

AN ORDINANCE 2008-05-15-0422

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

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Parcel 7, and Parcel 7A, NCB 18820 from "R-6" Residential Single-Family District to "C-2" Commercial District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective on May 25, 2008.

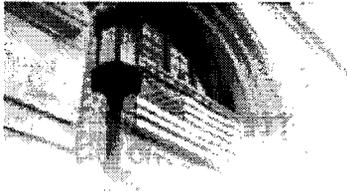
PASSED AND APPROVED this 15th day of May, 2008

Phil Hardberger
MAYOR
PHIL HARDBERGER

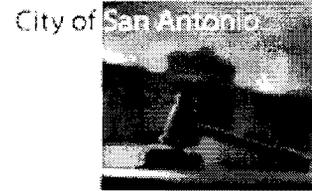
ATTEST: *Leticia M. Vaca*
City Clerk

APPROVED AS TO FORM: *Susan Quinn*
City Attorney

For



Request for
COUNCIL



Agenda Voting Results - Z-15

Name:	Z-15
Date:	05/15/2008
Time:	07:44:53 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2008105 (District 6): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on Parcel 7 and Parcel 7A, NCB 18820, 9600 Block of Westover Hills Boulevard as requested by Westover Hills Development Partners, L. P., Applicant for Westover Hills Development Partners, L. P., Owner. Staff and Zoning Commission recommend approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor	x					
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7	x					
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

FIELD NOTES
FOR

A 8.044 acre, or 350,412 square feet more or less, tract of land being out of a remaining portion of a 37.416 acre tract described in conveyance to Westover Hills Development Partners, L.P. in Special Warranty Deed recorded in Volume 5191, Pages 963-1006 of the Official Public Records of Real Property of Bexar County, Texas, out of the B.B.B. & C.R.R., Survey No. 403, Abstract 100, County Block 4419, now in New City Block (N.C.B.) 18820 in the City of San Antonio, Bexar County, Texas. Said 8.044 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone and the southeast right-of-way line of Westover Hills Blvd., a 110-foot right-of-way dedicated in the Westover Hills, Unit 1-A Subdivision recorded in Volume 9511, Pages 40-45 of the Deed and Plat Records of Bexar County, Texas:

BEGINNING: At a found ½" iron rod with a yellow cap marked "Pape-Dawson", at the east end of the curve return for the southwest line of Portola Blvd., (Lot 200, Block 56), a variable width private street established in The Reserve at Westover Hills, Unit-1 (P.U.D.) recorded in Volume 9555, Pages 21-22 of the Deed and Plat Records of Bexar County, Texas and the southeast right-of-way line of the aforementioned Westover Hills Blvd.;

THENCE: Along and with the southwest line of said Portola Blvd. the following calls and distances:

S 66°51'14" E, a distance of 133.27 feet (134.33 feet by plat) to a found ½" iron rod with a yellow cap marked "Pape-Dawson", a point of non-tangent curvature;

Southeasterly, along a non-tangent curve to the right said curve having a radial bearing of S 23°06'46" W, a radius of 513.00 feet, a central angle of 17°12'21", a chord bearing and distance of S 58°17'03" E, 153.47 feet, an arc length of 154.05 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", a point of tangency;

S 49°40'53" E, a distance of 145.66 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", a point of curvature;

THENCE: Southeasterly, along a tangent curve to the right said curve having radius of 738.00 feet, a central angle of 08°27'44", a chord bearing and distance of S 45°27'00" E, 108.90 feet, an arc length of 109.00 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", a point of non-tangent curvature;

