Printed
Name: _____

Title: _____

Date: _____

Exhibit A: Property Description

METES AND BOUNDS DESCRIPTION

July 5, 2012

0.287 Acres

BEING an irregular 0.287 acre tract of land, more or less out of an original 44.9 acre tract recorded in Volume 831, Page 49, Deed and Plat Records, Bexar County, Texas, and out of Old City Lot 41, Range 3, District 3, New City Block 8704, int the City of San Antonio, Bexar County, Texas, being more particularly described as follows:

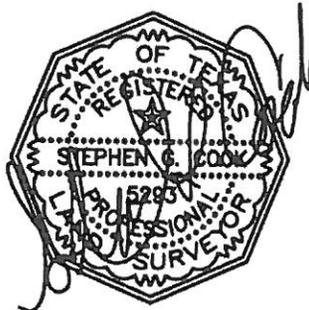
Beginning at a ½" iron rod found at the east Right-of-Way line of San Pedro Ave. for the northwest corner of 1.050 acres tract recorded in Volume 6659, page 1012 of Deed Records of Bexar County, Texas for the west corner of the herein described tract;

THENCE departing said San Pedro Ave. Right-of-Way, S 89° 55' 50" E 321.84 feet to a ½" iron rod found for the northeast corner of this tract;

THENCE S 00° 42' 45" W 63.05 feet to a ½" iron rod found for the aforementioned 1.050 acre tract and the southeast most corner of this tract:

THENCE N 82° 28' 52" W, 225.09 feet to a ½" iron rod found for an angle point;

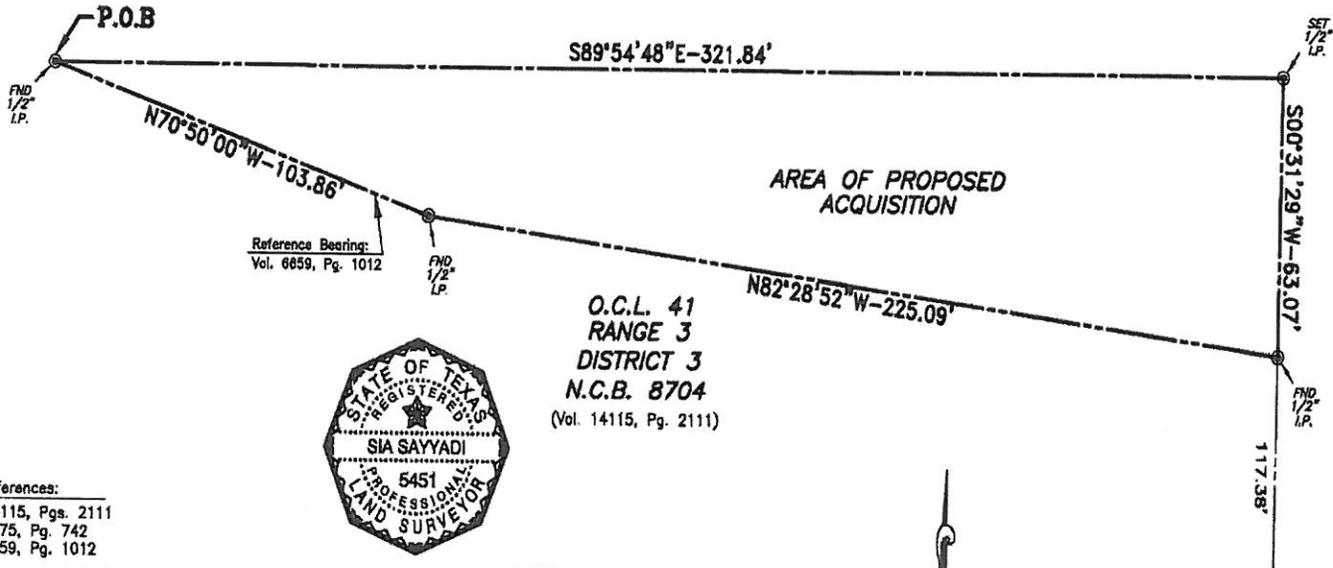
THENCE N 70° 50' 00" W 103.86 feet to the POINT OF BEGINNING, containing 0.287 acres of land more or less.



SGCE # 999-888-534A

SAN PEDRO AVENUE

OLMOS BASIN



Reference Bearing:
Vol. 6659, Pg. 1012

O.C.L. 41
RANGE 3
DISTRICT 3
N.C.B. 8704
(Vol. 14115, Pg. 2111)



References:

- Vol. 14115, Pgs. 2111
- Vol. 2575, Pg. 742
- Vol. 6659, Pg. 1012

SCALE:	1"=30'
J.O.	10007
TITLE CO.	N/A
C.F. #	N/A
DATE OF COMMITMENT	N/A

	DATE	BY
ANALYSIS	02/30/10	<A.F.>
DRAWING	02/30/10	<A.F.>
FINAL CHECK	03/19/11	S.S.
LIP DATE		
RELEASED		

S. Sayyadi
I hereby certify that the above plot has been prepared according to an actual survey made on the ground under my supervision.



SCALE: 1"=30'

DESCRIPTION: An irregular 0.287 acre tract of land, more or less out an original 44.9 acre tract recorded in Volume 831, Page 49, of the Deed and Plat Records of Bexar County, Texas, out of Old City Lot 41, Range 3, District 3, New City Block 8704, in the City of San Antonio, Bexar County, Texas and being more particularly described in attached METES and BOUNDS.



SIA ENGINEERING, INC.
6977 SAN PEDRO AVE.
SAN ANTONIO, TEXAS 78216-6245
(210) 341-6500 FAX (210) 308-0682

Exhibit B: Representations

A. Seller's Representations to Buyer

Seller represents to Buyer that the following are true and correct as of the Effective Date and will be true and correct on the Closing Date.

1. *Authority.* Seller is a municipal corporation duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to convey the Property to Buyer. This contract is, and all documents required by this contract to be executed and delivered to Buyer at closing will be, duly authorized, executed, and delivered by Seller.
2. *Litigation.* There is no litigation pending or threatened against Seller that might affect the Property or Seller's ability to perform its obligations under this contract.
3. *Violation of Laws.* Seller has not received notice of violation of any law, ordinance, regulation, or requirements affecting the Property or Seller's use of the Property.
4. *Licenses, Permits, and Approvals.* Seller has not received notice that any license, permit, or approval necessary to operate the Property in the manner in which it is currently operated will not be renewed on expiration or that any material condition will be imposed in order to obtain their renewal.
5. *Condemnation; Zoning; Land Use; Hazardous Materials.* Seller has not received notice of any condemnation, zoning, or land-use proceedings affecting the Property or any inquiries or notices by any governmental authority or third party with respect to the presence of hazardous materials on the Property or the migration of hazardous materials from the Property.
6. *No Other Obligation to Sell the Property or Restriction against Selling the Property.* Seller has not obligated itself to sell the Property to any party other than Buyer. Seller's performance of this contract will not cause a breach of any other agreement or obligation to which Seller is a party or to which it is bound.

7. *No Other Representation.* Except as stated above or in the notices, statements, and certificates set forth in Exhibit D, Seller makes no representation with respect to the Property.

8. *No Warranty.* Seller has made no warranty in connection with this contract.

B. "As Is, Where Is"

This Contract Is An Arms-Length Agreement Between The Parties. The Purchase Price Was Bargained On The Basis Of An "As Is, Where Is" Transaction And Reflects The Agreement Of The Parties That There Are No Representations, Disclosures, Or Express Or Implied Warranties, Except For The Warranty Of Title Stated In The Closing Documents And Seller's Representations To Buyer Set Forth In Section A Of This Exhibit B.

The Property Will Be Conveyed To Buyer In An "As Is, Where Is" Condition, With All Faults. [Include If Applicable: Seller Makes No Warranty Of Condition, Merchantability, Or Suitability Or Fitness For A Particular Purpose With Respect To The Personal Property.] All Warranties, Except The Warranty Of Title In The Closing Documents, Are Disclaimed.

C. Buyer's Representations to Seller

Buyer represents to Seller that the following are true and correct as of the Effective Date and will be true and correct on the Closing Date.

1. *Authority.* Buyer is a Texas limited liability company, duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to acquire the Property from Seller. This contract is, and all documents required by this contract to be executed and delivered to Seller at closing will be, duly authorized, executed, and delivered by Seller.

2. *Litigation.* There is no litigation pending or threatened against Buyer that might affect Buyer's ability to perform its obligations under this contract.

Exhibit C: Form of Deed

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas }
 }
County of Bexar }

Deed Without Warranty

Authorizing Ordinance:

Statutory Authority: Local Government Code § 272.001(a)

SP No./Parcel:

Grantor: City of San Antonio

Grantor's Mailing Address: City Of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3966 (Attn: City Clerk)

Grantor's Street Address: City Hall, 100 Military Plaza, San Antonio, Texas 78205 (Bexar County)

Grantee: Whataburger Real Estate, LLC

Grantee's Mailing Address: 300 Concorde Plaza, San Antonio, Texas 78216

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: An irregular 0.287 acre tract out of Old City Lot 41, Range 3 District 3, NCB 8704 and more fully described in Exhibit A ("Land"), together with improvements to the Land ("Improvements"), more particularly described by metes and bounds and shown by survey on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions To Conveyance: This conveyance is explicitly subject to the following:

A. Reservations: Grantor reserves from this conveyance, for the use, benefit and control of the SAN ANTONIO WATER SYSTEM, a municipal utility and agency of the Grantor, a perpetual easement to construct, reconstruct, realign, inspect, patrol, maintain, operate, repair, add, remove and replace sewer lines, facilities and appurtenances thereto, in, on, over and through an approximate 0.036 acre portion of the Property more particularly described and depicted in Exhibit B attached hereto and made a part hereof (the "Easement Area"), together with the right of ingress and egress over the Easement Area and, as reasonably necessary Grantee's adjacent lands, for the purpose of constructing, reconstructing, realigning inspecting, patrolling, maintaining, operating, repairing, adding and removing said lines and appurtenances; the right to relocate said lines within said Easement Area; the right to remove from the Easement Area all trees and parts thereof, or other obstructions, which may interfere with the exercise of the rights reserved herein; and by acceptance of this deed, Grantee expressly covenants and agrees for itself, its legal representatives, successors and/or assigns, that no building or structure of any kind will be placed on the Easement Area.

B. Easements: All recorded and unrecorded easements, whether or not open and obvious.

C. Restrictions: All covenants and restrictions affecting the Property.

D. Exceptions: All instruments affecting the Property, whether or not recorded.

E. Conditions: All conditions affecting the Property.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied

warranties of § 5.023, Texas Property Code or any successor statute), or otherwise.

Setting Out The Specific Reservations And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.

City of San Antonio, a Texas municipal corporation

By: _____

Printed
Name: _____

Title: _____

Date: _____

Attest:

By: _____
City Clerk

Approved As To Form:

By: _____
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by _____, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity in the capacity stated.

Date: _____

Notary Public, State of Texas

Exhibit A: Property Description

METES AND BOUNDS DESCRIPTION

July 5, 2012

0.287 Acres

BEING an irregular 0.287 acre tract of land, more or less out of an original 44.9 acre tract recorded in Volume 831, Page 49, Deed and Plat Records, Bexar County, Texas, and out of Old City Lot 41, Range 3, District 3, New City Block 8704, into the City of San Antonio, Bexar County, Texas, being more particularly described as follows:

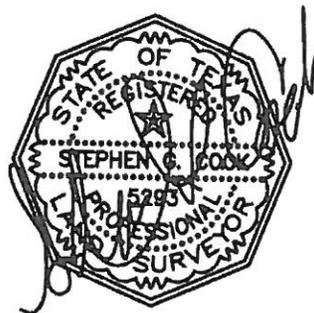
Beginning at a ½" iron rod found at the east Right-of-Way line of San Pedro Ave. for the northwest corner of 1.050 acres tract recorded in Volume 6659, page 1012 of Deed Records of Bexar County, Texas for the west corner of the herein described tract;

THENCE departing said San Pedro Ave. Right-of-Way, S 89° 55' 50" E 321.84 feet to a ½" iron rod found for the northeast corner of this tract;

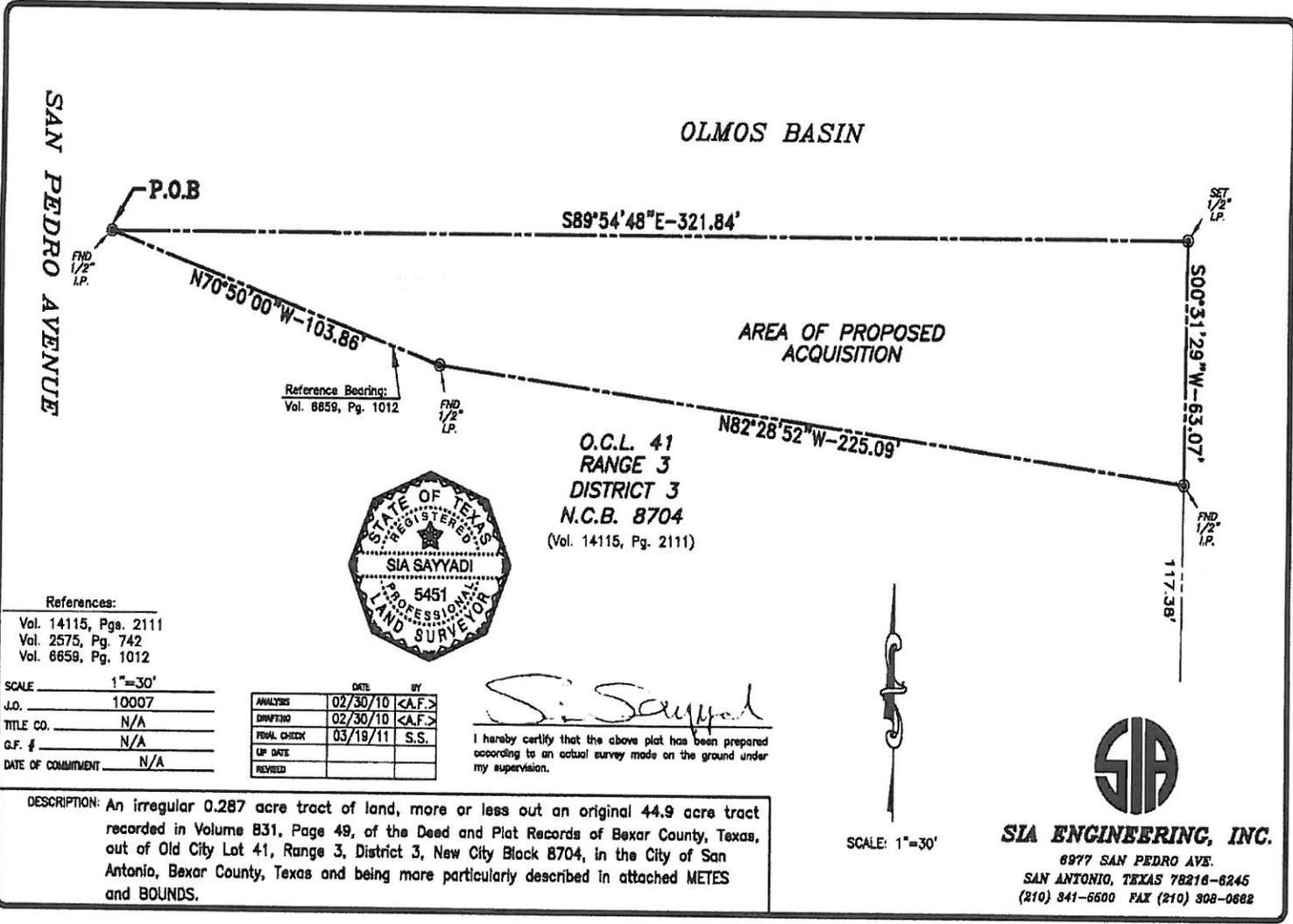
THENCE S 00° 42' 45" W 63.05 feet to a ½" iron rod found for the aforementioned 1.050 acre tract and the southeast most corner of this tract;

THENCE N 82° 28' 52" W, 225.09 feet to a ½" iron rod found for an angle point;

THENCE N 70° 50' 00" W 103.86 feet to the POINT OF BEGINNING, containing 0.287 acres of land more or less.



SGCE # 999-888-534A



SAN PEDRO AVENUE

OLMOS BASIN

P.O.B

S89°54'48"E-321.84'

N70°50'00"W-103.86'

AREA OF PROPOSED ACQUISITION

8 1/2'

S00°31'29"W-63.07'

Reference Bearing:
Vol. 6659, Pg. 1012

FND 1/2" L.P.

N82°28'52"W-225.09'

O.C.L. 41
RANGE 3
DISTRICT 3
N.C.B. 8704
(Vol. 14115, Pg. 2111)



References:
Vol. 14115, Pgs. 2111
Vol. 2575, Pg. 742
Vol. 6659, Pg. 1012

SCALE 1"=30'

J.O. 10007

TITLE CO. N/A

G.F. # N/A

DATE OF COMMITMENT N/A

	DATE	BY
ANALYSIS	02/30/10	<A.F.>
DRAWING	02/30/10	<A.F.>
FIELD CHECK	03/19/11	S.S.
UP DATE		
REVISED		

S. Sayyadi

I hereby certify that the above plat has been prepared according to an actual survey made on the ground under my supervision.



SCALE: 1"=30'



SIA ENGINEERING, INC.
6977 SAN PEDRO AVE.
SAN ANTONIO, TEXAS 78216-6245
(210) 341-6600 FAX (210) 308-0682

DESCRIPTION: An irregular 0.287 acre tract of land, more or less out an original 44.9 acre tract recorded in Volume 831, Page 49, of the Deed and Plat Records of Bexar County, Texas, out of Old City Lot 41, Range 3, District 3, New City Block 8704, in the City of San Antonio, Bexar County, Texas and being more particularly described in attached METES and BOUNDS.

Exhibit B: Easement Area

PROJECT: 17-648 WB San Pedro
SAWS PARCEL NO: P12-179

0.036 ACRES
(1,576 SQ. FT.)
103993-50035ex2.DWG

EN NO.103993-50035-2
SEPTEMBER 14, 2012
JOB NO. 103993-50035

FIELD NOTES

**FOR A 0.036 ACRES (1,576 SQUARE FOOT)
VARIABLE WIDTH WATER, SEWER AND RECYCLED WATER EASEMENT**

0.036 ACRES OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 44.9 ACRE TRACT RECORDED IN VOLUME 831, PAGE 49, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND OUT OF OLD CITY LOT 41, RANGE 3, DISTRICT 3, NCB 8704 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; SAID 0.036 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH ALL BEARINGS BEING REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE:

BEGINNING, AT A FOUND PK NAIL IN THE WESTERLY RIGHT-OF-WAY LINE OF SAN PEDRO AVENUE (120' R.O.W.), BEING THE NORTHWESTERLY CORNER OF THAT CERTAIN 1.050 ACRE TRACT CONVEYED TO MDTOWN RESTORATIONS, LLC BY DEED OF RECORD IN VOLUME 14115, PAGE 2111 OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, SAME BEING THE SOUTHWESTERLY CORNER OF SAID 44.9 ACRE TRACT;

THENCE, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF SAN PEDRO AVENUE, INTO AND ACROSS SAID 44.9 ACRE TRACT, THE FOLLOWING COURSES:

N 89° 28' 30" E, A DISTANCE OF 321.84 FEET TO AN ANGLE POINT;

S 00° 07' 05" W, A DISTANCE OF 5.00 FEET TO AN ANGLE POINT;

S 89° 28' 30" W, A DISTANCE OF 302.63 FEET TO AN ANGLE POINT;

S 43° 15' 49" W, A DISTANCE OF 1.71 FEET TO A POINT IN THE NORTHERLY LINE OF SAID 1.050 ACRE TRACT, BEING THE SOUTHERLY LINE OF SAID 44.9 ACRE TRACT;

THENCE, N 71° 22' 52" W, ALONG A PORTION OF THE COMMON BOUNDARY LINE OF SAID 1.050 ACRE TRACT AND SAID 44.9 ACRE TRACT, A DISTANCE OF 19.02 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 0.036 ACRES (1,576 SQ. FT.) OF LAND, MORE OR LESS.

 10/24/12
HAL B. LANE III
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4690
BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
922 ISOM ROAD, SUITE #100
SAN ANTONIO, TEXAS 78216

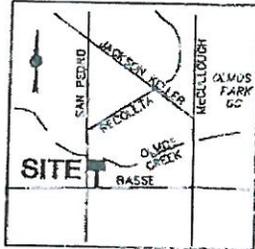


LEGEND

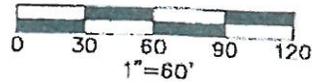
- 1/2" IRON ROD FOUND
- ▲ NAIL FOUND
- P.O.B. POINT OF BEGINNING

PAGE 3 OF 3

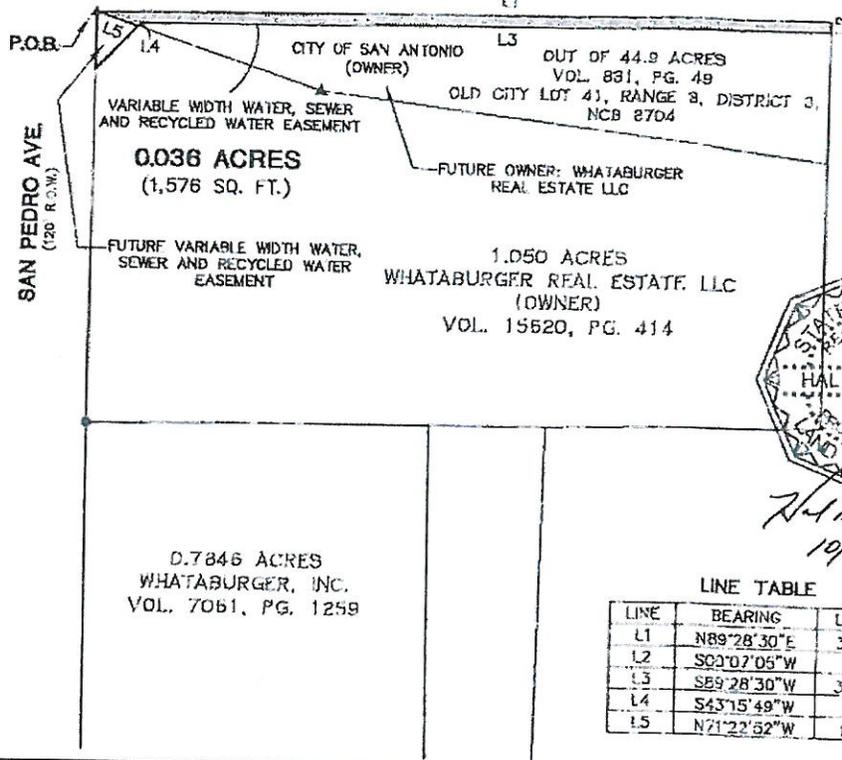
PROJECT: 17-648 WB SAN PEDRO
SAWS PARCEL NO.: P12-179



VICINITY MAP
NOT TO SCALE



OUT OF 44.9 ACRES
VOL. 881, PG. 49
OLD CITY LOT 41, RANGE 3,
DISTRICT 3, NCB 8704
CITY OF SAN ANTONIO
(OWNER)



Handwritten signature and date:
10/26/12

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°28'30"E	321.84'
L2	S00°07'05"W	5.00'
L3	S89°28'30"W	302.65'
L4	S43°15'49"W	1.71'
L5	N71°22'52"W	19.02'

Bury+Partners

972 Jones Road, Suite 300
San Antonio, TX 78216
TEL: (214) 345-9900 Fax: (214) 345-0500
TXLS Registration Number 7-1148
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SKETCH TO ACCOMPANY DESCRIPTION OF

0.036 ACRES OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 44.9 ACRE TRACT RECORDED IN VOLUME 881, PAGE 49, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND OUT OF OLD CITY LOT 41, RANGE 3, DISTRICT 3, NCB 8704 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

WHATABURGER

DATE: 09/14/12 DRAWN BY: MTH FILE: H:\103983\50035\103993_50036x2.dwg FN NO. 103993-50035-2 PROJECT No. R0103993-50035



CITY OF SAN ANTONIO
CAPITAL IMPROVEMENTS MANAGEMENT SERVICES
REAL ESTATE DISPOSITION

STAFF REPORT

AGENDA ITEM NO.

ITEM # 18

Public Hearing:

Planning Commission
January 23, 2013

Special Project Number:

1608

Applicant:

AutoZone Texas, L.P.
c/o Brad Denzin, Real Estate Zone
Manager, Western United States

Staff Coordinator:

Mary L. Fors, Management Analyst
(210) 207-4083
mary.fors@sanantonio.gov

Property Address/Location:

City-owned property located at 4225
W. Commerce

Tract Size:

a 0.395 acre vacant property located
within NCB 8536

Council District(s):

5

Advertisement:

Hart Beat, 8/27/12 and 8/29/12

REQUEST

Request to declare as surplus and dispose of a 0.395 acre vacant
property located within NCB 8536

RECOMMENDED ACTION

Staff recommends **approval** of this request to declare as surplus
and dispose of a 0.395 acre vacant property located within NCB
8536

SYNOPSIS OF ANALYSIS

In compliance with City procedures, petitioner's request has been
canvassed through interested City departments, utilities and
applicable agencies. Petitioner has agreed to all conditions
imposed through this canvassing.

ATTACHMENTS

- Request for Council Action
- Map
- Conceptual Plan/Survey
- Resolution
- Real Estate Contract

[View RFCA Detail](#) [Continue](#)

CITY OF SAN ANTONIO
Request for Council Action

Agenda Item #
Council Meeting Date: 1/31/2013
RFCA Tracking No: R-10015

DEPARTMENT: Capital Improvements
Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
Council District 1, Council District 5

SUBJECT:
Disposition: Sale of Surplus City-Owned Properties

SUMMARY:

Consideration of the following ordinances authorizing the declaration as surplus and disposition of two real properties owned by the City of San Antonio:

- A. An Ordinance declaring as surplus an irregular 0.287 acre vacant tract of land in NCB 8704, located within Council District 1 and authorizing its sale to Whataburger Real Estate, LLC for \$57,000.00.
- B. An Ordinance declaring as surplus a 0.395 acre vacant parcel of land in NCB 8536, located within Council District 5 and authorizing its sale to AutoZone Texas, LP for \$86,000.00.

BACKGROUND INFORMATION:

Under Municipal Code, all City property must be declared as surplus prior to the disposition of the property. The request to declare property as surplus is submitted to CIMS real estate, then the request and exhibits are sent to departments and utilities that provide services to, or construct infrastructure on the properties. The departments and utilities respond if there is a need for the property or if the property can be disposed of. If the property is determined to be surplus, then surveys and appraisals are completed, and the property is presented to City Council for final authorization to declare the property as surplus and dispose of the property in accordance with Chapter 272 of the Local Government Code.

- A. Whataburger has a restaurant location at the northeast corner of San Pedro Avenue and Basse Road. Whataburger requested the city declare the abutting 0.287 acre vacant tract of land as surplus and authorize its sale to Whataburger. Whataburger intends to use the property as an improved access point to its restaurant. The property would provide more efficient access to the rear of the building, and allow parking spaces secured from the city streets.

- B. AutoZone has a store location at 4303 Commerce Street. In 1989, the city authorized a license agreement under Ordinance 68894 for AutoZone to construct a parking lot on the abutting 0.395 acre city-owned property. AutoZone recently requested the city declare the 0.395 acre property as surplus and authorize its sale to AutoZone. AutoZone intends to expand its current retail store from 9,877 square feet to 16,252 square feet so it can increase its hard parts inventory. This location would then serve as a hub for deliveries to the thirty (30) surrounding stores in the San Antonio area. The hub would allow for broader parts coverage for its area stores.

The properties have been approved through the canvassing process to be declared as surplus. If City Council approves the declaration of these properties as surplus, the properties will be sold in accordance with local laws.

ISSUE:

These ordinances authorize the declaration as surplus and disposition of two real properties owned by the City of San Antonio:

- A. An ordinance declaring as surplus an irregular 0.287 acre vacant tract of land in NCB 8704, located within Council District 1 and authorizing its sale to Whataburger Real Estate, LLC for \$57,000.00.
- B. An ordinance declaring as surplus a 0.395 acre vacant parcel of land in NCB 8536, located within Council District 5 and authorizing its sale to AutoZone Texas, LP for \$86,000.00.

These actions are consistent with City Code and Ordinances requiring City Council approval for the declaration as surplus and subsequent disposal of property.

ALTERNATIVES:

City Council could choose not to approve these items; however, disapproval of these requests may prohibit utilization of the properties, growth and development of the area, and the City's property liability and maintenance responsibilities will not be alleviated. The sale of these properties will allow the re-development of the properties and will place the properties back on the tax rolls.

FISCAL IMPACT:

In compliance with Chapter 37 of the Municipal Code, Section 37-2, fair market value was based upon an Independent State of Texas Certified Professional Appraisal Report.

- A. The property was appraised for a total of \$57,500.00 by Eckmann Groll, Inc. The City of San Antonio and the purchaser have agreed on a sales price of \$57,000.00.

The property will be placed on the tax rolls and generate revenue for the taxing entity. The revenues associated with the sale of this property in the amount of \$57,000.00 will be deposited into the General Fund in accordance with the FY 2013 Adopted Budget.

- B. The property was appraised for a total of \$86,000.00 by Noble & Associates, Inc. The City of San Antonio and the purchaser have agreed on a sales price of \$86,000.00.

The property will be placed on the tax rolls and generate revenue for the taxing entity. The revenues associated with the sale of this property in the amount of \$86,000.00 will be deposited into the General Fund in accordance with the FY 2013 Adopted Budget.

RECOMMENDATION:

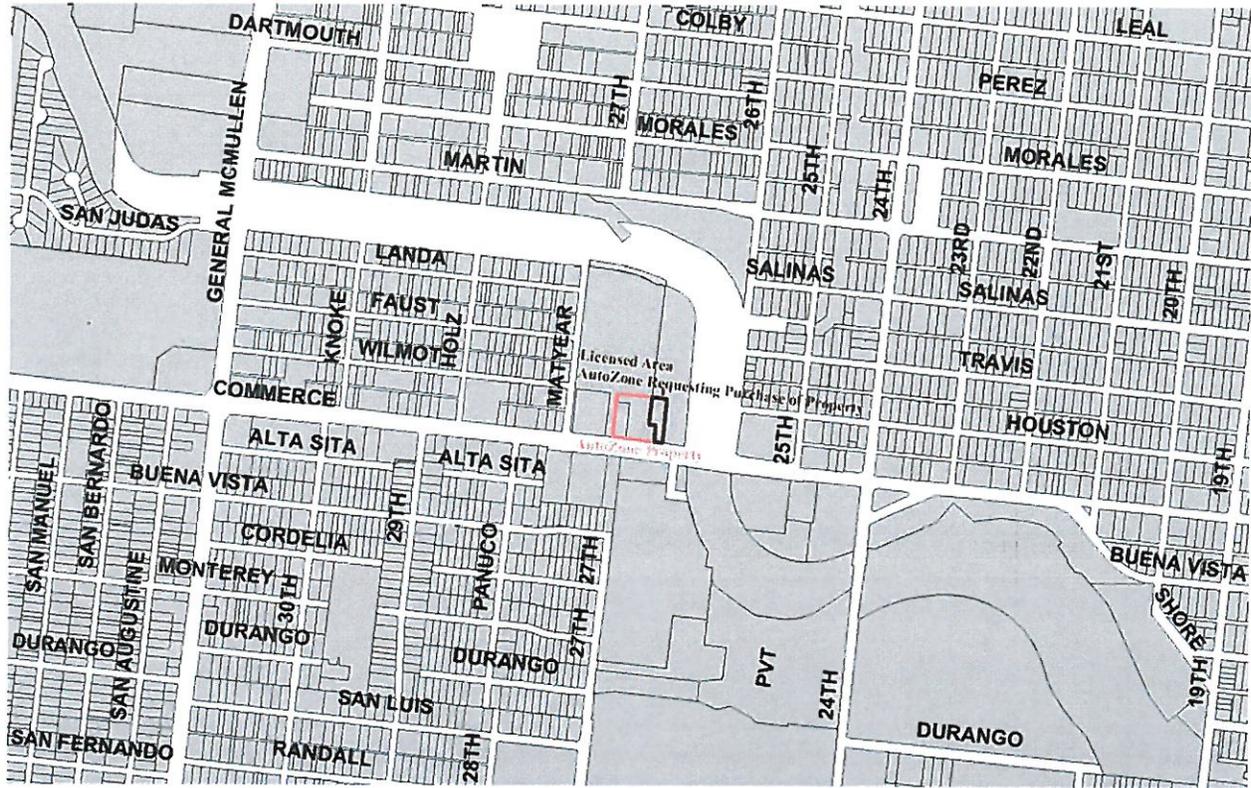
The City of San Antonio's Planning Commission reviewed these requests at its regular meeting on January 23, 2013.

Staff recommends the authorization of the following ordinance authorizing the sale of City-owned real properties:

- A. An ordinance declaring as surplus an irregular 0.287 acre vacant tract of land in NCB 8704, located within Council District 1 and authorizing its sale to Whataburger Real Estate, LLC for \$57,000.00.
- B. An ordinance declaring as surplus a 0.395 acre vacant parcel of land in NCB 8536, located within Council District 5 and authorizing its sale to AutoZone Texas, LP for \$86,000.00.

ATTACHMENT(S):

File Description	File Name
Map Whataburger 5922 San Pedro	SanPedro_5922.pdf
Sales Contract Whataburger 5922 San Pedro	Sales Contract_Whataburger.pdf
Map AutoZone 4225 W Commerce	AutoZoneMAP.pdf
Sales Contract AutoZone 4225 W Commerce	Sales Contract_AutoZone.pdf
Conceptual Plan AutoZone 4225 W Commerce	9878-HubExpansion-45X142-Site.pdf
Conceptual Plan Whataburger 5922 San Pedro	Conceptual Drawing.pdf



S.P. 1608 AutoZone Request to declare as surplus and sell City-owned property located at 4225 W Commerce

RESOLUTION # _____

**A RESOLUTION SUPPORTING THE DECLARATION AS
SURPLUS AND SALE OF A 0.395 ACRE PARCEL OF PROPERTY
WITHIN NCB 8536**

* * * * *

WHEREAS, the City Charter has empowered the Planning Commission to approve certain transactions as consistent with the Master Plan; and

WHEREAS, the City Code further subjects approval of surplus properties to public hearing and approval by act of City Council; and

WHEREAS, the City of San Antonio requests to declare a 0.395 acre parcel of property within NCB 8536 as surplus and sell; and

WHEREAS, after careful consideration and deliberation, the Planning Commission has elected to support the application and recommend its hearing and approval by City Council;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1. The Planning Commission recommends City Council approve the attached application seeking to declare as surplus and sell a 0.395 acre parcel of property within NCB 8536.

SIGNED this 23rd day of January, 2013

Roberto R. Rodriguez, Chairman

Attest:

Executive Secretary
San Antonio Planning Commission

Real Estate Sales Contract

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Authorizing Ordinance:

Authority for Sale: Local Government Code § 272.001(a)

Seller: City of San Antonio

Address: CIMS Department, P.O. Box 839966, San Antonio, Texas
78283-3966 (Attention: Marcia Shelf Orlandi)

Phone: 210.207.7370

Email: marcia.shelforlandi@sanantonio.gov

Type of Entity: Texas municipal corporation

Buyer: AutoZone Texas, L.P., a Delaware limited partnership

Address: 123 S. Front Street, Department 8340, Memphis, TN
38103-3618 / ATTN: Teresea Hicks

Phone: 901.495.8923

Property: Approximately 0.395 acres of land more fully described in Exhibit
A ("Land") together with improvements to the Land
("Improvements")

Title Company: First American Title Insurance Company

Address: National Commercial Services
414 Union Street, Ste. 1205
Nashville, TN 37219
ATTN: Pam Nash

Phone: 615-256-6601

Email: pgnash@firstam.com

Purchase Price: \$86,000.00

Earnest Money: \$15,000.00

Independent Consideration: \$1,500.00

Effective Date: The later of (A) the effective date of the
Authorizing Ordinance and (B) the date a
representative of the Title Company signs a receipt
for this fully executed contract

County for Performance Bexar County, Texas

1. Deadlines and Other Dates.

All deadlines in this contract expire at 5:00 P.M. local time where the Property is located. If a deadline falls on a Saturday, Sunday, or federal or local holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or holiday. Time is of the essence.

- | | | | |
|-------|---|----|-------------------------------|
| 1.01. | Earnest Money and Independent
Consideration Deadline | 10 | Days after the Effective Date |
| 1.02. | Updated Title Commitment | 15 | Days after the Effective Date |

1.03.	Delivery of Title and Survey Objections	15	Days after Delivery of both Survey and Title Commitment
1.04.	End of Inspection Period	90	Days after the Effective Date (subject to one (1) THIRTY (30) day extension that may be exercised by Buyer)
1.05.	Closing Date	15	Day after end of Inspection Period

The deadlines may be altered by the mutual agreement of the parties. The Assistant Director for Real Estate of the Capital Improvements Management Services Department may consent to such changes on behalf of Seller without further authorization of City Council.

2. Closing Documents.

2.01. At closing, Seller will deliver the following items:

Deed Without Warranty

IRS Nonforeign Person Affidavit

Evidence of Seller's authority to close this transaction

2.02. At Closing, Buyer will deliver the following items:

Evidence of Buyer's authority to consummate this transaction

Purchase Price

2.03. The documents listed above are collectively known as the "Closing Documents." Unless otherwise agreed by the parties in writing before closing, the Deed will be substantially in the form attached as **Exhibit C**.

3. Exhibits.

The following are attached to and are part of this contract for all purposes as if fully set forth:

Exhibit A—Description of the Land

Exhibit B—Representations

Exhibit C—Form of Deed

4. Purchase and Sale of Property.

Seller will sell and convey the Property to Buyer, and Buyer will buy and pay Seller for the Property. The promises by Buyer and Seller stated in this contract are the consideration for the formation of this contract.

5. Earnest Money and Independent Consideration.

5.01. Buyer must deposit the Earnest Money with the Title Company no later than the Earnest Money Deadline.

5.02. Buyer may direct Title Company to invest the Earnest Money in an interest-bearing account in a federally insured financial institution by giving notice to Title Company and satisfying Title Company's requirements for investing the Earnest Money in an interest-bearing account. Any interest earned on the Earnest Money will be paid to the party that becomes entitled to the Earnest Money. Accrued interest is a credit against the purchase price at closing.

5.03. Buyer must deliver the Earnest Money in immediately available funds to Title Company and obtain Title Company's signature before the Earnest Money Deadline for this contract to be effective. Immediately available funds are those available for use immediately upon receipt and do not include funds represented by a check or similar instrument that must clear the institution on which it is drawn.

5.04. In addition to the Earnest Money, the Independent Consideration provided for in this Agreement shall be credited against the Purchase Price at Closing.

6. Title and Survey.

6.01. *Review of Title.* The following statutory notice is provided to Buyer on behalf of the real estate licensees, if any, involved in this transaction: **Buyer is advised that it should either have the abstract covering the Property examined by an attorney of Buyer's own selection or be furnished with or obtain a policy of title insurance.**

6.02. *Title Commitment; Title Policy.* "Title Commitment" means a Commitment for Issuance of an Owner Policy of Title Insurance by Title Company, as agent for Underwriter, stating the condition of title to the Land. "Title Policy" means an Owner Policy of Title Insurance issued by Title Company, as agent for Underwriter, in conformity with the last Title Commitment delivered to and approved by Buyer.

6.03. *Survey.* Buyer acknowledges that it has obtained a Survey of the Property prior to the Effective Date.

6.04. *Delivery of Title Commitment.* Seller must deliver the Title Commitment to Buyer by the deadlines stated in section 1.

6.06. *Title Objections.* Buyer has until the deadline stated in section 1. ("Title Objection Deadline") to review the Survey, Title Commitment, and notify Seller of Buyer's objections to any of them ("Title Objections"). Buyer will be deemed to have approved all matters reflected by the Survey and Title Commitment to which Buyer has made no Title Objection by the Title Objection Deadline. The matters that Buyer either approves or is deemed to have approved are "Permitted Exceptions." If Buyer notifies Seller of any Title Objections, Seller has five days from receipt of Buyer's notice to notify Buyer whether Seller agrees to cure the Title Objections before closing ("Cure Notice"). If Seller does not timely give its Cure Notice or timely gives its Cure Notice but does not agree to cure all the Title Objections before closing, Buyer may, within fifteen (15) days after the deadline for the giving of Seller's Cure Notice, notify Seller that this contract is terminated. In the absence of such timely notice, Buyer must proceed to close, waiving its objections. At or before closing, Seller must cure the Title Objections that Seller has agreed to cure.

6.07. *Asbestos Survey.* Seller must deliver to Buyer an asbestos survey of the Property not later than Asbestos Survey Deadline, in accordance with the provisions of § 6-293 of the City Code of the City of San Antonio, Texas. (*applicable only if there are buildings on the property*)

7. Inspection Period.

7.01. *Entry onto the Property.* Buyer may enter the Property before closing to inspect it, subject to the following:

- a. Buyer must deliver evidence to Seller that Buyer has insurance for its proposed inspection activities, in amounts and with coverages that are substantially the same as those maintained by Seller or in such lesser amounts or with such lesser coverages as are reasonably satisfactory to Seller;
- b. Buyer may not unreasonably interfere with existing operations or occupants of the Property;
- c. Buyer must notify Seller in advance of Buyer's plans to conduct tests so that Seller may be present during the tests, if Seller does so elect to be present;
- d. If the Property is altered because of Buyer's inspections, Buyer must return the Property to its preinspection condition promptly after the alteration occurs;
- e. Buyer must deliver to Seller copies of all inspection reports that Buyer prepares or receives from third-party consultants or contractors within three days of their preparation or receipt; and
- f. Buyer must abide by any other reasonable entry rules imposed by Seller.
- g. Buyer and Seller further agree that Buyer, as part of Buyer's inspection process shall determine whether the Property has the proper zoning and various permits required by Buyer for the development and operation of the Property as part of Buyer's business.
- h. Buyer may extend the Inspection Period for one (1) thirty (30) day period by delivering to Seller a written notice of Buyer's desire to exercise said extension prior to the expiration of the original date for the end of the Inspection Period.

7.02. *Buyer's Right to Terminate.* Buyer may terminate this contract for any reason by notifying Seller before the end of the Inspection Period. The Independent Consideration is compensation to Seller for Buyer's right of cancellation. It is not a part of the Earnest Money and is not refundable under any circumstance.

7.03. *Buyer's Indemnity of Seller*

- a. *Indemnity.* Buyer will indemnify, defend, and hold Seller harmless from any loss, attorney's fees, expenses, or claims arising out of Buyer's investigation of the Property, except for diminution of value to the Property resulting from any discovery by Purchaser or in connection with any repair or remediation of existing conditions discovered by Buyer's inspection.

8. Representations.

The parties' representations stated in Exhibit B are true and correct as of the Effective Date and must be true and correct on the Closing Date.

9. Condition until Closing; No Recording of Contract.

9.01. *Maintenance and Operation.* Until closing, Seller will (a) maintain the Property as it existed on the Effective Date, except for reasonable wear and tear and casualty damage; (b) operate the Property in the same manner as it was operated on the Effective Date; and (c) comply with all contracts and governmental regulations affecting the Property.

9.02. *Casualty Damage.* Seller will notify Buyer promptly after discovery of any casualty damage to the Property. Seller will have no obligation to repair or replace the Property if it is damaged by casualty before closing. Buyer may terminate this contract if the casualty damage that occurs before closing would materially affect Buyer's intended use of the Property, by giving notice to Seller within 15 days after receipt of Seller's notice of the casualty (or before closing if Seller's notice of the casualty is received less than fifteen days before closing). If Buyer does not terminate this contract, Seller will convey the Property to Buyer in its damaged condition.

9.03. *Condemnation.* Seller will notify Buyer promptly after Seller receives notice that any part of the Property has been or is threatened to be condemned or otherwise taken by a governmental or quasi-governmental authority. Buyer may terminate this contract if the condemnation would materially affect Buyer's intended use of the Property by giving notice to Seller within 15 days after receipt of Seller's notice to Buyer (or before closing if Seller's notice is received less than fifteen days before closing). If Buyer does not terminate this contract, (a) Buyer and Seller will

each have the right to appear and defend their respective interests in the Property in the condemnation proceedings, (b) any award in condemnation will be assigned to Buyer, and (c) if the taking occurs before closing, the description of the Property will be revised to delete the portion taken.

9.04. *No Recording.* Buyer may not file this contract or any memorandum or notice of this contract in the real property records of any county. If, however, Buyer records this contract or a memorandum or notice, Seller may terminate this contract and record a notice of termination.

10. Termination.

10.01. *Disposition of Earnest Money after Termination*

- a. *To Buyer.* If Buyer terminates this contract in accordance with any of Buyer's rights to terminate, Seller will, within five days of receipt of Buyer's termination notice, authorize Title Company to deliver the Earnest Money to Buyer.
- b. *To Seller.* If Seller terminates this contract in accordance with any of Seller's rights to terminate, Buyer will, within five days of receipt of Seller's termination notice, authorize Title Company to pay and deliver the Earnest Money to Seller.

10.02. *Duties after Termination.* If this contract is terminated, Buyer will promptly return to Seller all documents relating to the Property that Seller has delivered to Buyer and all copies that Buyer has made of the documents. After return of the documents and copies, neither party will have further duties or obligations to the other under this contract, except for those obligations that cannot be or were not performed before termination of this contract.

11. Closing.

11.01. *Closing.* This transaction will close at Title Company's offices at the Closing Date and Closing Time. At closing, the following will occur:

- a. *Closing Documents.* The parties will execute and deliver the Closing Documents.

- b. *Payment of Purchase Price.* Buyer will deliver the Purchase Price and other amounts that Buyer is obligated to pay under this contract to Title Company in funds acceptable to Title Company. The Earnest Money will be applied to the Purchase Price.
- c. *Disbursement of Funds; Recording; Copies.* Title Company will be instructed to disburse the Purchase Price and other funds in accordance with this contract, record the deed and the other Closing Documents directed to be recorded, and distribute documents and copies in accordance with the parties' written instructions.
- d. *Possession.* Seller will deliver possession of the Property to Buyer, subject to the Permitted Exceptions existing at closing.
- e. Buyer need not close if Seller cannot or does not deliver marketable title at closing. If Buyer does not close for want of marketable title, the earnest money is returned to Buyer.

11.02. *Transaction Costs*

- a. Buyer will pay:
 - i. the basic charge for the Title Policy;
 - ii. one-half of the escrow fee charged by Title Company;
 - iii. the costs to prepare the Deed;
 - iv. the costs to record all documents to cure Title Objections agreed to be cured by Seller;
 - v. Title Company's inspection fee to delete from the Title Policy the customary exception for parties in possession;
 - vi. the additional premium for the "survey/area and boundary deletion" in the Title Policy
 - vii. the costs to obtain the Survey and certificates or reports of ad valorem taxes;

- viii. the costs to deliver copies of the instruments described in article 1; and
 - ix. Buyer's expenses and attorney's fees.
- b. Seller will pay:
- i. one-half of the escrow fee charged by Title Company;
 - ii. the costs to obtain, deliver, and record all documents other than those to be recorded at Seller's expense;
 - iii. Seller's expenses and attorney's fees.
- c. *Ad Valorem Taxes.* Property owned by Seller is exempt under Texas Property Tax Code § 11.11. At closing property taxes will be prorated according to Texas Tax Code § 26.10. Seller assumes no responsibility for ad valorem taxes for any period, rollback or otherwise, not otherwise imposed on it by law.
- d. *Income and Expenses.* Income and expenses pertaining to operation of the Property will be prorated as of the Closing Date on an accrual basis and paid at closing as a credit or debit adjustment to the Purchase Price. Invoices that are received after closing for operating expenses incurred on or before the Closing Date and not adjusted at closing will be prorated between the parties as of the Closing Date, and Seller will pay its share within ten days of notice of Buyer's invoice.
- e. *Postclosing Adjustments.* If errors in the prorations made at closing are identified within ninety days after closing, Seller and Buyer will make postclosing adjustments to correct the errors within fifteen days of receipt of notice of the errors.
- f. *Brokers' Commissions.* Buyer and Seller each represent to the other that they have not acted or omitted to act in any way that could give rise to an entitlement to a commission for the transaction to which this agreement relates except as noted at the beginning. At closing, each party will provide the other party with a release of broker's or

appraiser's liens from all brokers or appraisers for which each party was responsible.

12. Default and Remedies.

12.01. *Seller's Default.* If Seller fails to perform any of its obligations under this contract or if any of Seller's representations is not true and correct as of the Effective Date or on the Closing Date ("Seller's Default"), Buyer may elect either of the following as its sole and exclusive remedy:

- a. *Termination.* Buyer may terminate this contract by giving notice to Seller on or before the expiration of the Inspection Period and have the Earnest Money returned to Buyer.
- b. *Specific Performance.* Buyer may sue to enforce specific performance.

12.02. *Buyer's Default.* If Buyer fails to perform any of its obligations under this contract ("Buyer's Default"), Seller may elect, as Seller's sole and exclusive remedy, to terminate this contract by giving notice to Buyer on or before the Closing Date and Closing Time and have the Earnest Money paid to Seller.

13. Prohibited Interests in Contracts.

13.01 The Charter of the City of San Antonio and its Ethics Code prohibit a City officer or employee, as defined in Section 2-52 of the Ethics Code, from having a financial interest in any contract with the City or any City agency such as city owned utilities. An officer or employee has a "prohibited financial interest" in a contract with the City or in the sale to the City of land, materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale:

- (i) a City officer or employee;
- (ii) his parent, child or spouse;
- (iii) a business entity in which the officer or employee, or his parent, child or spouse owns (i) 10% or more of the voting stock or shares of the business entity, or (ii) 10% or more of the fair market value of the business entity;

(iv) a business entity in which any individual or entity above listed is a (i) subcontractor on a City contract, (ii) a partner, or (iii) a parent or subsidiary business entity.

13.02 Buyer warrants and certifies as follows:

(i) Buyer and its officers, employees and agents are neither officers nor employees of the City.

(ii) Buyer has tendered to the City a Discretionary Contracts Disclosure Statement in compliance with the City's Ethics Code.

13.03 Contractor acknowledges that City's reliance on the above warranties and certifications is reasonable.

14. Dispute Resolution.

14.01 As a condition precedent to bringing any action arising out of or relating to this agreement or any aspect thereof, including an action for declaratory relief but not an action specifically excepted below, the disputants must first submit in good faith to mediation. The parties may not assert limitations, laches, waiver, and estoppel based upon attempts to mediate.

14.02. Filing suit on a claim that should be mediated hereunder waives the filer's right to demand mediation. But one party's waiver does not affect another party's right. A defendant does not waive mediation for so long as, within a reasonable time after appearing, the defendant gives written notice to the plaintiff or its counsel of intent to require compliance with this paragraph.

14.03 Mediation must be conducted in San Antonio, Bexar County, Texas.

14.04 The party desiring relief has the burden to initiate mediation. Waiting for another party to initiate mediation does not waive the right to it.

14.05 If the parties can otherwise agree on a mediator, they may do so. Alternatively, either party may petition any court of competent jurisdiction to appoint a mediator. The only predicate issues the court need consider before appointing a mediator are whether (i) the copy of the contract before the court is authentic and (ii) the contract was duly signed and delivered by all parties to be

bound to mediate. If neither of those issues is denied under oath, the court may appoint a mediator upon motion, without trial.

14.06 Mediator fees must be borne equally.

14.07. The parties need not mediate before going to court for either party to seek emergency injunctive relief.

15. Miscellaneous Provisions.

15.01 *Applicable Law.* This Agreement is entered into in San Antonio, Bexar County, state of Texas. **THE CONSTRUCTION OF THIS AGREEMENT AND THE RIGHTS, REMEDIES, AND OBLIGATIONS ARISING THEREUNDER ARE GOVERNED BY THE LAWS OF THE STATE OF TEXAS.** But the Texas conflicts of law rules must not be used to apply the laws of a jurisdiction other than Texas. The obligations performable hereunder by both parties are performable in San Antonio, Bexar County, Texas.

15.02 *Severability.* If any portion hereof is determined to be invalid or unenforceable, such determination does not affect the remainder hereof.

15.03 *Successors.* This Agreement inures to the benefit of and is binding on the heirs, representatives, successors, and permitted assigns of each party. This clause does not authorize any assignment not otherwise authorized.

15.04 *Integration.* **This Written Agreement Represents The Final Agreement Between The Parties And May Not Be Contradicted By Evidence Of Prior, Contemporaneous, Or Subsequent Oral Agreements Of The Parties. There Are No Oral Agreements Between The Parties.**

15.05 *Modification.*

15.05.01. This Agreement may not be changed orally but only by a written agreement, signed by the party against whom enforcement of any modification is sought. Subject to the foregoing, any of the terms of this Agreement may be modified at any time by the party entitled to the benefit thereof, but no such modification, express or implied, affects the right of the modifying party to require observance of either (i) the same term or condition as it applies on a subsequent or previous occasion or (ii) any other term hereof.

15.05.02 The Director of Capital Improvement Management Services may, without further action of City Council, agree on behalf of Seller to extensions of deadlines or other non-material modifications to the rights and obligations of the parties under this Agreement.

15.06 *Third Party Beneficiaries.* This Agreement is intended for the benefit of the parties hereto and their successors and permitted assigns only. There are no third party beneficiaries hereof.

15.07 *Notices.* Any notice provided for or permitted hereunder must be in writing and by certified mail, return receipt requested, addressed to the parties at their respective addresses set forth in the preamble hereof. If the addressee is a corporation, notices must be addressed to the attention of its President. The giving of notice is complete three days after its deposit, properly addressed and postage prepaid, with the United States Postal Service. Failure to use certified mail does not defeat the effectiveness of notice actually received, but such notice is given only upon actual receipt. Address for notice may be changed by giving notice hereunder.

15.08 *Pronouns.* In construing this Agreement, plural constructions include the singular, and singular constructions include the plural. No significance attaches to whether a pronoun is masculine, feminine, or neuter. The words "herein," "hereof," and other, similar compounds of the word "here" refer to this entire Agreement, not to any particular provision of it.

15.09 *Captions.* Paragraph captions in this Agreement are for ease of reference only and do not affect the interpretation hereof.

15.10 *Counterparts.* This Agreement may be executed in multiple counterparts, each of which is an original, whether or not all parties sign the same document. Regardless of the number of counterparts, they constitute only one agreement. In making proof of this agreement, one need not produce or account for more counterparts than necessary to show execution by or on behalf of all parties.

15.11 *Further Assurances.* The parties must execute and deliver such additional documents and instruments as may be required to effect fully the provisions hereof. No such additional document(s), however, shall alter the rights or obligations of the parties as contained in this agreement

15.12. *Assignment.* With Seller's consent, which is not to be unreasonably withheld, Buyer may assign this contract and Buyer's rights under it only to an entity in which Buyer can, directly or indirectly, direct or cause the direction of its management and policies, whether through the ownership of voting securities or otherwise. Any other assignment is void.

15.13. *Survival.* The obligations of this contract that cannot be performed before termination of this contract or before closing survive termination of this contract or closing, and the legal doctrine of merger does not apply to these matters. If there is any conflict between the Closing Documents and this contract, the Closing Documents control.

15.14. *Ambiguities Not to Be Construed against Party Who Drafted Contract.* The rule of construction that ambiguities in a document will be construed against the party who drafted it will not be applied in interpreting this contract.

15.15. *No Special Relationship.* The parties' relationship is an ordinary commercial relationship, and they do not intend to create the relationship of principal and agent, partnership, joint venture, or any other special relationship.

15.16 *Confidentiality.* The parties will keep confidential this contract, this transaction, and all information learned in the course of this transaction, except to the extent disclosure is required by law or court order or to enable third parties to advise or assist Buyer to investigate the Property or any employees of the parties, or either party to close this transaction. This Section 15.16 shall not survive the closing.

15.17 *Waiver of Consumer Rights.* Buyer Waives Its Rights Under The Texas Deceptive Trade Practices-Consumer Protection Act, Section 17.41 et seq. of The Texas Business and Commerce Code, A Law That Gives Consumers Special Rights and Protections. After Consultation With an Attorney of Its Own Selection, Buyer Voluntarily Consents To This Waiver.

15.18. *Incorporation by Reference.* All exhibits to this Agreement are incorporated into it by reference for all purposes as if fully set forth.

15.19. *Administrative Agreements.* The Director of Capital Improvements Management Services ("CIMS") and the Assistant Director for Real Estate of CIMS may, without further council action, agree to, sign, and deliver on behalf of the City all consents, certificates, memoranda, estoppels, and modifications of nonmaterial

rights and obligations arising under this agreement and may declare defaults and pursue remedies for such defaults.

[Remainder of Page Intentionally Left Blank.]

16. Public Information.

Buyer acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public. Nothing in this agreement waives an otherwise applicable exception to disclosure.

In Witness Whereof, the parties have caused their representatives to set their hands.

Seller:

City of San Antonio, a Texas municipal corporation

Buyer:

AutoZone Texas, LP, a Delaware limited partnership, by and through its sole general partner

A Z Texas Operations, LLC, a Nevada limited liability company, by and through its sole general partner

AutoZone Stores, Inc., a Nevada corporation, by and through its sole member

Name



(Signature), Officer

Signature

James C. Griffith

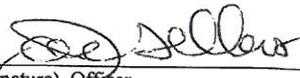
Printed Name

Title

11/2/12

Date

Date



(Signature), Officer

Approved as to Form:

Joe Sellers

Printed Name

For the City Attorney

11/2/12

Date

FILED INSTRUMENT:
Approved by AutoZone
Legal/Business Personnel

Title Company Acknowledgment and Receipt

Seller: City of San Antonio

Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Buyer: AutoZone Texas, LP

Address: 123 S. Front Street, Department 8340, Memphis,
TN 38103-3618 ATTN: Teresea Hicks

Property: Approximately 0.395 acres of land

Title Company agrees to act as escrow agent according to the terms of this Contract. Further, Title Company acknowledges receipt from Buyer of three fully executed counterpart originals of the Contract on the same date, with one fully executed original Contract being returned to each of Seller and Buyer.

Alamo Title Company

By: _____

Printed
Name: _____

Title: _____

Date: _____

Title Company Receipt for Earnest Money

Seller: City of San Antonio

Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Buyer: AutoZone Texas, LP

Address: 123 S. Front Street, Department 8340, Memphis,
TN 38103-3618 ATTN: Teresea Hicks

Property: Approximately 0.395 acres of land

Title Company acknowledges receipt from Buyer of earnest money in the amount set forth below:

Amount: _____

Alamo Title Company

By: _____

Printed
Name: _____

Title: _____

Date: _____

Exhibit A: Property Description

Metes & Bounds Description

0.395 Acre Parcel – San Antonio, TX

Being the 39 feet of Lots 13 and 14 and the East Irregular 20 feet of Lot 15, Block 9, New City Block 8536, as recorded in Volume 707, Page 146 of the Deed and Plat Records of Bexar County, Texas and being more particularity described as follows.

Beginning: at a Found ½” iron rod with cap (ACES) on the north right-of-way line of West Commerce Street (110' R.O.W.) same being the southwest corner of Lot 13, Block 8, New City Block 8537, as recorded in Volume 9537, Page 117 of the Deed and Plat Records of Bexar County, Texas, for the southeast corner of this described herein;

Thence: North 82°06' 35” West, 47.26 feet, along the southwest corner of said Lot 15 same being the southeast corner of Lot 5, for the southwest corner of this Track being described herein to a Set Mag Nail (GE REAVES).

Thence: North 08°37' 42” East, 88.72 feet, along the interior corner of Lot 5 same being an interior corner of Lot 15, for the interior corner of this Track being described herein to a Set Mag Nail (GE REAVES).

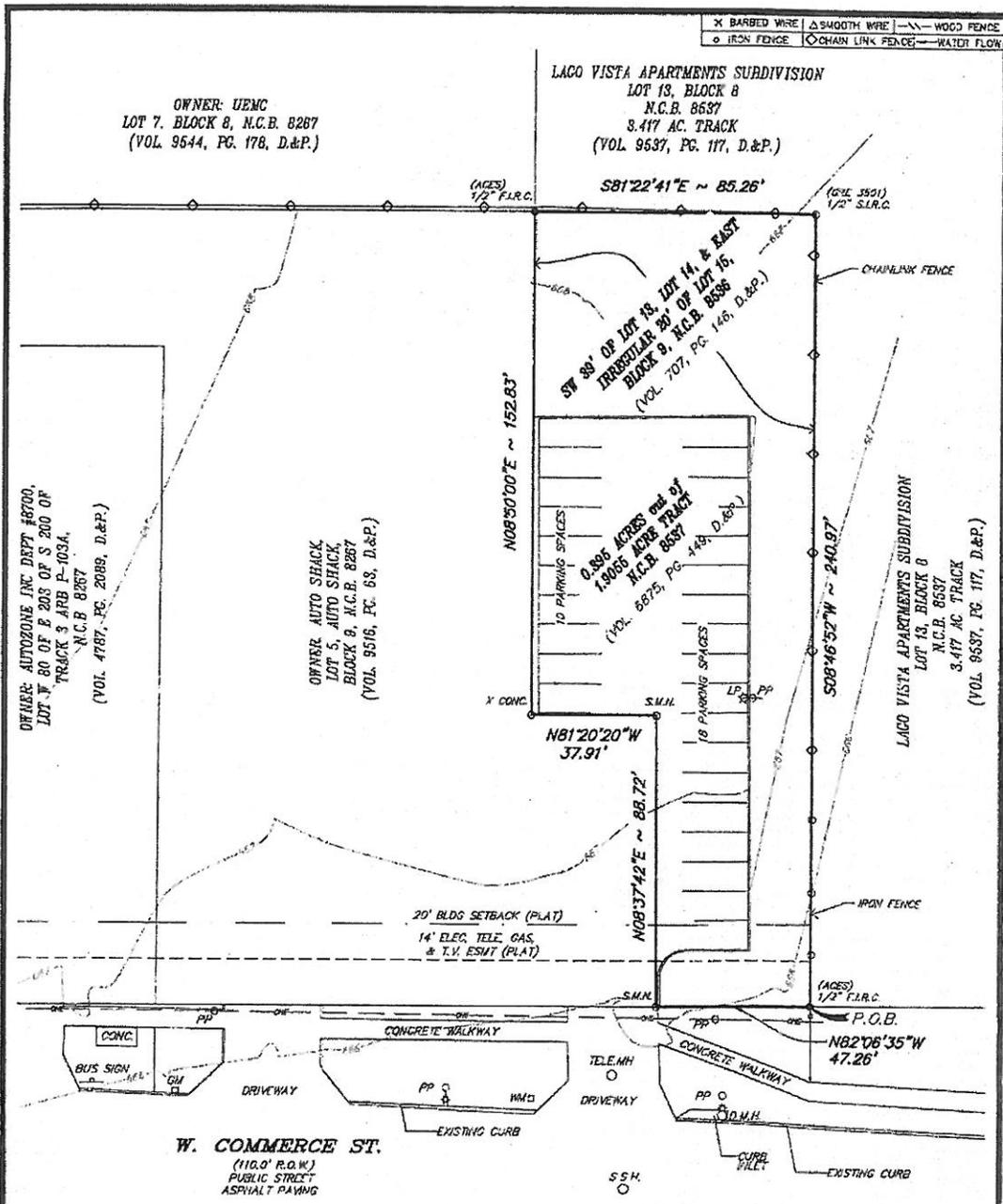
Thence: North 81°20' 20” West, 37.91 feet, along the interior corner of Lot 5 same being an interior corner of Lot 15, for the interior corner of this Track being described herein to an X on Concrete.

Thence: North 08°50' 00” East, 152.83 feet, along the northwest corner of said Lot 13 Block 9, New City Block 8536 as recorded in Volume 707, Page 146 of the Deed and Plat Records of Bexar County, Texas, same being the northeast corner of Lot 5, for the northwest of this Track being described herein to a found ½” iron rod with cap (ACES).

Thence: South 81°22' 41” East, 85.26 feet, along the northeast corner of said Lot 12 Block 9, New City Block 8536 as recorded in Volume 707, Page 146 of the Deed and Plat Records of Bexar County, Texas, same being an interior corner of Lot 13, Block 8, New City Block 8537, as recorded in Volume 9537, Page 117 of the Deed and Plat Records of Bexar County, Texas, for the northeast of this Track being described herein to a Set ½” iron rod with cap (GE REAVES).

Thence: South 08°46' 52” West, 240.97 feet, along the west line of Lot 13, Block 8, New City Block 8537, Lago Vista Apartments Subdivision, Volume 9537, Page 117,

of the Deed and Plat Records of Bexar County, Texas, to the **POINT OF BEGINNING** and containing 0.395 acres, of land as surveyed on the ground by GE Reaves Engineering, Inc. on March 19, 2012.



BASIS OF BEARING IS RECORDED PLAT AS FOUND MONUMENTED ON THE GROUND
 SCALE: 1"=30' DATE OF SURVEY: 3/28/12 DRAWN BY: OB COMPUTED BY: OB CHECKED BY: GER

To: The Lender and/or Lender and to
 I, Caylord E. Reaves a Registered Land Surveyor in the State of Texas, do hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision. I further certify that all easements and right-of-ways of which I have been advised are shown hereon and that, except as shown hereon, there are no apparent encroachments, overlapping of improvements or conflicts in the boundary lines, and no obvious physical evidence of easements or right-of-ways by use as of the date of the field survey. This certification is made and limited to those persons or entities shown on the face of this survey and is non-transferable.

Lot(s) LOT 15, SW 39' OF LOT 13, ARB 138, EAST IRREGULAR 20' OF LOT 15
 Block 9 N.C.B. 8536
 Addition or Subdivision REMAINING PORTION OF W. COMMERCE ADDITION SUBDIVISION
 Volume 707, Page 146 of the DEED AND PLAT records of BEXAR County, Texas.
 Owner CITY OF SAN ANTONIO
 Address: 4225 W. COMMERCE ST. of No.

GRE GE Reaves Engineering, Inc. (FIRM NO. 101037)
 P.O. Box 791793
 San Antonio, Tx. 78279-1793
 (210) 490-4506, Fax 490-4812

STATE OF TEXAS
CAYLORD E. REAVES
 3601
 REGISTERED PROFESSIONAL LAND SURVEYOR
 Registered Professional Land Surveyor
 JOB NO. 34789A

Copyright © 2012, G.E. Reaves, Inc. All Rights Reserved.

Exhibit B: Representations

A. Seller's Representations to Buyer

Seller represents to Buyer that the following are true and correct as of the Effective Date and will be true and correct on the Closing Date.

1. *Authority.* Seller is a municipal corporation duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to convey the Property to Buyer. This contract is, and all documents required by this contract to be executed and delivered to Buyer at closing will be, duly authorized, executed, and delivered by Seller.

2. *Litigation.* There is no litigation pending or threatened against Seller that might affect the Property or Seller's ability to perform its obligations under this contract.

3. *Violation of Laws.* Seller has not received notice of violation of any law, ordinance, regulation, or requirements affecting the Property or Seller's use of the Property.

4. *Licenses, Permits, and Approvals.* Seller has not received notice that any license, permit, or approval necessary to operate the Property in the manner in which it is currently operated will not be renewed on expiration or that any material condition will be imposed in order to obtain their renewal.

5. *Condemnation; Zoning; Land Use; Hazardous Materials.* Seller has not received notice of any condemnation, zoning, or land-use proceedings affecting the Property or any inquiries or notices by any governmental authority or third party with respect to the presence of hazardous materials on the Property or the migration of hazardous materials from the Property.

6. *No Other Obligation to Sell the Property or Restriction against Selling the Property.* Seller has not obligated itself to sell the Property to any party other than Buyer. Seller's performance of this contract will not cause a breach of any other agreement or obligation to which Seller is a party or to which it is bound.

7. *No Other Representation.* Except as stated above or in the notices, statements, and certificates set forth in Exhibit D, Seller makes no representation with respect to the Property.

8. *No Warranty.* Seller has made no warranty in connection with this contract.

B. "As Is, Where Is"

This Contract Is An Arms-Length Agreement Between The Parties. The Purchase Price Was Bargained On The Basis Of An "As Is, Where Is" Transaction And Reflects The Agreement Of The Parties That There Are No Representations, Disclosures, Or Express Or Implied Warranties, Except For The Warranty Of Title Stated In The Closing Documents And Seller's Representations To Buyer Set Forth In Section A Of This Exhibit B.

The Property Will Be Conveyed To Buyer In An "As Is, Where Is" Condition, With All Faults. [Include If Applicable: Seller Makes No Warranty Of Condition, Merchantability, Or Suitability Or Fitness For A Particular Purpose With Respect To The Personal Property.] All Warranties, Except The Warranty Of Title In The Closing Documents, Are Disclaimed.

C. Buyer's Representations to Seller

Buyer represents to Seller that the following are true and correct as of the Effective Date and will be true and correct on the Closing Date.

1. *Authority.* Buyer is a Delaware limited partnership, duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to acquire the Property from Seller. This contract is, and all documents required by this contract to be executed and delivered to Seller at closing will be, duly authorized, executed, and delivered by Seller.

2. *Litigation.* There is no litigation pending or threatened against Buyer that might affect Buyer's ability to perform its obligations under this contract.

Exhibit C: Form of Deed

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas }
 }
County of Bexar }

Deed Without Warranty

Authorizing Ordinance:

Statutory Authority: Local Government Code § 272.001(a)

SP No./Parcel:

Grantor: City of San Antonio

Grantor's Mailing Address: City Of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3966 (Attn: City Clerk)

Grantor's Street Address: City Hall, 100 Military Plaza, San Antonio, Texas 78205 (Bexar County)

Grantee: AutoZone Texas, LP, a Delaware limited partnership

Grantee's Mailing Address: 123 S. Front Street, Department 8340, Memphis, TN 38103-3618

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: All of the following real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas: Approximately 0.395 acres of land more particularly described by metes and bounds and shown by survey on **Exhibit "A"** attached hereto and incorporated herein for all purposes as if fully set forth.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions To Conveyance: This conveyance is explicitly subject to the following:

A. Reservations: Grantor reserves the following Right of Re-entry:

Right of Re-entry.

(a). Not later than 6 months after Closing, Grantee must apply for all permits required for renovating the Property. Once the Property is renovated, it will be presumed this permit-related requirement is satisfied. Not later than 24 months after Closing, the AutoZone must be open and operational.

(b). If Grantee fails to timely procure the permits or fails to timely open and operate an AutoZone store, Grantor may at any time re-enter the Property and retake title to it by filing in the Bexar County real property records a Notice of Re-Entry. Grantor may also file the Notice of Re-Entry if Grantee fails to diligently pursue getting permits that are applied for. As a condition of its right to file a Notice of Re-Entry, Grantor must tender to Grantee the fair market value of the Property within 30 days after determination of value. If Grantor and Grantee cannot agree on a negotiated fair market value, then the fair market value will be determined by an independent appraisal, which should consider the condition of the Property at the time of the determination. Grantor picks the appraiser and pays the fee for the appraisal.

(c). Grantor's right of re-entry remains in effect until released by Grantor. When Grantee believes it has complied with the conditions of re-entry, it may ask Grantor to release its right of re-entry, by delivering notice to Grantor at the address for Grantor on the first page of this document. If Grantor agrees, it may release the right of re-entry on the signature of any Assistant City Manager or above with no further action of council. If Grantor does not promptly release the

re-entry right, Grantee may seek a declaratory judgment that the condition is satisfied.

- B. Easements:** All recorded easements, whether or not open and obvious.
- C. Restrictions:** All covenants and restrictions of record affecting the Property.
- D. Exceptions:** All instruments affecting the Property, of record
- E. Conditions:** All conditions affecting the Property.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise.

Setting Out The Specific Reservations And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.

In Witness Whereof, Grantor has caused its representative to set its hand:

Grantor:

City of San Antonio, a Texas municipal corporation

By: _____

Printed
Name: _____

Title: _____

Date: _____

Attest:

By: _____
City Clerk

Approved As To Form:

By: _____
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by _____, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity in the capacity stated.

Date: _____

Notary Public, State of Texas

My Commission Expires: _____

Exhibit A: Property Description

Metes & Bounds Description

0.395 Acre Parcel – San Antonio, TX

Being the 39 feet of Lots 13 and 14 and the East Irregular 20 feet of Lot 15, Block 9, New City Block 8536, as recorded in Volume 707, Page 146 of the Deed and Plat Records of Bexar County, Texas and being more particularity described as follows.

Beginning: at a Found ½” iron rod with cap (ACES) on the north right-of-way line of West Commerce Street (110' R.O.W.) same being the southwest corner of Lot 13, Block 8, New City Block 8537, as recorded in Volume 9537, Page 117 of the Deed and Plat Records of Bexar County, Texas, for the southeast corner of this described herein;

Thence: North 82°06' 35” West, 47.26 feet, along the southwest corner of said Lot 15 same being the southeast corner of Lot 5, for the southwest corner of this Track being described herein to a Set Mag Nail (GE REAVES).

Thence: North 08°37' 42” East, 88.72 feet, along the interior corner of Lot 5 same being an interior corner of Lot 15, for the interior corner of this Track being described herein to a Set Mag Nail (GE REAVES).

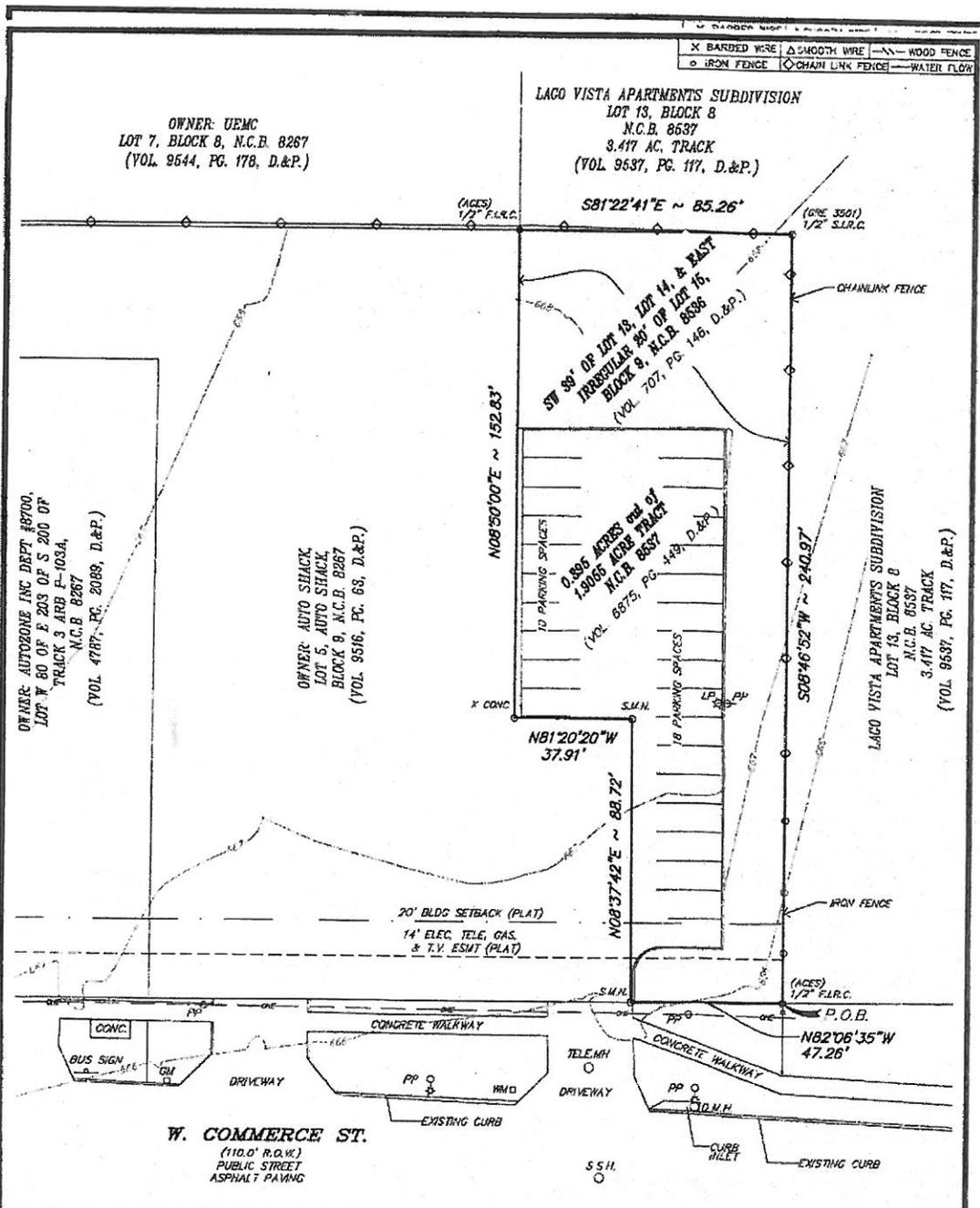
Thence: North 81°20' 20” West, 37.91 feet, along the interior corner of Lot 5 same being an interior corner of Lot 15, for the interior corner of this Track being described herein to an X on Concrete.

Thence: North 08°50' 00” East, 152.83 feet, along the northwest corner of said Lot 13 Block 9, New City Block 8536 as recorded in Volume 707, Page 146 of the Deed and Plat Records of Bexar County, Texas, same being the northeast corner of Lot 5, for the northwest of this Track being described herein to a found ½” iron rod with cap (ACES).

Thence: South 81°22' 41” East, 85.26 feet, along the northeast corner of said Lot 12 Block 9, New City Block 8536 as recorded in Volume 707, Page 146 of the Deed and Plat Records of Bexar County, Texas, same being an interior corner of Lot 13, Block 8, New City Block 8537, as recorded in Volume 9537, Page 117 of the Deed and Plat Records of Bexar County, Texas, for the northeast of this Track being described herein to a Set ½” iron rod with cap (GE REAVES).

Thence: South 08°46' 52” West, 240.97 feet, along the west line of Lot 13, Block 8, New City Block 8537, Lago Vista Apartments Subdivision, Volume 9537, Page 117, of the Deed and Plat Records of Bexar County, Texas, to the **POINT OF**

BEGINNING and containing 0.395 acres, of land as surveyed on the ground by GE Reaves Engineering, Inc. on March 19, 2012.



BASIS OF BEARING IS RECORDED PLAT AS FOUND MONUMENTED ON THE GROUND
 SCALE: 1"=30' DATE OF SURVEY: 3/28/12 DRAWN BY: OB COMPUTED BY: OB CHECKED BY: GER

To: The Lessor and/or Landowner and to _____
 I, GAYLORD E. REAVES a Registered Land Surveyor in the State of Texas, do hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision. I further certify that all easements and right-of-ways of which I have been advised are shown hereon and that, except as shown hereon, there are no apparent encroachments, overlapping of improvements or conflicts in the boundary lines, and no obvious physical evidence of easements or right-of-ways by use as of the date of the field survey. This certification is made and limited to those persons or entities shown on the face of this survey and is non-transferrable.
 Lot(s) _____ LOT 14, SW 39 OF LOT 13, ARB 13B, EAST IRREGULAR 26' OF LOT 15
 Block _____ 9 N.C.B. 8536
 Addition or Subdivision _____ REMAINING PORTION OF W. COMMERCE ADDITION SUBDIVISION
 Volume _____ 707 Page _____ 146 of the DEED AND PLAT record of BEXAR County, Texas
 Date: _____ CITY OF SAN ANTONIO
 Address: _____ 4225 W. COMMERCE ST. _____



Gaylord E. Reaves
 Registered Professional Land Surveyor
 JOB NO. 34789A

GE GE Reaves Engineering, Inc. (FIRM NO. 101337)
 P.O. Box 791793
 San Antonio, Tx. 78279-1793
 (210) 490-4506, Fax 490-4812

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CITY OF SAN ANTONIO

DEPARTMENT OF PUBLIC WORKS STAFF REPORT

ITEM # 19

Public Hearing:

Planning Commission
January 23, 2013

Application/Case Number:

N/A

Applicant:

City of San Antonio/Department of
Public Works

Representative:

N/A

Owner:

City of San Antonio

Staff Coordinator:

Anthony Chukwudolue, Assistant
Director of Public Works, Program
Compliance and Management
Anthony.Chukwudolue@sanantonio.gov
(210) 207-8165

Property Address/Location:

City wide

**MAPSCO Map Grid (Ferguson) or
Legal Description (choose one):**

City wide

Tract Size:

N/A

Council District(s):

City Wide

Notification:

Internet Agenda Posting January 18,
2013

REQUEST

A request by the Department of Public Works for consideration of nine (9) capital projects that have potential right-of-way impacts and may require property acquisition. Three projects are currently included in the adopted FY 2013-2017 Infrastructure Management Program (IMP) Street and Advanced Transportation District programs, five (5) capital projects will be amended into the adopted FY 2013-2017 IMP (Advanced Transportation District program), and one (1) project will not be amended into the adopted FY 2013-2017 IMP as it is funded through the Stormwater Revenue Bond.

RECOMMENDED ACTION

Approval of nine (9) capital projects that have potential right-of-way impacts and may require property acquisition.

ALTERNATIVE ACTIONS

1. Make an alternate recommendation.
2. Continue to a future date.

SYNOPSIS OF ANALYSIS

There are nine (9) capital projects that have potential right-of-way impacts and may require property acquisition. Three of these projects are included in the adopted FY 2013-2017 IMP, five (5) capital projects will be amended into the IMP, and one (1) project will not be amended into the IMP as it is funded through the Stormwater Revenue Bond.

The Infrastructure Management Program (IMP) is a five-year rolling program which focuses on the maintenance of San Antonio's infrastructure. Service needs are identified city wide and are scheduled for maintenance as part of the street maintenance, alley maintenance, drainage maintenance programs as well as sidewalks, traffic signals, pavement markings and other Advanced Transportation District (ATD) funded improvements. ATD improvements include audible pedestrian signals, bus pads, school zone pavement markings, intersection capacity improvements, uninterruptable power supplies, Traffic Signal System Modernization (TSSM), sidewalks, and bike facilities.

The IMP provides the City of San Antonio a structured program schedule, potential for additional multiple year contract awards and improved utility coordination. During the budget process for each City fiscal year, the IMP is presented to City Council for approval. Amendments may occur throughout the year due to coordination with utilities or unforeseen field conditions. The goal of the IMP is to provide the framework that ensures the

timely maintenance of infrastructure assets of the City of San Antonio.

Projects in Adopted FY 2013-2017 IMP

There are three (3) projects in the 2013-2017 IMP that will most likely require right-of-way acquisition:

- Bandera Rd. and Mainland Ave. Intersection Improvement Project
- S Santa Rosa Ave. and El Paso St. Intersection Improvement Project
- Rochambeau St. Rehabilitation: Hawthorne St. to Sims Ave.

The scope of the projects at Bandera Rd. and S Santa Rosa Ave. will include the following improvements:

- Adding turn lanes and acquiring necessary right-of-way
- Signal modifications (Bandera Rd. only)
- Installation of curbs, sidewalks, wheelchair ramps, and driveways and acquiring necessary right-of-way

The scope of the project at Rochambeau St. will include street reconstruction, installation of curb, constructing a 4' sidewalk, and acquiring necessary right-of-way.

Projects Proposed for Inclusion in IMP:

There are five (5) additional capital projects that will most likely require right-of-way acquisition:

- Jones Maltsberger Rd. and Burning Trail St. Intersection Improvement Project
- LP 1604 and Rogers Ranch Intersection Improvement Project
- Stone Oak Pkwy and Knight Cross Dr. Intersection Improvement Project
- West Ave. and Patricia Dr. Intersection Improvement Project
- W. Southcross Blvd Sidewalks: S Zarzamora to 300 feet east of Huron St.
- Carriage Mist Drainage Improvements

The scope of the projects at Jones Maltsberger Rd., LP 1604, Stone Oak Pkwy, and West Ave. will include the following improvements:

- Adding turn lanes and acquiring necessary right-of-way
- Signal modifications
- Installation of curbs, sidewalks, wheelchair ramps, and driveways and acquiring necessary right-of-way

The scope of the W. Southcross Blvd. sidewalk project will include installation of curbs, driveways and sidewalks on the south side of the street only. The project will require property owners on the south side to dedicate an easement to the city, which may be up to 4 feet. A survey was conducted by District Four Council Office and Public Works, which showed overwhelming community support for the project. The majority of property owners agreed to dedicate the easement for the construction of this project.

Stormwater Revenue Bond Project (Non-IMP Project):

The scope of the project at Carriage Mist will include the construction of a rectangular concrete channel, curb intake structure, outfall to an existing earthen channel, and the acquisition of the necessary right-of-way. Proposed improvements will require acquisition of property located at 7242 Carriage Mist.

The following is a detailed list of the properties that may be acquired as a result of these nine (9) capital projects:

- | | |
|--------------------------------------|--|
| 1. Bandera Rd. and Mainland Ave. | NCB 17975 BLK LOT 5 (SWANSON STATION SUBD
NCB 17975 BLK LOT 8 AUTOZONE-BANDERA RD SUBD
NCB 18572 BLK 2 LOT 3 (PHILLIPS BANDERA SUBD)
"BANDERA WEST ANNEXATN"
NCB 18571 BLK 1 LOT 29 (BANDERA LANDING UT-1A)
"BANDERA WEST ANNEXATN" |
| 2. S Santa Rosa Ave. and El Paso St. | NCB 13420 BLK LOT 6
NCB 13422 BLK LOT 1
NCB 922 BLK LOT 14 |

3. Rochambeau St.: Hawthorne St to Sims Ave	NCB 311 BLK 1 LOT 14 & N 30.26 FT PF S 92.0 FT OF 5 NCB 6678 BLK 6 LOT 1
4. Jones Maltsberger Rd. and Burning Trail St.	NCB 16885 BLK 85 LOT 36 SAN PEDRO HILLS, UT-25E NCB 16886 BLK 86 LOT 46 SAN PEDRO HILLS LOTS 45 & 46 NCB 16426 BLK 1 LOT 25 NCB 16659 BLK 9 LOT 29
5. Loop 1604 and Rogers Ranch	NCB 16334 P-43 NCB 16334 BLK LOT P-39
6. Stone Oak Pkwy and Knights Cross Dr.	NCB 19209 BLK 5 LOT 3 (KNIGHTS CROSS BUSINESS PARK SUBD) NCB 17602 BLK 6 LOT 18 (ZYSKIND-FINCH SUBD) "STONE OAK" ANNEXATION
7. West Ave. and Patricia Dr.	NCB 16246 BLK 3 LOT 14 10.503 AC NCB 16244 BLK 1 LOT 2 & 3 NCB 13746 BLK 4 LOT 1 AND SW IRR 3 52 FT OF 2 NCB 13747 BLK 5 LOT 1 EXC .005AC ARB 1A
8. W. Southcross Blvd. Sidewalks	NCB 7990 BLK 60 LOT 2&3 NCB 7990 BLK 60 LOT 4&5 NCB 7990 BLK 60 LOT 6 - 9 NCB 7990 BLK 60 LOT 25 (COLUMBIA HEIGHTS) NCB 7991 BLK 70 LOT 1&2 NCB 7991 BLK 70 LOT 3&4 NCB 7991 BLK 70 LOT 5&6 NCB 7991 BLK 70 LOT 7, W 12.5 FT OF 8 NCB 7991 BLK 70 LOT 9 & E 12.5 FT OF 8 NCB 7991 BLK 70 LOT 10, 11 AND 12 NCB 7992 BLK 80 LOT 1&2 NCB 7992 BLK 80 LOT 3 & 4 NCB 7992 BLK 80 LOT 5&6 NCB 7992 BLK 80 LOT 7&8 NCB 7992 BLK 80 LOT 9&10 NCB 7992 BLK 80 LOT 11 AND 12 NCB 7993 BLK 90 LOT 1&2 NCB 7993 BLK 90 LOT 3&4 NCB 7993 BLK 90 LOT 5 & 6 AT 1214 SOUTHCROSS W NCB 7993 BLK 90 LOT 7&8 NCB 7993 BLK 90 LOT 9&10 NCB 7993 BLK 90 LOT 11 AND 12 NCB 7994 BLK 100 LOT 1&2 NCB 7994 BLK 100 LOT 3&4 NCB 7994 BLK 100 LOT 5&6 NCB 7994 BLK 100 LOT 7 THRU 10 NCB 7994 BLK 100 LOT 11 AND 12 NCB 7995 BLK 110 LOT 1&2 NCB 7995 BLK 110 LOT 3&4 NCB 7995 BLK 110 LOT 5&6 NCB 7995 BLK 110 LOT 7&8 NCB 7995 BLK 110 LOT 9 & 10 NCB 7995 BLK 110 LOT 11 AND 12 NCB 7996 BLK 120 LOT 1&2 NCB 7996 BLK 120 LOT 3&4 NCB 7996 BLK 120 LOT 5-6 NCB 7996 BLK 120 LOT 7, 8 AND 9 NCB 7996 BLK 120 LOT S IRR 120 FT OF 10, 11 & 12 NCB 8548 BLK 130 LOT S IRR 119 FT OF 1 & 2 NCB 8548 BLK 130 LOT 3&4

NCB 8548 BLK 130 LOT 25 (SOUTHCROSS SUB'D)
NCB 8548 BLK 130 LOT 26 (SOUTHCROSS SUB'D)
NCB 8548 BLK 130 LOT 5&6
NCB 8548 BLK 130 LOT 27 (SOUTHCROSS SUB'D)
NCB 17293 BLK 25 LOT 88 "CARRIAGE HILLS, PHASE IIIA

9. Carriage Mist

ATTACHMENTS

1. Project summary sheets for nine (9) capital projects
2. IMP powerpoint



**2013 – 2017
INFRASTRUCTURE
MANAGEMENT PROGRAM**

DEPARTMENT OF PUBLIC WORKS

**Planning Commission
January 23, 2013**



PLANNING COMMISSION REQUEST

A request by the Department of Public Works for consideration of nine (9) capital projects that have potential right-of-way impacts and may require property acquisition.

- Three (3) projects are included in the adopted FY 2013-2017 Infrastructure Management Program (IMP), Street and Advanced Transportation District (ATD) Programs
- Five (5) projects proposed for inclusion in the IMP, Advanced Transportation District (ATD) Program
- One (1) project will not be amended into the IMP as it is funded through the Stormwater Revenue Bond.

FIVE YEAR INFRASTRUCTURE MANAGEMENT PROGRAM

The following programs comprise the Adopted FY 2013-2017 IMP:

1. Street maintenance
2. Alley maintenance
3. Drainage maintenance
4. Intersection improvements
5. Sidewalk and pedestrian mobility improvements
6. Pavement markings
7. Traffic signals
8. Bike lanes



INTERSECTION IMPROVEMENTS

- Minimize delay of vehicles through an intersection
- Improves corridor travel time
- Can include:
 - Adding turn lanes and acquiring necessary right-of-way
 - Signal modifications
 - Installation of curbs, sidewalks, wheelchair ramps, and driveways, and acquiring the necessary right-of-way



Three (3) Projects in FY 2013-2017 IMP

- **Three (3) projects in the Adopted FY 2013-2017 IMP**
 - Bandera Rd. and Mainland Ave. Intersection Improvement Project
 - S Santa Rosa Ave. and El Paso St. Intersection Improvement Project
 - Rochambeau St. Rehabilitation: Hawthorne St. to Sims Ave.
- **Scope of projects at Bandera Rd. and S Santa Rosa Ave:**
 - Adding turn lanes and acquiring necessary right-of-way
 - Signal modifications (Bandera Rd. only)
 - Installation of curbs, sidewalks, wheelchair ramps, and driveways and acquiring necessary right-of-way
- **Scope of the project at Rochambeau St:**
 - Street reconstruction
 - Installation of curb
 - Constructing a 4' sidewalk
 - Acquiring necessary right-of-way



Bandera Road and Mainland Ave

Five (5) Proposed for Inclusion in IMP

- **Five (5) capital projects that will be amended into the Adopted FY 2013-2017 IMP:**
 - Jones Maltsberger Rd. and Burning Trail St. Intersection Improvement Project
 - LP 1604 and Rogers Ranch Intersection Improvement Project
 - Stone Oak Pkwy and Knight Cross Dr. Intersection Improvement Project
 - West Ave. and Patricia Dr. Intersection Improvement Project
 - W. Southcross Blvd Sidewalks: S Zarzamora to 300 feet east of Huron St.
- **Scope of projects at Jones Maltsberger Rd., LP 1604, Stone Oak Pwky, and West Ave. will include the following improvements:**
 - Adding turn lanes and acquiring necessary right-of-way
 - Signal modifications (Bandera Rd. only)
 - Installation of curbs, sidewalks, wheelchair ramps, and driveways and acquiring necessary right-of-way

Five (5) Proposed for Inclusion in IMP

- **Scope of W. Southcross Blvd Sidewalks**

- Installation of curbs, driveways and sidewalks on the south side of the street only
- Project will require property owners on the south side to dedicate an easement up to 4 feet
- A survey was conducted by the District Four Council Office and Public Works, which showed overwhelming community support for the project.
- Majority of property owners agreed to dedicate property for the construction of this project.



One (1) Project Funded by Stormwater Revenue Bond

- Carriage Mist Drainage Improvements
- **Project Limits:** NCB 17293 BLK 25
LOT 88 "CARRIAGE HILLS, PHASE IIIA"
- **Watershed:** Leon Creek
- **District:** 8
- **Project Purpose:** Alleviate localized flooding issues
- **Project Scope:**
 - Rectangular concrete channel and curb intake structure are proposed to capture runoff
 - Proposed improvements require acquisition of the property located at 7242 Carriage Mist. Estimated cost of acquisition is approximately \$210,000.





Questions?

Anthony Chukwudolue
Assistant Director of Public Works, Program
Compliance and Management

(210) 207-8165

Project Summary Sheet

Project Name: Bandera and Mainland Intersection Improvement Project

Council District: 7

Project Limits: At Intersection

Funding Information

Fund	Year	Amount
2013 ATD Funds		100,000
		-
		-
		-
Total Funding	\$	100,000

Cost Information

Category	Cost
Design	\$70,000
Real Estate	\$0
Environmental	\$30,000
Miscellaneous	\$0
Construction	\$0
Total Cost	\$100,000



(Estimate does not include ROW and Drainage Costs)

Project Description

It is a design only project in FY 2013. The design modifications will include
 Adding Turn Lanes
 Signal Modifications
 Installation of curbs, sidewalks, wheelchair ramps, and driveways
 ROW Acquisition
 Environmental and NEPA Documentation

Project Type: Infrastructure Improvements

Type of Estimate: Level 1

Project Status: Pre-Design

Consultant: TBD



Project Summary Sheet

Project Name: Santa Rosa and El Paso Intersection Improvement Project

Council District: 1

Project Limits: At Intersection

Funding Information

Fund	Year	Amount
ATD Funds		100,000
		-
		-
		-
Total Funding	\$	100,000

Cost Information

Category	Cost
Design	\$70,000
Real Estate	\$0
Environmental	\$30,000
Miscellaneous	\$0
Construction	\$0
Total Cost	\$100,000



(Estimate does not include ROW and Drainage Costs)

Project Description

It is a design only project. The design modifications will include
 Adding Turn Lanes
 Installation of curbs, sidewalks, wheelchair ramps, and driveways
 ROW Acquisition
 Environmental Documentations

Project Type: Infrastructure Improvements

Type of Estimate: Level 1

Project Status: Pre-Design

Consultant: TBD



Project Summary Sheet

Project Name: Rochambeau Street Reconstruction
Council District: 5
Project Limits: Hawthorne Street to Sims



Funding Information

Fund	Year	Amount
IMP 2014		\$385,685
		-
		-
		-
		-
Total Funding	\$	385,685

Cost Information

Category	Cost
Design	\$24,796
Real Estate	\$115,000
Environmental	\$20,663
Miscellaneous	\$18,597
Construction	\$206,630
Total Cost	\$385,685

Project Description

Street Reconstruction, Installation of curb, 4-ft sidewalks, and Property Acquisition.



Project Type: Street Reconstruction & Property Acquisition
Type of Estimate: Level 1
Project Status: Pre-Design
Consultant: TBD

Project Summary Sheet

Project Name: Jones Maltzberger & Burning Trail Intersection Improvement Project

Council District: 9

Project Limits: At Intersection

Funding Information

Fund	Year	Amount
Certificate of Obligations		500,000
		-
		-
		-
Total Funding	\$	500,000

Cost Information

Category	Cost
Design	\$100,000
Real Estate	\$0
Environmental	\$50,000
Miscellaneous	\$0
Construction	\$350,000
Total Cost	\$500,000



(Estimate does not include ROW and Drainage Costs)

Project Description

Adding Turn Lanes

Signal Modifications

Installation of curbs, sidewalks, wheelchair ramps, and driveways

Project Type: Infrastructure Improvements

Type of Estimate: Level 1

Project Status: Pre-Design

Consultant: TBD



Project Summary Sheet

Project Name: LP 1604 and Rogers Ranch Intersection Improvement Project

Council District: 9

Project Limits: At Intersection

Funding Information

Fund	Year	Amount
Certificate of Obligations		500,000
		-
		-
		-
Total Funding	\$	500,000

Cost Information

Category	Cost
Design	\$100,000
Real Estate	\$0
Environmental	\$50,000
Miscellaneous	\$0
Construction	\$350,000
Total Cost	\$500,000



(Estimate does not include ROW and Drainage Costs)

Project Description

- Adding Turn Lanes
- Signal Modifications
- Installation of curbs, sidewalks, wheelchair ramps, and driveways

Project Type: Infrastructure Improvements

Type of Estimate: Level 1

Project Status: Pre-Design

Consultant: TBD



Project Summary Sheet

Project Name: Stone Oak and Knight Cross Intersection Improvement Project

Council District: 9

Project Limits: At Intersection



(Estimate does not include ROW and Drainage Costs)

Funding Information

Fund	Year	Amount
Certificate of Obligations		500,000
		-
		-
		-
Total Funding	\$	500,000

Cost Information

Category	Cost
Design	\$100,000
Real Estate	\$0
Environmental	\$50,000
Miscellaneous	\$0
Construction	\$350,000
Total Cost	\$500,000

Project Description

- Adding Turn Lanes
- Signal Modifications
- Installation of curbs, sidewalks, wheelchair ramps, and driveways

Project Type: Infrastructure Improvements

Type of Estimate: Level 1

Project Status: Pre-Design

Consultant: TBD



Project Summary Sheet

Project Name: West and Patricia Intersection Improvement Project

Council District: 9

Project Limits: At Intersection



(Estimate does not include ROW and Drainage Costs)

Funding Information

Fund	Year	Amount
Certificate of Obligations		500,000
		-
		-
		-
Total Funding	\$	500,000

Cost Information

Category	Cost
Design	\$100,000
Real Estate	\$0
Environmental	\$50,000
Miscellaneous	\$0
Construction	\$350,000
Total Cost	\$500,000

Project Description

Adding Turn Lanes
 Signal Modifications
 Installation of curbs, sidewalks, wheelchair ramps, and driveways

Project Type: Infrastructure Improvements

Type of Estimate: Level 1

Project Status: Pre-Design

Consultant: TBD



Project Summary Sheet

Project Name: W. Southcross Blvd.
Council District: 4
Project Limits: S. Zarzamora & Shelby Dr. (southside of street only)



Funding Information

Fund	Year	Amount
FY 2012 Infrastructure Improvement		
Funds CD 4 (C of O)		\$161,000
FY 2012 Certificate of Obligation- Mayor's Office		\$200,000
		-
		-
		-
Total Funding	\$	361,000

Cost Information

Category	Cost
Eng Services	\$10,000
Material Testing	\$6,000
Miscellaneous	\$30,000
Construction	\$315,000
Total Cost	\$361,000

Project Description

Installation of curb, driveways, and sidewalks on southside of street only. Note that this project will require the property owners on the south side of the street to dedicate up to 4-ft of land. A survey was conducted by Council Office D4 and PW. The majority of the property owners agreed to dedicate property for the construction of this project.

Project Type: Install curb, driveways, and sidewalks.
Type of Estimate: Level 1
Project Status: Pre-Design
Consultant: TBD



Project Summary Sheet

Project Name: Carriage Mist Drainage Improvements
Project Number: 23-01222
Project Limits: 7242 Carriage Mist
 NCB 17293 BLK 25 LOT 88
 "CARRIAGE HILLS, PHASE IIIA"
Watershed: Leon Creek
District: 8

Funding Information

Fund	Year	Amount
Storm Water Revenue		-
Bond		\$750,000
		-
		-
		-
Total Funding		\$ 750,000

Cost Information

Category	Cost
Design	
Real Estate	\$210,000
Environmental	\$5,000
Miscellaneous	\$35,000
Construction	\$500,000
Total Cost	\$750,000



Project Description

The proposed project will alleviate localized flooding issues impacting several residents along Carriage Mist. A rectangular concrete channel and curb intake structure are proposed to capture runoff from Carriage Mist and Carriage Elm and outfall to an existing earthen trapezoidal channel located south of Carriage Mist. The proposed improvements require acquisition of the property located at 7242 Carriage Mist (NCB 17293 BLK 25 LOT 88 "CARRIAGE HILLS, PHASE IIIA") to minimize construction costs and inconveniences to residents along Carriage Mist. The estimated cost of acquiring the property is approximately \$210,000.



Project Type: Drainage
Type of Estimate: Scoping Cost Estimate
Project Status: In Progress
Consultant: In-House



CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

COMPREHENSIVE PLANNING DIVISION

STAFF REPORT

ITEM # 20 -

Public Hearing:

Planning Commission
January 23, 2013

Case Number:

PA 13006

Applicant:

Carlos Lomelin, GKW, Inc. and
Hector Islas

Representative:

Carlos Lomelin, GKW, Inc. and
Hector Islas

Owner:

John Steinke

Staff Coordinator:

Robert C. Acosta, Planner
(210) 207-0157
racosta@sanantonio.gov

Property Address/Location:

211, 215 and 219 E. Courtland Place
and 2003 and 2011 McCullough
Avenue

Legal Description:

NCB 1726, Blk 3, Lot 3; Blk 3, Lot 4;
Blk 003, Lot W IRR 50.6 FT of 5 &
W 3 FT; Blk 3 Lot 6 & E IRR 0.6 FT
of 5; Blk 3, Lot E 114.6 FT of 14

Tract Size:

0.799 acres

Council District(s):

District 1

Notification:

Published in Daily Commercial
Recorder 12/21/2012
Notices Mailed 12/20/2012

- 27 to property owners within 200 feet
 - 1 to registered neighborhood association within 200 feet
 - 2 to applicants
 - 14 to planning team members
- Internet Agenda Posting 1/19/2013

REQUEST

The Applicant requests a Comprehensive Master Plan Amendment to change the Tobin Hill Neighborhood Plan future land use classification for the subject property from Low Density Mixed Use to High Density Residential.

RECOMMENDED ACTION

Approval of the proposed amendment to the Tobin Hill Neighborhood Plan to change the future land use classification of the subject property from Low Density Mixed Use to High Density Residential.

ALTERNATIVE ACTIONS

1. Recommend denial of the proposed amendment to the Tobin Hill Neighborhood Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

SYNOPSIS OF ANALYSIS

Land Use:

The High Density Residential classification supports the Tobin Hill Neighborhood Plan objectives of promoting economic growth in the area to include along arterials and in established commercial areas. The proposed use should have minimal impact on adjacent properties.

Transportation:

The subject property fronts McCullough Avenue and Main Avenue is two blocks west and it has vehicular access to both major arterials. McCullough Avenue and Main Street are both Secondary Arterial Type B. Ashby Place is a collector street. E. Courtland Place and Ogden Street are local streets. The existing transportation infrastructure could support any additional demand generated by the requested land use change.

Community Facilities:

San Antonio College, Travis Early College High School, San Pedro Springs Park, San Antonio Academy and the Downtown Methodist Hospital are within walking distance. The existing community facilities could support any additional demand generated by the requested land use change.

CASE HISTORY

This is the first public hearing of this case.

I. ANALYSIS

Comprehensive Plan Analysis	
Comprehensive Plan Component: Tobin Hill Neighborhood Plan	
Plan Adoption Date: September 24, 1987	Update History: February 21, 2008
<p>Goal- 2.2.1 Encourage and facilitate the development of quality, compatible infill housing where appropriate. Compatible housing will maintain the historical and architectural integrity of the neighborhood and help to better utilize vacant and/or unkempt properties</p> <p>Goal- 2.4.2 Encourage and facilitate the development of quality, diverse housing that is compatible with the character of the neighborhood.</p> <p>The proposed development is consistent with the above-stated objectives of the Tobin Hill Neighborhood Plan. The applicant proposes to remove two vacant and abandon homes and three vacant properties in the development of quality, infill housing and improve the integrity of the neighborhood.</p>	

Land Use Overview		
	Future Land Use Classification	Current Use
Subject Property	Low Density Mixed Use	2 Vacant homes and 3 vacant lots
North	Low Density Mixed Use	Commercial uses
East	Low Density Mixed Use	Commercial uses
South	Low Density Mixed Use	Single and multi-family homes
West	Low Density Mixed Use	Single and multi-family Homes

Land Use: The subject property is located at the intersection of E. Courtland Place and McCullough Avenue, one block south of the intersection of Ashby Place and McCullough Avenue, within the boundaries of the Tobin Hill Neighborhood Plan. The subject property contains 2 vacant homes and 3 vacant lots and is surrounded by single and multi-family homes to the west and south and commercial uses to the north and east. The Tobin Hill Neighborhood Plan classifies the subject property and the areas to the north, south, east and west as Low Density Mixed Use. The applicant requests to change the future land use from Low Density Mixed Use to High Density Residential.

The applicant requests this plan amendment and associated zoning change in order to construct a multi-story apartment complex. The Low Density Mixed Use classification allows low intensity multi-family uses; however, the associated zoning district requested by the applicant to construct the proposed development on the subject property requires a higher intensity land use classification and thus the need to request a change in the land use plan. The subject property fronts a major arterial and is located near the intersection of a major collector street and arterial to the north. It is located one block south of a major commercial node to the north, and two blocks east of San Antonio College. This along with the general conditions that include a significant number of multi-family residences to the west and south and a mix of commercial uses to the north and east make it appropriate for High Density Residential. The High Density Residential classification supports the Tobin Hill Neighborhood Plan objectives of promoting economic growth in the area to include along arterials and in established commercial areas. The proposed use should have minimal impact on adjacent properties.

Low Density Mixed Use provides for a mix of low intensity residential and commercial uses in adjacent lots or intergraded in one structure. It is intended to foster compatibility between commercial and residential uses.

High Density Residential provides for residential uses with more than four units on individual lots including apartment complexes and condominiums. This land use classification provides transition between medium density residential and commercial uses and should generally be located on arterials or higher order streets. Development should be similar in scale, height, and massing with existing high density residential uses in area.

Transportation: McCullough Avenue and Main Street are Secondary Arterial Type B. The subject property fronts McCullough Avenue and Main Avenue is two blocks west and it has vehicular access to both major arterials. Ashby Place is a collector street. E. Courtland Place and Ogden Street are local streets. The area includes sidewalks which allow for pedestrian access to and from adjacent residential areas. There is a VIA bus stop one block north at the corner of McCullough Avenue and Ashby Place. The existing transportation infrastructure could support any additional demand, if any, generated by the requested land use change

Community Facilities: San Antonio College, Travis Early College High School, San Pedro Springs Park, San Antonio Academy and the Downtown Methodist Hospital are within walking distance. The existing community facilities could support any additional demand, if any, generated by the requested land use change.

II. SUPPLEMENTAL INFORMATION

Current Zoning: MF-33, C-3

Proposed Zoning: MF-65 IDZ

Corresponding Zoning Case: Z2013030

Zoning Commission Public Hearing Date: January 15, 2013

III. RECOMMENDATION

The subject property fronts a major arterial and is located near the intersection of a major collector street and arterial to the north. It is located one block south of a major commercial node to the north, and two blocks east of San Antonio College. This along with the general conditions that include a significant number of multi-family residences to the west and south and a mix of commercial uses to the north and east make it appropriate for High Density Residential. The High Density Residential classification supports the Tobin Hill Neighborhood Plan objectives of promoting economic growth in the area to include along arterials and in established commercial areas. The proposed use should have minimal impact on adjacent properties.

IV. ATTACHMENTS

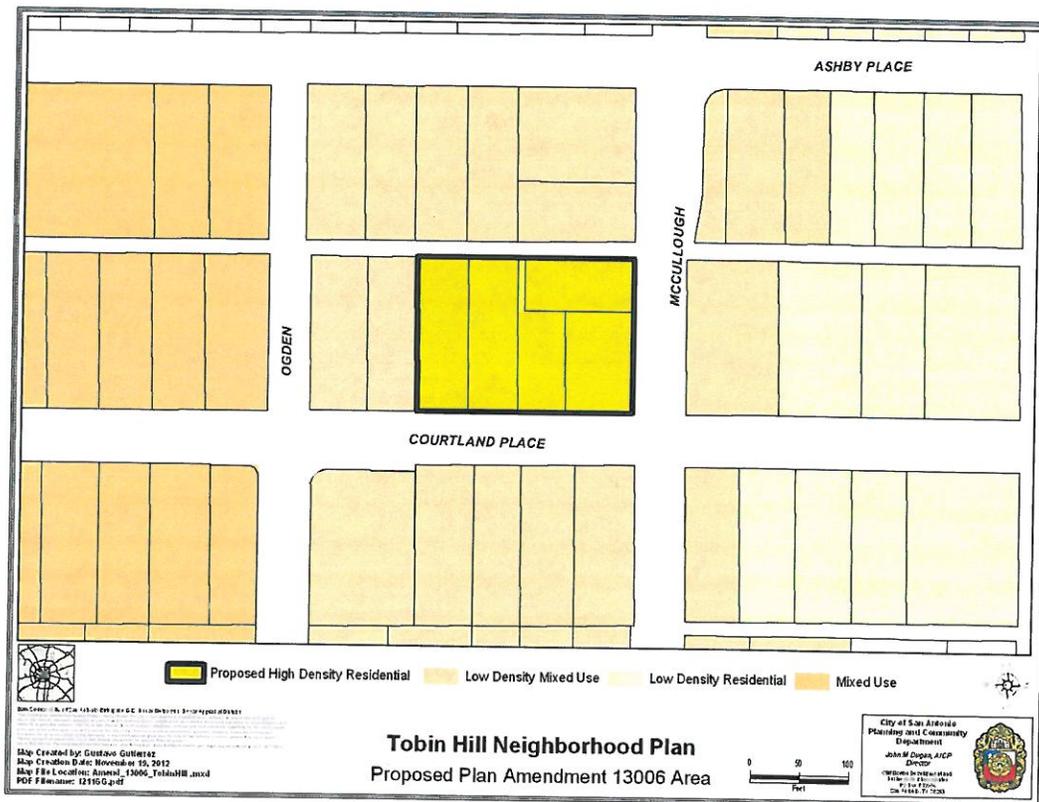
- A. Plan Amendment Maps
- B. Aerial Map

Attachment 1

Land Use Plan as adopted:



Proposed Amendment:



Attachment 2



RESOLUTION NO.

RECOMMENDING TO APPROVE THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE TOBIN HILL NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM LOW DENSITY MIXED USE TO HIGH DENSITY RESIDENTIAL FOR AN AREA OF APPROXIMATELY 0.799 ACRES LOCATED AT 211, 215 AND 219 E. COURTLAND PLACE AND 2003 AND 2011 MCCULLOUGH AVENUE.

WHEREAS, City Council approved the Tobin Hill Neighborhood Plan as an addendum to the Comprehensive Master Plan on September 24, 1987 and updated on February 21, 2008; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on January 23, 2013 and **APPROVED** the amendment on January 23, 2013; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Tobin Hill Neighborhood Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 23rd DAY OF JANUARY 2013.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Roberto R. Rodriguez, Chair
San Antonio Planning Commission



CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

COMPREHENSIVE PLANNING DIVISION

STAFF REPORT

ITEM # 21

Public Hearing:

Planning Commission
January 23, 2013

Case Number:

PA 13011

Applicant:

Lillie Beasley

Representative:

NA

Owner:

Lillie Beasley

Staff Coordinator:

Tyler Sorrells, AICP, Planner
(210) 207-7395
tyler.sorrells@sanantonio.gov

Property Address/Location:

4530 Walzem Road

Legal Description:

NCB 11901 Block 2 Lot 8

Tract Size:

0.1653 acres

Council District(s):

District 2

Notification:

Published in Daily Commercial
Recorder January 7, 2013

Notices Mailed January 10, 2013

- 20 to property owners within 200 feet
- No registered neighborhood association within 200 feet

Internet Agenda Posting January 18, 2013

REQUEST

The Applicant requests a Comprehensive Master Plan Amendment to change the San Antonio International Airport Vicinity Land Use Plan future land use classification for the property subject to this application from Low Density Residential to Neighborhood Commercial.

RECOMMENDED ACTION

Approval of the proposed amendment to the San Antonio International Airport Vicinity Land Use Plan to change the future land use classification of the subject property from Low Density Residential to Neighborhood Commercial.

ALTERNATIVE ACTIONS

1. Recommend denial of the proposed amendment to the San Antonio International Airport Vicinity Land Use Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

SYNOPSIS OF ANALYSIS

Land Use:

Neighborhood Commercial is consistent with the existing use of the property and the established pattern of commercial development along Walzem Road. The low intensity of commercial uses accommodated in the proposed land use classification as well as its location on an arterial roadway is anticipated to minimize any potential negative impacts on adjacent residential properties.

Transportation:

The subject property's location on an arterial, as well as distance from an access point to residential areas to the south, are anticipated to minimize negative impacts to the established transportation infrastructure in the area.

Community Facilities:

The subject property is approximately 300 feet from Walzem Elementary School. No negative impacts are anticipated

CASE HISTORY

This is the first public hearing of this case.

I. ANALYSIS

Comprehensive Plan Analysis	
Comprehensive Plan Component: San Antonio International Airport Vicinity Land Use Plan	
Plan Adoption Date: May 30, 2010	Update History: N/A
<p>The San Antonio International Airport Vicinity Land Use Plan was written, in conjunction with a diverse array of stakeholders in the community, to protect airport operations and expansion, discourage incompatible development within the Airport noise contours, diversify commercial uses along corridors in the planning area, and prevent commercial encroachment into established residential areas. Although the plan encompasses a larger geographic area the primary focus of the plan is on properties located within the noise contours (pg. 27). The subject property is not within the noise contours and is not anticipated to pose negative impacts on airport operations. This is consistent with Objective 1.2 Discourage developments of incompatible uses in the airport environs and noise exposure contours.</p> <p>One of the land use themes contained in the San Antonio International Airport Vicinity Land Use Plan (pg. 28) is the preservation of neighborhood integrity and prevention of commercial encroachment into established residential areas. The proposed amendment is located on Walzem Road, which is a significant commercial corridor in the San Antonio International Airport plan area. The proposed amendment to Neighborhood Commercial is compatible with the diverse array of commercial uses in the vicinity of the subject property. Additionally, the low intensity of the uses accommodated by the proposed land use classification, along with the property's frontage along Walzem Road, will pose minimal impacts to the adjacent residential properties. Furthermore, the location of the subject property on a major thoroughfare and its compatibility with adjacent commercial and residential uses is consistent with the plan's desire to encourage commercial uses along corridors servicing the neighborhood. These factors are consistent with Objective 1.1 Protect integrity of existing residential neighborhoods and prevent excessive noise pollution and other airport hazards as well as Objective 2.2 Encourage commercial development that respects the integrity of existing residential development.</p>	

Land Use Overview		
	Future Land Use Classification	Current Use
Subject Property	Low Density Residential	Daycare
North	None (Not within the boundaries of a community or neighborhood plan)	Shopping Center
East	Low Density Residential	Office Building
South	Low Density Residential	Single-Family Homes
West	Low Density Residential	Office Building

Land Use: The subject property is located southeast of the intersection of Cross Creek Drive and Walzem Road. The subject property is classified as Low Density Residential in the San Antonio International Airport Vicinity Land Use Plan, as are adjacent properties to the east, west, and south. The properties to the north are not in the boundaries of a neighborhood or community plan and do not carry a land use designation.

The San Antonio International Airport Vicinity Land Use Plan classifies the subject property as Low Density Residential. Low Density Residential includes single-family houses on individual lots with or without attached or detached accessory dwelling units and ideally located within walking distance of schools and neighborhood commercial uses. Certain lower impact community oriented uses such as religious facilities, parks, or community centers are also appropriate. Neighborhood Commercial accommodates low intensity commercial uses such as small scale retail or offices, professional services, convenience retail, and shopfront retail serving a market equivalent to a neighborhood. This land use should be located at the intersection of collector streets and higher order streets within walking distance of neighborhood residential areas, or along arterials where an established commercial area is located.

Examples of Neighborhood Commercial uses include flower shops, small restaurants, hairstylists, dry cleaning, or convenience stores without gasoline.

The subject property is located on Walzem Road which has a very diverse range of intensive commercial uses in the vicinity of the subject property ranging from office to multi-tenant shopping centers. The proposed Neighborhood Commercial land use classification and the scale of commercial uses accommodated in it would be complimentary to the established commercial fabric in the area. The subject property is north of an established residential area. The nature of the uses accommodated by the proposed land use classification, as well as the property's orientation to Walzem Road, would be compatible with adjacent residential properties. Furthermore, there is an approximately 25 foot unimproved alley between the subject property and the adjacent residential area to the south. This would serve to further buffer the uses and reduce any negative impacts on adjacent residential properties.

Transportation: Walzem Road is classified as a Secondary Arterial Type B. The subject property is an approximately 0.16 acre parcel that is currently in use as a daycare. The configuration of the subject property requires ingress and egress solely from Walzem Road, which is classified as a Secondary Arterial Type B. The subject property's sole egress and ingress point on to a significant roadway would not be optimal for the types of residential uses accommodated by the adopted land use classification. Additionally, the subject property is approximately 490 feet east of the intersection of North Heights Drive and Walzem Road. This intersection provides the nearest access point from the subject property to the residential area to the south. There is a VIA transit stop at the intersection of Cross Creek Drive and Walzem Road. The proposed amendment is not anticipated to negatively impact the transportation infrastructure in the area.

Community Facilities: The subject property is approximately 300 feet west of Walzem Elementary School. The requested land use change should not create any additional demand for community facilities.

II. SUPPLEMENTAL INFORMATION

Current Zoning: O-2

Proposed Zoning: O-1

Corresponding Zoning Case: Z2013054

Zoning Commission Public Hearing Date: February 5, 2013

III. RECOMMENDATION

Neighborhood Commercial is consistent with the existing use of the property and the established commercial fabric along Walzem Road. And is not anticipated to pose negative impacts on adjacent residential properties. The neighborhood-scaled commercial nature of the proposed land use classification should generate no additional impacts on nearby community facilities. Additionally, the existing transportation infrastructure in the vicinity of the subject property will adequately serve the proposed use.

IV. ATTACHMENTS

- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





2012 Aerial

San Antonio, TX, Office of Planning and Community Development
Map Creation Date: Dec 13, 2012
Map File Location: Amend_13011_SAAIpostfinal
PDF Filename: 121206.pdf

 Subject Property  VIA Bus Stops  VIA Bus Routes



San Antonio International Airport Vicinity Plan Proposed Plan Amendment 13011 Area

City of San Antonio
Planning and Community
Development
John M. Dupin, AICP
Director
City of San Antonio
100 N. N. Loop West
San Antonio, TX 78209
210.205.4000



RESOLUTION NO.

RECOMMENDING TO APPROVE THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR AN AREA OF APPROXIMATELY 0.1653 ACRE LOCATED AT 4530 WALZEM ROAD.

WHEREAS, City Council approved the San Antonio International Airport Vicinity Land Use Plan as an addendum to the Comprehensive Master Plan on May 30, 2010; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on January 23, 2013 and **APPROVED** the amendment on January 23, 2013; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the San Antonio International Airport Vicinity Land Use Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 23rd DAY OF JANUARY 2013.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Roberto R. Rodriguez, Chair
San Antonio Planning Commission



CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

COMPREHENSIVE PLANNING DIVISION

STAFF REPORT

ITEM # 22

Public Hearing:

Planning Commission
January 23, 2013

Case Number:

PA 13012

Applicant:

George and Rida Daau

Representative:

Salah Diab

Owner:

George and Rida Daau

Staff Coordinator:

Tyler Sorrells, AICP, Planner
(210) 207-7395
tyler.sorrells@sanantonio.gov

Property Address/Location:

503 New Laredo Highway

Legal Description:

NCB 8736 Block 8 Lot 32

Tract Size:

0.3819 acres

Council District(s):

District 5

Notification:

Published in Daily Commercial
Recorder January 7, 2013
Notices Mailed January 10, 2013

- 9 to property owners within 200 feet
- Quintana Community neighborhood association
- 32 to planning team members

Internet Agenda Posting January 18, 2013

REQUEST

The Applicant requests a Comprehensive Master Plan Amendment to change the Kelly/South San PUEBLO Community Plan future land use classification for the property subject to this application from Community Commercial to Business/Office Park.

RECOMMENDED ACTION

Denial of the proposed amendment to the Kelly/South San PUEBLO Community Plan from Community Commercial to Business/Office Park.

ALTERNATIVE ACTIONS

1. Recommend approval of the proposed amendment to the Kelly/South San PUEBLO Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

SYNOPSIS OF ANALYSIS

Land Use:

The subject property is located in an established, and intact Community Commercial node. The intensive commercial, manufacturing, and warehousing uses accommodated in the proposed Business/Office Park classification would pose a significant disruption to adjacent institutional and residential uses as well as to potential commercial development and redevelopment opportunities in the vicinity.

Transportation:

The proposed amendment is not anticipated to pose a negative impact to the transportation infrastructure in the vicinity of the subject property. However, traffic generated by the intense commercial, industrial, and warehousing uses accommodated in the proposed land use classification could pose negative impacts to individuals seeking to access or depart from nearby residential uses and public institutions

Community Facilities:

The subject property is immediately adjacent to Saint Joseph's Church. The intensity of uses accommodated in the proposed land use classification could pose negative impacts based on the size and configuration of the property.

CASE HISTORY

This is the first public hearing of this case.

I. ANALYSIS

Comprehensive Plan Analysis	
Comprehensive Plan Component: Kelly/South San PUEBLO Community Plan	
Plan Adoption Date: February 15, 2007	Update History: February 18, 2010
<p>The Community Commercial land use classification accommodates a variety of medium intensity commercial uses that serve a market on the scale of a community comprised of two or more medium sized neighborhoods. Uses in this category should be located in a nodal fashion at higher order roadways. Examples include convenience stores with gasoline sales, grocery stores, restaurants, and community shopping centers.</p> <p>The subject property is located within an established Community Commercial node centered on the intersection of West Southcross Boulevard and New Laredo Highway. The proposed Business/Office Park land use classification incorporates industrial and intensive commercial uses as well as professional and administrative office uses. The Business/Office Park classification, and the uses it accommodates, would disrupt the framework for potential neighborhood revitalization that is posed by the coherent nature of the Community Commercial land use node that is currently in place at the intersection.</p> <p>Action Step 3.2.1 discourages an overabundance of auto-related businesses in the planning area identifies the Kelly/South San PUEBLO community's desire to limit the number of auto-related business concentrated in the planning area. Based on staff analysis there are six auto-related businesses within a quarter-mile of the subject property. The proposed amendment would increase the number of these uses within a concentrated geographic portion of the planning area and is not compatible with this action step.</p>	

Land Use Overview		
	Future Land Use Classification	Current Use
Subject Property	Community Commercial	Tire and auto service shop
North	Community Commercial	Restaurant
East	Community Commercial	Laundromat, grocery store
South	Community Commercial, Mixed Use	Church
West	Public/Institutional	Church

Land Use: The subject property is located at the southwest corner of the intersection of West Southcross Boulevard and New Laredo Highway. The subject property is classified as Community Commercial, as are the properties to the north and east. The property to the west and south is classified as Public Institutional and the property to the south, on the opposite side of New Laredo Highway is classified as Mixed Use.

The current land use classification provides for medium intensity commercial uses that serve a market on the scale of a community comprised of two or more medium sized neighborhoods. Community commercial uses should be located in a nodal fashion, near the intersection of collectors and arterials, or the intersection of two arterials, or along arterials or higher order streets where already established. Whenever possible, revitalized or redeveloped community commercial centers should be designed to create a safe and attractive vehicular and pedestrian movement system that links to adjacent uses. Examples include convenience stores with gasoline, grocery stores, plant nurseries, restaurants, and community shopping centers. Business/Office Park includes medium to large sized buildings in a low rise format that house professional, administrative, light manufacturing, and warehousing functions for private corporations. Development in this category should take the form of a cohesive campus line environment where buildings are interspersed with open space areas and pedestrian walkways. Uses in this category

should be separated from residential areas with landscaping buffers and should feature monument signage and lighting oriented away from adjacent sites.

The subject property is located in an established and intact Community Commercial node. The intensive commercial, manufacturing, and warehousing uses accommodated in the proposed Business/Office Park classification would pose an undue disruption to adjacent institutional and residential uses as well as to potential commercial development and redevelopment opportunities in the vicinity. Additionally, the subject property is located immediately adjacent to Saint Joseph's Church and is south of an established manufactured housing subdivision. Lyell Avenue, which provides access to the residential subdivision, is not a signalized intersection. The proposed land use classification, with the potential manufacturing and warehousing uses that it accommodates, could pose negative impacts on the unfettered access to adjacent public/institutional uses as well as those desiring to exit or enter the adjacent subdivision. Also, the size and configuration of the subject property would make it unlikely that any potential negative impacts could be mitigated by the use of landscape buffering or other design techniques.

Transportation: West Southcross Boulevard, and New Laredo Highway, are both classified as Secondary Arterial Type A roadways. There is a VIA stop on the subject property. The existing transportation infrastructure could support any additional traffic generated by the requested land use change. However, the neighboring public/institutional use and the manufactured housing subdivision to the north could face negative transportation impacts based on the intensity of the traffic generated by the uses accommodated by the proposed land use classification.

Community Facilities: The subject property is immediately east of Saint Joseph's Church. The size and configuration of the subject property would render it extremely unlikely that negative impacts could be mitigated with landscaping or other design techniques. The subject property is approximately 0.24 miles northeast of The Athens School and Dwight Middle School.

II. SUPPLEMENTAL INFORMATION

Current Zoning: C-3

Proposed Zoning: C-3 S (Specific Use Authorization for Auto Paint and Body)

Corresponding Zoning Case: Z2013055 S

Zoning Commission Public Hearing Date: February 5, 2013

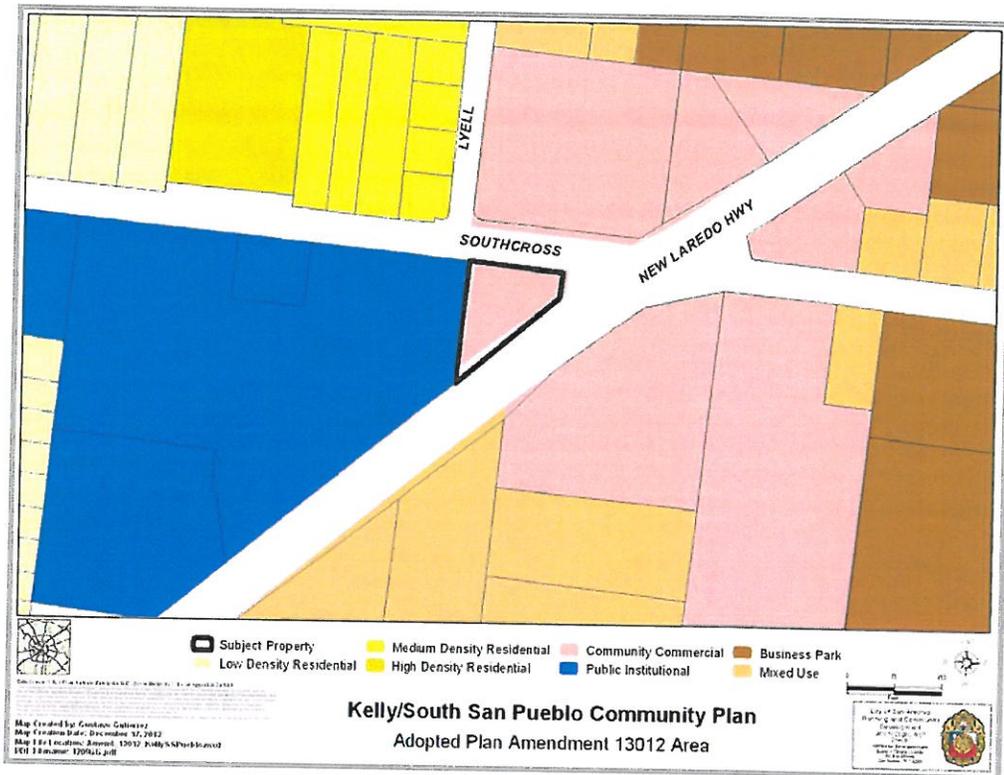
III. RECOMMENDATION

The subject property is located in an established Community Commercial node. The intensive commercial, manufacturing, and warehousing uses accommodated in the proposed Business/Office Park classification would pose an undue disruption to adjacent institutional and residential uses as well as to potential commercial development and redevelopment opportunities in the vicinity.

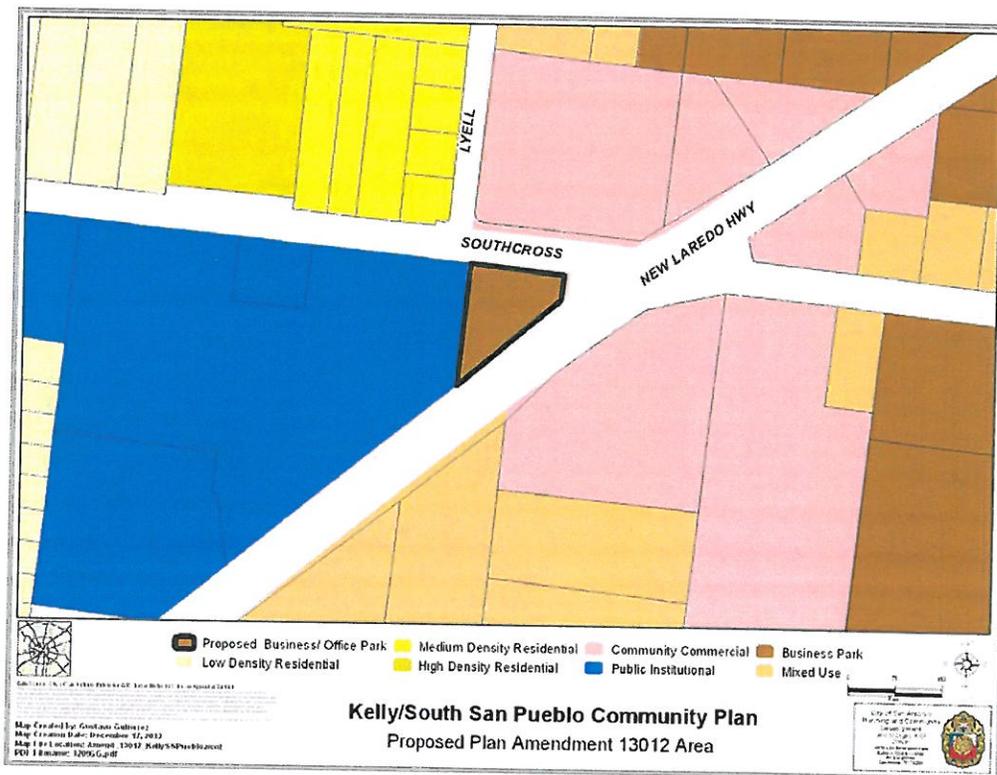
IV. ATTACHMENTS

- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:



RESOLUTION NO.

RECOMMENDING TO DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE KELLY/SOUTH SAN PUEBLO COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM COMMUNITY COMMERCIAL TO BUSINESS/OFFICE PARK FOR AN AREA OF APPROXIMATELY 0.3819 ACRE LOCATED AT 503 NEW LAREDO HIGHWAY.

WHEREAS, City Council approved the Kelly/South San PUEBLO Community Plan as an addendum to the Comprehensive Master Plan on February 15, 2007 and updated the Plan on February 18, 2010; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on January 23, 2013 and **DENIED** the amendment on January 23, 2013; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore not meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Kelly/South San PUEBLO Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 23rd DAY OF JANUARY 2013

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Roberto R. Rodriguez, Chair
San Antonio Planning Commission



CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD PLANNING AND URBAN DESIGN DIVISION

STAFF REPORT

ITEM # 28

Public Hearing:

Planning Commission

January 23, 2013

Case Number:

PA 13013

Applicant:

Roland Lozano, Interim CEO, Brooks Development Authority

Representative:

Pape-Dawson Engineers, Inc.

Owner:

Brooks Development Authority

Staff Coordinator:

Robert C. Acosta, Planner

(210) 207-0157

racosta@sanantonio.gov

Property Address/Location:

14.767 acres of land out NCB 10879 located at the SW corner of Research Plaza and S. New Branunfels Street

Legal Description:

14.767 acres of land out NCB 10879 located at the SW corner of Research Plaza and S. New Branunfels Street

Tract Size:

14.767 acres

Council District(s):

District 3

Notification:

Published in Daily Commercial Recorder 1/4/2013

Notices Mailed 1/10/2013

- 1 to property owners within 200 feet
- No registered neighborhood association within 200 feet
- 13 to planning team members

Internet Agenda Posting 1/18/2013

REQUEST

The Applicant requests a Comprehensive Master Plan Amendment to change the Stinson Airport Vicinity Land Use Plan future land use classification for the subject property from Regional Commercial to Light Industrial.

RECOMMENDED ACTION

Approval of the proposed amendment to the Stinson Airport Vicinity Land Use Plan to change the future land use designation of the subject property from Regional Commercial to Light Industrial.

ALTERNATIVE ACTIONS

1. Recommend denial of the proposed amendment to the Stinson Airport Vicinity Land Use Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

SYNOPSIS OF ANALYSIS

Land Use:

The Light Industrial classification supports the Stinson Airport Vicinity Land use Plan objectives of promoting economic growth in the area. The proposed use should have minimal impact on adjacent properties.

Transportation:

The existing transportation infrastructure could support the additional traffic generated by the requested land use change.

Community Facilities:

The existing community facilities could support any additional demand generated by the requested land use change.

CASE HISTORY

This is the first public hearing of this case.

I. ANALYSIS

Comprehensive Plan Analysis	
Comprehensive Plan Component: Stinson Airport Vicinity Land Use Plan	
Plan Adoption Date: April 2, 2009	Update History: N/A
Goal I: Protect the quality of life of residents including health, safety and welfare Objective 1.1 Protect integrity of exiting residential neighborhoods Objective 1.2 Discourage developments of incompatible uses on vacant land Goal II: Encourage economic growth that enhances airport operations and development	
<p>The proposed development is consistent with the above-stated objectives of the Stinson Airport Vicinity Plan. The applicant proposes to utilize the subject property to expand the site for industrial activities approved by the Brooks Development Authority.</p>	

Land Use Overview		
	Future Land Use Classification	Current Use
Subject Property	Regional Commercial	Vacant land
North	Regional Commercial	Industrial Uses
East	Regional Commercial	Industrial Uses
South	Light Industrial	Vacant Land
West	Regional Commercial	Industrial Uses

Land Use: The subject property is located at Brooks City-Base at the SW corner of Research Plaza and S. New Braunfels Street and within the Stinson Airport Vicinity Land Use Plan. The subject property is vacant land and is surrounded by industrial uses to the north, east and west and vacant land to the south. The Stinson Airport Vicinity Plan classifies the subject property and the areas to the north, east and west as Regional Commercial and the area to the south as Light Industrial. The applicant requests to change the future land use from Regional Commercial to Light Industrial.

The applicant requests this plan amendment and associated zoning change in order to allow the subject property to be used in the construction of a solar panel manufacturing facility. The Regional Commercial classification does not allow low intensity manufacturing uses by right; thus the need to request a change in the land use plan. The subject property is vacant land and part of a larger tract of vacant land that has been approved as a site for the construction of a solar panel manufacturing facility. Its location which includes industrial uses to the north, east and west and the general surrounding conditions which include a large tract of abutting vacant land classified as Light Industrial to the south make it appropriate for Light Industrial classification. The Light Industrial classification supports the Stinson Airport vicinity Land use Plan objectives of promoting economic growth in the area. The proposed use should have minimal impact, if any, on adjacent properties.

Regional Commercial land use includes high intensity land uses that draw their customer base from a larger region and should be located at intersection nodes along major arterial roadways or along mass transit system nodes, and be 20 acres or greater in area. Regional Commercial should incorporate well-defined entrances, shared internal circulation, limited curb cuts to arterial streets, sidewalks and shade trees in parking lots. Examples include large commercial centers, malls, home improvement centers, hotels/motels, major employment centers, and low-high rise office buildings that promote mixed uses.

Light Industrial land use category includes a mix of light manufacturing uses and limited ancillary retail and supplier uses that service the industrial uses. These uses should include proper screening and buffering, and be compatible with adjoining uses. Outside storage is not permitted (must be under roof and screened).

Transportation: Research Plaza, Boyle Road and Challenger Drive are collector roads with limited accessibility in the Brooks City-Base. South New Braunfels Road is on the Major Thoroughfare Plan as a future Secondary Arterial Type A and Goliad Road is currently classified as Secondary Arterial Type B. There are currently no bike lanes and sidewalks on this portion of Brooks City Base. There is a VIA bus-stop at the corner of Goliad and Lyster Road. The existing transportation infrastructure could support the additional traffic generated by the requested land use change.

Community Facilities: Mission Academy and Texas Engineering Extension Service are in close proximity to the south, as is, Brooks Academy of Science to the east. The existing community facilities could support any additional demand generated by the requested land use change.

II. SUPPLEMENTAL INFORMATION

Current Zoning: MR, Military Reserve District

Proposed Zoning: I-1 S General Industrial District with a Specific Use Authorization for Electronic Component Manufacturing

Corresponding Zoning Case: No zoning application has been submitted at this time.

Zoning Commission Public Hearing Date: Not Applicable

III. RECOMMENDATION

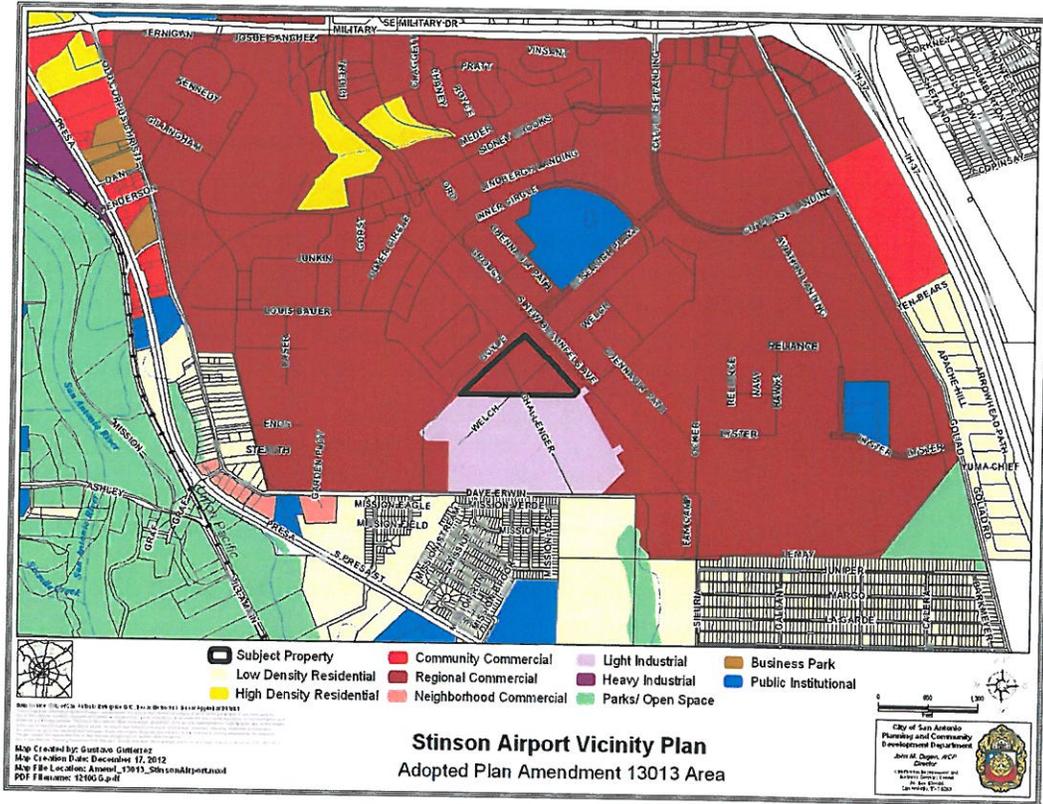
The subject property is vacant land and part of a larger tract of vacant land that has been approved as a site for the construction of a solar panel manufacturing facility. Its location which includes a industrial uses to the north, east and west and the general surrounding conditions which include a large tract of abutting vacant land classified as Light Industrial to the south make it appropriate for Light Industrial classification. The Light Industrial classification supports the Stinson Airport vicinity Land use Plan objectives of promoting economic growth in the area. The proposed use should have minimal impact, if any, on adjacent properties.

IV. ATTACHMENTS

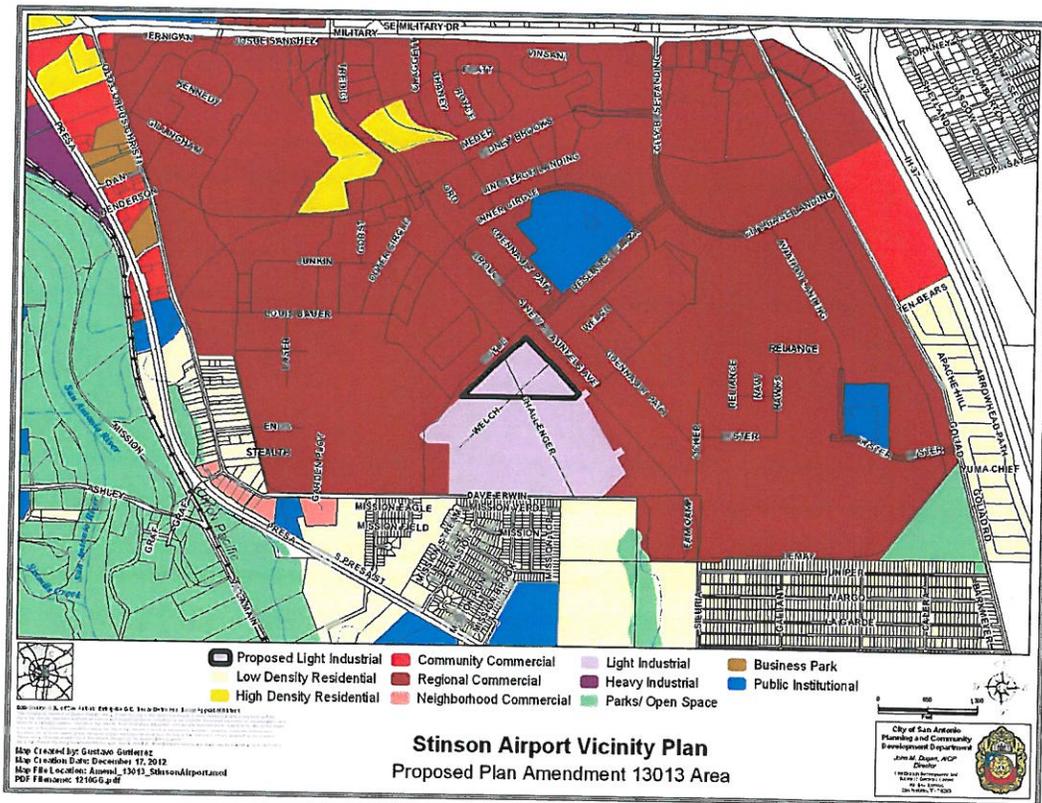
- A. Plan Amendment Maps
- B. Aerial Map

Attachment 1

Land Use Plan as adopted:



Proposed Amendment:



Attachment 2



2012 Aerial

▭ Subject Property
 VIA Bus Stops
 — VIA Bus Routes

DDD CANNON AECOM HEBBARD & ASSOCIATES INC. SAN ANTONIO, TX 78241-1000
 Map Created by: Gustavo Gutierrez
 Map Creation Date: December 17, 2012
 Map File Location: Amend_13015_StinsonAirport.aud
 PDF Filename: 121056.g.pdf

Stinson Airport Vicinity Plan Community Facilities

0 60 120
Foot

City of San Antonio
 Planning and Community
 Development Department
 John M. Dugas, MOP
 Director

 City of San Antonio
 1400 Broadway
 San Antonio, TX 78203

RESOLUTION NO.

RECOMMENDING TO APPROVE THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE STINSON AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM REGIONAL COMMERCIAL TO LIGHT INDUSTRIAL FOR AN AREA OF APPROXIMATELY 14.767 ACRES OF LAND OUT OF NCB 10879 LOCATED AT THE SW CORNER OF RESEARCH PLAZA AND S. NEW BRAUNFELS STREET.

WHEREAS, City Council approved the Stinson Airport Vicinity Land Use Plan as an addendum to the Comprehensive Master Plan on April 2, 2009; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on January 23, 2013 and **APPROVED** the amendment on January 23, 2013; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Stinson Airport Vicinity Land Use Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 23rd DAY OF JANUARY 2013.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Roberto R. Rodriguez, Chair
San Antonio Planning Commission



CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

COMPREHENSIVE PLANNING DIVISION

STAFF REPORT

ITEM # 24

Public Hearing:

Planning Commission
January 23, 2013

Case Number:

PA 13014

Applicant:

White-Conlee Builders, Ltd.

Representative:

Kaufman & Killen, Inc.

Owner:

State of Texas

Staff Coordinator:

Jacob T. Floyd, Senior Planner
(210) 207-8318
jacob.floyd@sanantonio.gov

Property Address/Location:

North east of the intersection of S.E. Military Drive and IH-37, bound by Utopia Lane to the north, Pickwell Park to the east, and IH-37 to the west.

Legal Description:

12.801 acres of land out of NCB 10865

Tract Size:

12.801 acres

Council District(s):

District 3

Notification:

Published in Daily Commercial Recorder 1/7/2013

Notices Mailed 1/10/2013

- 25 to property owners within 200 feet
- 1 to the applicant
- 1 to the representative
- 1 to the Highland Hills neighborhood association
- 33 to Highlands Community Plan planning team members

Internet Agenda Posting 1/18/2013

REQUEST

The Applicant requests a Comprehensive Master Plan Amendment to change the Highlands Community Plan future land use classification for the property subject to this application from Parks/Open Space, High Density Residential, and Medium Density Residential to Medium Density Residential.

RECOMMENDED ACTION

Approval of the proposed amendment to the Highlands Community Plan to change the future land use classification of the subject property from Parks/Open Space, High Density Residential, and Medium Density Residential to Medium Density Residential.

ALTERNATIVE ACTIONS

1. Recommend denial of the proposed amendment to the Highlands Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

SYNOPSIS OF ANALYSIS

Land Use:

Medium Density Residential land use is appropriate for this location, along an interstate highway and near a major arterial, and will act to buffer the single-family residential neighborhood to the north from the commercial development along South East Military Drive. Additionally, the proposed amendment supports the housing goals of the Highlands Community Plan by allowing an additional housing option within the plan area.

Transportation:

The subject property is located approximately 1,000 north of South East Military Drive, a primary arterial street, along IH-37. Pickwell Drive and Utopia Lane provide vehicular access. The transportation infrastructure will support additional traffic resulting from this amendment.

Community Facilities:

Pickwell Park abuts the subject property and will serve future development on the site in addition to the adjacent neighborhood. The proposed amendment is not anticipated to negatively affect nearby community facilities.

CASE HISTORY

This is the first public hearing of this case.

I. ANALYSIS

Comprehensive Plan Analysis	
Comprehensive Plan Component: Highlands Community Plan	
Plan Adoption Date: April 4, 2002	Update History: December 6, 2007 (Land Use Plan Boundary Change)
Goal 4, Objective 4.1 Housing Character, Action Step 4.1.1: Encourage a variety of housing size and price that facilitates connections between people.	
Medium Density Residential land use will allow for multi-family development on the periphery of the neighborhood and provide an additional housing option within the plan area.	

Comprehensive Land Use Categories	Example Zoning Districts
High Density Residential: High Density Residential includes low-rise to mid-rise apartments with more than four (4) dwelling units per building. High density residential provides for compact development including apartments, condominiums and assisted living facilities. This form of development is typically located along or near major arterials or collectors.	MF-25, MF-33, UD
Medium Density Residential: Medium Density Residential accommodates a range of housing types including single-family attached and detached houses on individual lots, duplexes, triplexes, fourplexes, and low-rise, garden-style apartments with more than four (4) dwelling units per building. Cottage homes and very small lot single-family houses are also appropriate within this land use category. Detached and attached accessory dwelling units such as granny flats and garage apartments are allowed when located on the same lot as the principal residence.	R-3, R-4, RM-4, RM-5, RM-6, MF-18 and UD
Parks/Open Space: Parks/Open Space includes large, or linear, unimproved land where conservation is promoted and development is not encouraged due to presence of topographic constraints or institutional uses on the site. Parks/open space include floodplains, utility corridors, public and private land uses that encourage outdoor passive or active recreation. Examples include city pocket, regional, or linear parks, as well as private parks associated with subdivisions and neighborhood associations.	Varies

Land Use Overview		
	Future Land Use Classification	Current Use
Subject Property	Parks/Open Space, High Density Residential, Medium Density Residential	Undeveloped
North	Low Density Residential	Single-Family Homes, Church
East	Parks/Open Space, Low Density Residential	Pickwell Park, Single-Family Homes
South	Medium Density Residential, High Density Residential, Regional Commercial	Undeveloped, Commercial
West	Regional Commercial	IH-37, Multi-Family Residences, School

Land Use: The subject property is located along IH-37 south of Utopia Lane and north of South East Military Drive, immediately west of Pickwell Park. The subject property is classified as Parks/Open Space, Medium Density Residential, and High Density Residential, while the adjacent properties to the north and east are classified as Low Density Residential. Although a portion of the subject property is classified as Parks/Open Space, it is not public parkland.

The Highlands Community Plan classifies the subject property as Parks/Open Space, Medium Density Residential, and High Density Residential. Parks/Open space includes unimproved land where conservation is promoted due to the presence of topographic constraints or institutional uses such as flood

plains, utility corridors, or land uses that encourage recreation. High density residential includes low-rise to mid-rise apartments with more than four (4) dwelling units per building, providing for compact development including apartments, condominiums and assisted living facilities. This form of development should typically be located near major arterials or collector streets.

Medium density residential accommodates a range of housing types including single-family attached and detached houses on individual lots, duplexes, triplexes, fourplexes, and low-rise, garden-style apartments with more than four (4) dwelling units per building. While a portion of the subject property is already classified Medium Density Residential the boundaries of the future land use classifications are not defined by parcel boundaries as they typically would be. The area described for the proposed land use change is a portion of a larger 32.8 acre tract planned for multi-family development.

Goal 4 of the Highlands Community Plan calls for an increase in the variety of new housing choices while preserving the character of the existing neighborhoods. The proposed Medium Density Residential land use will allow for multi-family development that provides additional housing options to within the plan area. The location of the subject property on the periphery of the neighborhood near South East Military Drive, a major arterial, is appropriate for the proposed land use and serves to buffer the single-family residences within the neighborhood from commercial development along the arterial.

Transportation: South East Military Drive, located approximately 1,000 feet south of the subject property, is a Primary Arterial Type A roadway. To the west of the subject property, on the opposite side of IH-37, lies Goliad Road, a Secondary Arterial Type B. Pickwell Drive and Utopia Lane are local streets, with Pickwell Drive serving to connect the subject property to South East Military Drive. VIA route 32 serves Pickwell Drive and routes 550 and 551 serve South East Military Drive. The existing transportation infrastructure could support the additional traffic generated by the proposed land use change. The property will be accessible from Utopia Lane and Pickwell Drive, although the area subject to the proposed amendment has frontage only on Utopia Lane. It is recommended that Utopia Lane be used only as a secondary access point to the subject property as it is a local street through a single-family residential neighborhood.

Community Facilities: The subject property abuts Pickwell Park, an 11 acre neighborhood park serving the nearby single-family residential neighborhood. Other nearby community facilities include Holy Name Catholic School, Schenck Elementary School, and Rogers Middle School. The existing parkland within one half mile of the subject property is insufficient to serve the existing population, with the 11 acres of Pickwell Park serving a population of approximately 3,870 residents. However, the proposed land use amendment is not anticipated to negatively affect the parkland in the area as a multi-family residential development will provide on-site facilities to serve its residents and will have no net impact to park demand. The proposed amendment should not negatively impact the other existing community facilities in the vicinity.

II. SUPPLEMENTAL INFORMATION

Current Zoning: R-4

Proposed Zoning: MF-18

Corresponding Zoning Case: Z2013057

Zoning Commission Public Hearing Date: February 5, 2013

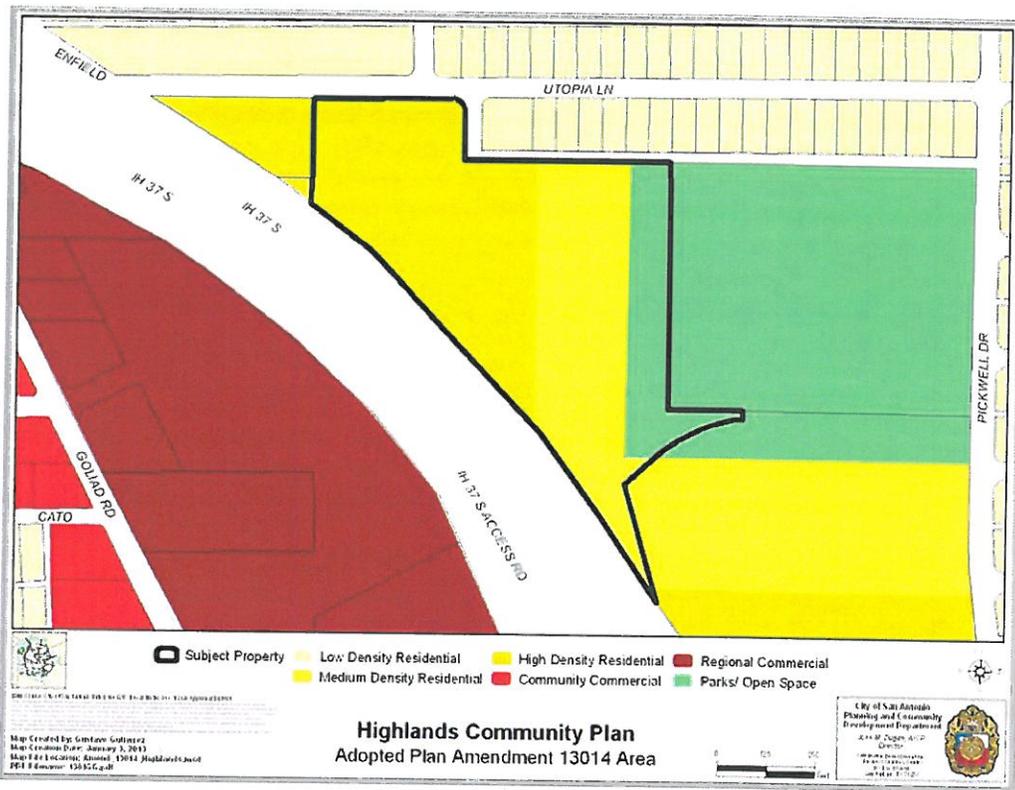
III. RECOMMENDATION

Medium Density Residential land use is appropriate for this location and will act to buffer the single-family residential neighborhood to the north from the commercial development along South East Military Drive. The proposed amendment supports the goal of the Highlands Community Plan to encourage a variety of housing types with varied affordability by allowing multi-family development that provides an additional housing option within the plan area. Additionally, the proposed Medium Density Residential land use classification will not pose negative impacts to the existing transportation infrastructure nor will the surrounding properties be adversely affected.

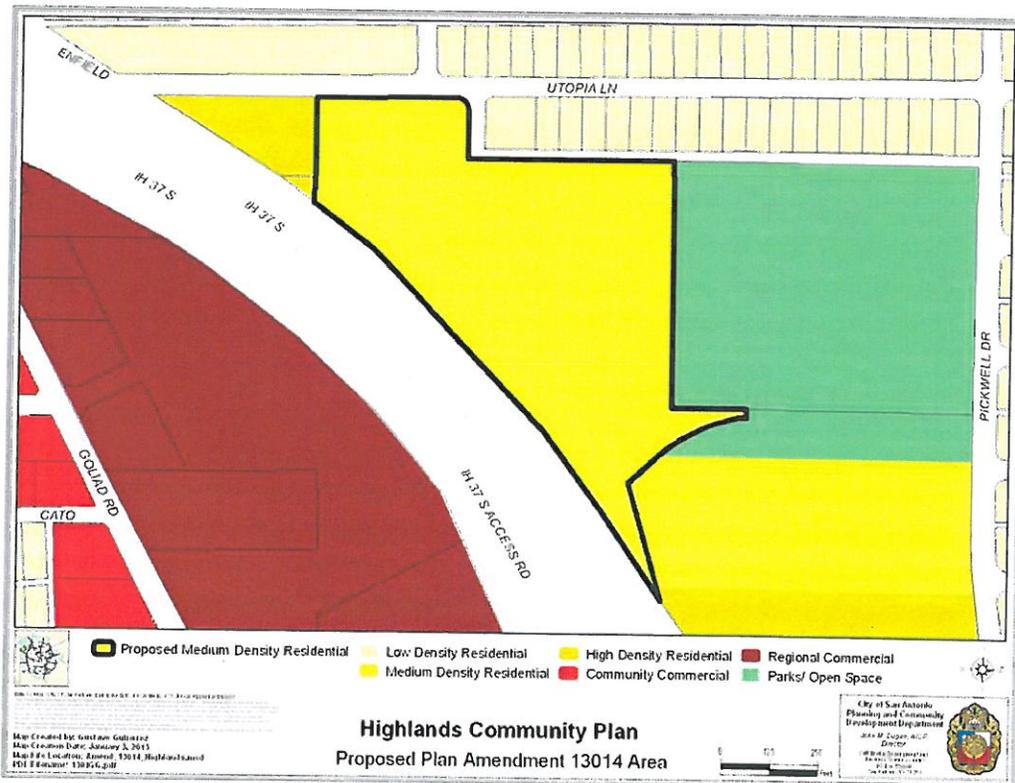
IV. ATTACHMENTS

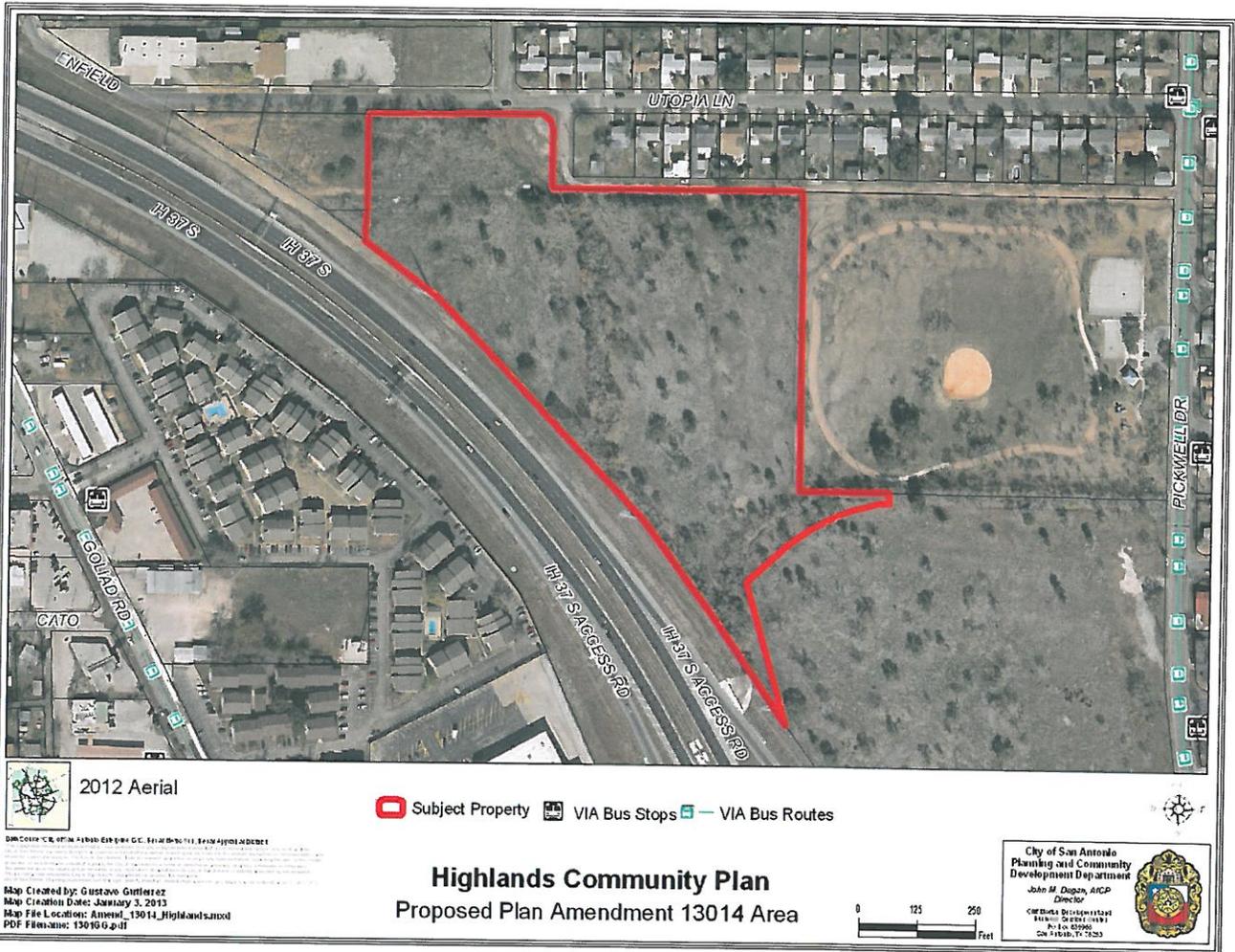
- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





RESOLUTION NO.

RECOMMENDING TO APPROVE THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE HIGHLANDS COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM PARKS/OPEN SPACE, HIGH DENSITY RESIDENTIAL, AND MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR AN AREA OF APPROXIMATELY 12.801 ACRES OUT OF NCB 10865, LOCATED NORTHEAST OF THE INTERSECTION OF IH-37 AND SOUTH EAST MILITARY DRIVE.

WHEREAS, City Council approved the Highlands Community Plan as an addendum to the Comprehensive Master Plan on April 4, 2002 and updated December 6, 2007; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on January 23, 2013 and **APPROVED** the amendment on January 23, 2013; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Highlands Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 23rd DAY OF JANUARY, 2013.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Jose R. Limon, Chair
San Antonio Planning Commission



CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

COMPREHENSIVE PLANNING DIVISION

STAFF REPORT

ITEM # 25

Public Hearing:

Planning Commission
January 23, 2013

Case Number:

PA 13015

Applicant:

W.W. White Road Church of God in Christ

Representative:

Chris Weigand

Owner:

W.W. White Road Church of God in Christ

Staff Coordinator:

Tyler Sorrells, AICP, Planner
(210) 207-7395
tyler.sorrells@sanantonio.gov

Property Address/Location:

4518 Lord Road

Legal Description:

NCB 10753 S 184.3 ft of Lot 3

Tract Size:

0.034 acres

Council District(s):

District 2

Notification:

Published in Daily Commercial Recorder January 7, 2013
Notices Mailed January 10, 2013
90 to property owners within 200 feet

- No registered neighborhood association within 200 feet
- 26 to planning team members

Internet Agenda Posting 6/8/2012

REQUEST

The Applicant requests a Comprehensive Master Plan Amendment to change the Eastern Triangle Community Plan future land use classification for the property subject to this application from Public Institutional to High Density Mixed Use.

RECOMMENDED ACTION

Approval of the proposed amendment from Public Institutional to High Density Mixed Use.

ALTERNATIVE ACTIONS

1. Recommend denial of the proposed amendment to the Eastern Triangle Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

SYNOPSIS OF ANALYSIS

Land Use:

The proposed plan amendment will help facilitate redevelopment that will diversify the range of family-oriented goods and services to nearby residents. Additionally, this proposed plan amendment is associated with redevelopment that will increase the amount of new commercial building stock in the planning area. This is consistent with the Eastern Triangle Community Plan's desire to expand and build on the success of commercial corridors in the planning area. Additionally, the new construction that is associated with the plan amendment would provide additional opportunity for improvement of the streetscape and pedestrian circulation system.

Transportation:

The proposed plan amendment is associated with the redevelopment of an existing commercial property. The subject property is located at the signalized intersection of two arterial roadways. Negative impacts to the transportation infrastructure in the area are not anticipated.

Community Facilities:

The subject property is approximately 280 feet southwest of Saint Benedict's Church and is immediately south of Inspirational Church and north of the Career Plus Learning Academy. The proposed amendment is not anticipated to pose negative impacts on community facilities in the area.

CASE HISTORY

This is the first public hearing of this case.

I. ANALYSIS

Comprehensive Plan Analysis	
Comprehensive Plan Component: Eastern Triangle Community Plan	
Plan Adoption Date: May 21, 2009	Update History: N/A
<p>The property being considered for this plan amendment is part of a larger tract located at the southeast corner of Lord Road and W.W. White Road. W.W. White Road is a major commercial corridor in the Eastern Triangle planning area with a diverse array of commercial enterprises. The subject property is a portion of a larger property that currently contains a restaurant. Reclassification of the subject property to High Density Mixed Use is intended to facilitate redevelopment of the larger parcel as a pharmacy. The proposed amendment will contribute to the diversification of community-oriented business in the planning area. Also, in light of the new construction associated with the redevelopment of the site there is an increased potential for improved streetscaping and pedestrian linkages to surrounding properties which would be consistent with goals and objectives enumerated in the plan. This diversification and expansion of community-scaled business is supported by the following goals and objectives contained in the Eastern Triangle Community Plan:</p> <p>Goal 8: Expand and build thriving commercial corridors</p> <p>Goal 11: Enhance the physical environment</p> <p>Objective 9.1: Increase range of family-oriented businesses and services within the Eastern Triangle</p> <p>Objective 11.1: Improve pedestrian linkages and provide enhanced streetscapes to encourage patronage of local businesses</p>	

Land Use Overview		
	Future Land Use Classification	Current Use
Subject Property	Public/Institutional	Vacant
North	High Density Mixed Use	Church
East	Public/Institutional	Vacant
South	High Density Mixed Use	Single-Family Homes
West	High Density Mixed Use	School

Land Use: The subject property is located at the southeast corner of Lord Road and W.W. White Road. W.W. White Road serves as a major commercial thoroughfare in the Eastern Triangle planning area supporting a diverse array of commercial uses. The properties to the north, south, and west are classified as High Density Mixed Use. The subject property and the property to the east are classified as Public Institutional.

The subject property is a portion of a larger existing High Density Mixed Use centered on the intersection of Lord Road and W.W. White Road. This property, along with adjacent properties to the west and northwest, are intended to be redeveloped in order to facilitate the location of a pharmacy at the intersection. The proposed use is consistent with the Eastern Triangle Community Plan's goal to expand and enhance the types of family-oriented goods and services provided to the community. Additionally, the new construction and development associated with the proposed amendment will increase the potential for improvements in the pedestrian circulation in the area as well as add new commercial building stock to the planning area. This is also consistent with goals and objectives stated in the Eastern Triangle Community Plan.

The Eastern Triangle Community Plan classifies the subject property as Public/Institutional. Public/Institutional uses include public, quasi-public, and institutional uses that facilitate the containment or delivery of local, state, or national governmental or non-profit services. Examples include post offices, libraries, schools, fire stations, churches, and community gathering facilities. Uses accommodated by this land use classification are appropriate throughout the planning area. The proposed land use amendment would reclassify the subject property to High Density Mixed Use. High Density Mixed Use includes well planned and integrated blend of higher density residential with retail, office, entertainment, and other land uses on adjacent lots, or integrated into one structure. Integration of uses occurs within structures with commercial uses on the ground floor and residential on upper levels. This land use category is intended to promote walkability and should be designed with the pedestrian in mind. Mixed use is preferred along arterial or collector roads, in nodes or clustered in proximity to a major transit stop.

Transportation: W.W. White is classified as a Primary Arterial Type A and Lord Road is a Secondary Arterial Type A. There is currently a restaurant in operation on the property to the northwest of the subject property. The existing access points on the property will also facilitate access to the subject property. The proposed amendment, and the associated redevelopment, is not anticipated to pose negative impacts to the transportation infrastructure in the vicinity. There is a VIA transit stop located at the intersection of Lord Road and W.W. White.

Community Facilities: The subject property is approximately 280 feet southwest of Saint Benedict's Church and is immediately south of Inspirational Church and north of the Career Plus Learning Academy. The proposed amendment is not anticipated to pose negative impacts on community facilities in the area.

II. SUPPLEMENTAL INFORMATION

Current Zoning: R-5

Proposed Zoning: C-2

Corresponding Zoning Case: Z2013049

Zoning Commission Public Hearing Date: February 5, 2013

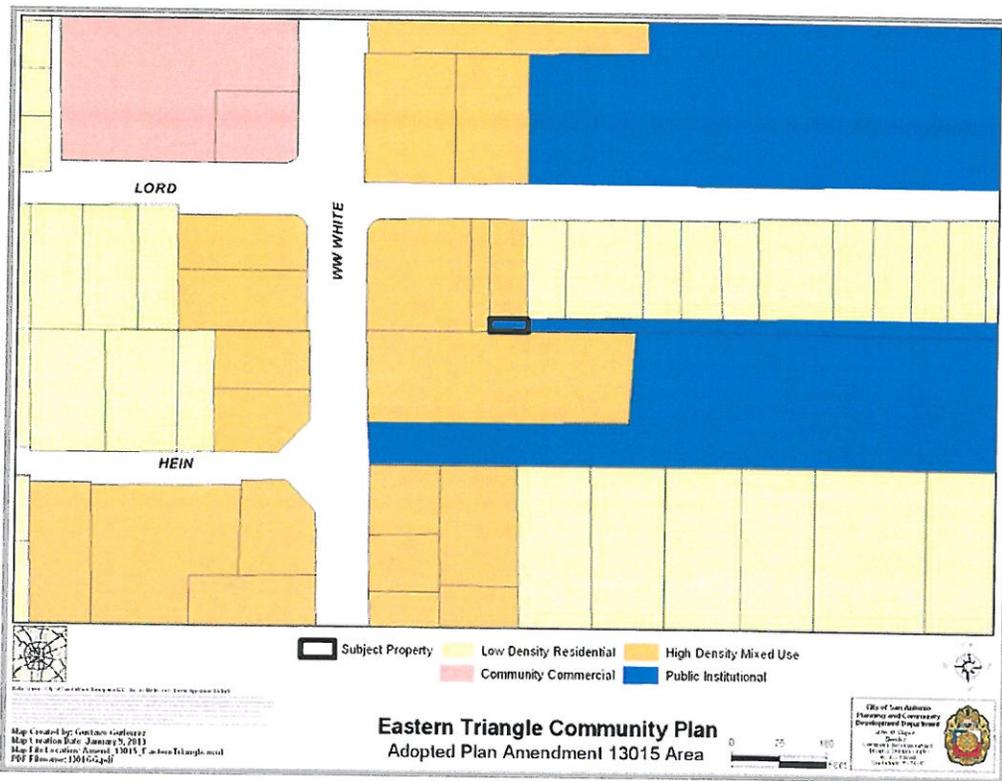
III. RECOMMENDATION

Approval. The proposed plan amendment will help facilitate redevelopment that will diversify the range of family-oriented goods and services to nearby residents. Additionally, this proposed plan amendment is associated with redevelopment that will increase the amount of new commercial building stock in the planning area. This is consistent with the Eastern Triangle Community Plan's desire to expand and build on the success of commercial corridors in the planning area. Additionally, the new construction that is associated with the plan amendment would provide additional opportunity for improvement of the streetscape and pedestrian circulation system.

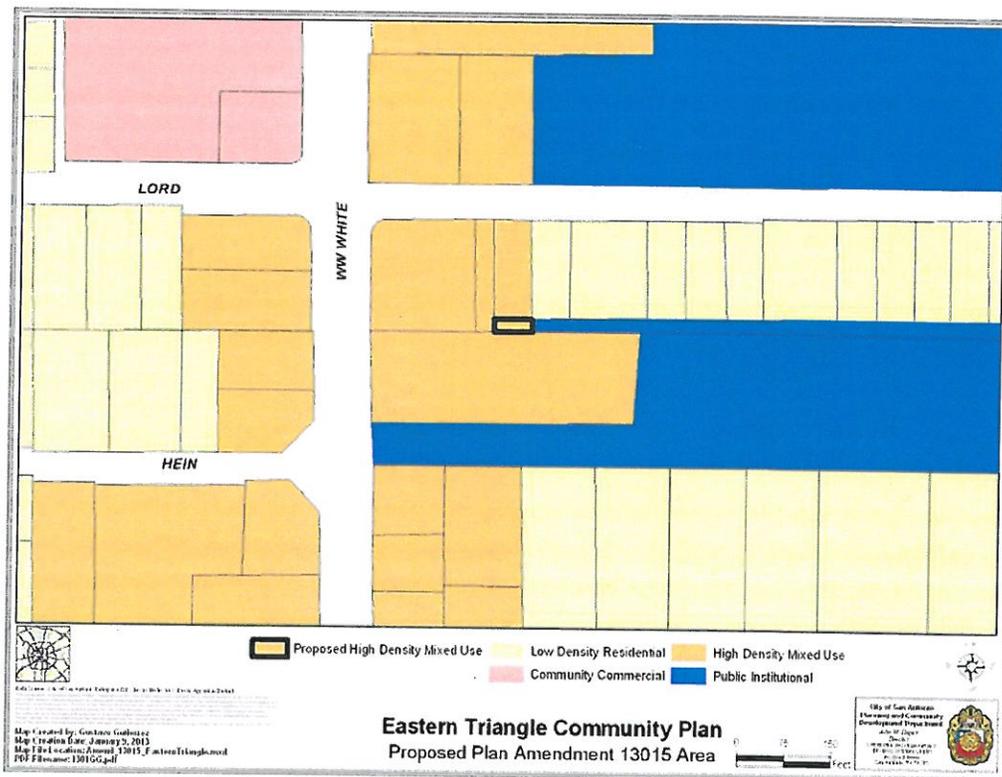
IV. ATTACHMENTS

- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:



RESOLUTION NO.

RECOMMENDING TO APPROVE THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE EASTERN TRIANGLE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM PUBLIC INSTITUTIONAL TO HIGH DENSITY MIXED USE FOR AN AREA OF APPROXIMATELY 0.034 ACRE LOCATED AT 4518 LORD ROAD.

WHEREAS, City Council approved the Eastern Triangle Community Plan as an addendum to the Comprehensive Master Plan on May 21, 2009; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on January 23, 2013 and **APPROVED** the amendment on January 23, 2013; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Eastern Triangle Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 23rd DAY OF JANUARY 2013.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Roberto R. Rodriguez, Chair
San Antonio Planning Commission