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- THENCE: Southeasterly, along a non-tangent curve to the right said curve having a radial bearing of S 48°48'41" W, a radius of 488.00 feet, a central angle of 14°15'04", a chord bearing and distance of S 34°03'47" E, 121.07 feet, an arc length of 121.38 feet to found ½" iron rod with a yellow cap marked "Pape-Dawson", the north corner of Lot 202 (Greenbelt) of The Reserve at Westover Hills, Unit-1 (P.U.D.) recorded in Volume 9555, Pages 21-22 of the Deed and Plat Records of Bexar County, Texas;
- THENCE: Departing the southwest line of said Portola Blvd., along and with the northwest line of said The Reserve at Westover Hills, Unit-1 (P.U.D.), the southeast line of said remaining portion of a 37.416 acre tract the following calls and distances:
- THENCE: S 65°29'51" W, a distance of 10.04 feet to a found conc. nail, on the southeast line of the aforementioned remaining portion of a 37.416 acre tract, the north corner of Lot 1 of said The Reserve at Westover Hills, Uni-1 (P.U.D.);
- THENCE: S 65°28'59" W, a distance of 416.28 feet to a found ½" iron rod, the north corner of a 14-foot Drain Right-of-Way established in the Replat of Legacy Trails, Unit-3B (P.U.D.) recorded in Volume 9552, Pages 42-43 of the Deed and Plat Records of Bexar County, Texas, the west corner of Lot 5 of said The Reserve at Westover Hills, Unit-1 (P.U.D.);
- THENCE: S 65°23'37" W, along and with the northwest line of said 13-foot Drain Right-of-Way, continuing with the southeast line of said remaining portion of a 37.416 acre tract, a distance of 443.23 feet (443.36 feet by plat) to a set ½" iron rod with a yellow cap marked "Pape-Dawson", on the northeast right-of-way line of Hunt Lane, a 110-foot right-of-way dedicated in the Westover Hills, Unit-14 Subdivision recorded in Volume 9524, Pages 156-164 of the Deed and Plat Records of Bexar County, Texas, the west corner of said 14-foot Drain Right-of-Way, the south corner of said remaining portion of a 37.416 acre tract, a point of non-tangent curvature;
- THENCE: Along and with the northeast right-of-way line of said Hunt Lane, the southwest line of said remaining portion of a 37.416 acre tract the following calls and distances:
- Northwesterly, along a non-tangent curve to the left said curve having radius of 3198.53 feet, a central angle of 01°20'05", a chord bearing and distance of N 36°00'03" W, 74.50 feet, an arc length of 74.50 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", a point of tangency;

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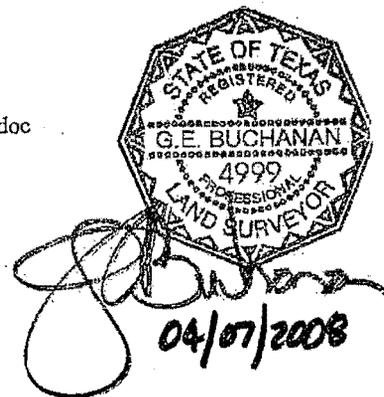
N 36°40'05" W, a distance of 141.70 feet to a found ½" iron rod yellow cap marked "Pape-Dawson", at the south end of the curve return for the southeast right-of-way line of the aforementioned Westover Hills Blvd. and the northeast right-of-way line of said Hunt Lane, a west corner of said remaining portion of a 37.416 acre tract, a point of non-tangent curvature;

THENCE: Northeasterly, along and with said non-tangent curve return to the right said curve having a radial bearing of N 53°20'01" E, a radius of 40.00 feet, a central angle of 84°41'59", a chord bearing and distance of N 05°41'01" E, 53.89 feet, an arc length of 59.13 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", at the north end of said curve return, a west corner of said remaining portion of a 37.416 acre tract, a point of non-tangent reverse curvature;

THENCE: Northeasterly, along and with the southeast right-of-way line of said Westover Hills Blvd., a non-tangent curve to the left said curve having a radial bearing of N 42°13'27" W, a radius of 1485.02 feet, a central angle of 24°53'41", a chord bearing and distance of N 35°19'42" E, 640.17 feet, an arc length of 645.23 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", at the west end of the aforementioned curve return;

THENCE: Northeasterly, along and with said non-tangent curve return to the right said curve having a radial bearing of S 73°17'45" E, a radius of 25.00 feet, a central angle of 97°29'04" (90°38'55" by plat), a chord bearing and distance of N 65°26'47" E, 37.59 feet, an arc length of 42.54 feet (39.55 feet by plat) to the **POINT OF BEGINNING**, and containing 8.044 acres in the City of San Antonio, Bexar County, Texas, Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: April 7, 2008
JOB NO. 9113-08
DOC. ID. N:\survey08\8-9200\9113-08\word\8.045AC-FN.doc



**FIELD NOTES
FOR**

A 27.24 acre, or 1,186,685 square feet more or less, tract of land being out of a remaining portion of a 37.416 acre tract described in conveyance to Westover Hills Development Partners, L.P. in Special Warranty Deed recorded in Volume 5191, Pages 963-1006 of the Official Public Records of Real Property of Bexar County, Texas, out of the B.B.B. & C.R.R., Survey No. 403, Abstract 100, County Block 4419, now in New City Block (N.C.B.) 18820 in the City of San Antonio, Bexar County, Texas. Said 8.044 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone and the southeast right-of-way line of Westover Hills Blvd., a 110-foot right-of-way dedicated in the Westover Hills, Unit 1-A Subdivision recorded in Volume 9511, Pages 40-45 of the Deed and Plat Records of Bexar County, Texas:

BEGINNING: At a found ½" iron rod with a yellow cap marked "Pape-Dawson", at the west end of the curve return for the southwest right-of-way line of Misty Rock, a 60-foot right-of-way dedicated in the Westover Hills, Unit 1-B Subdivision recorded in Volume 9517, Page 67 of the Deed and Plat Records of Bexar County, Texas and the southeast right-of-way line of said Westover Hills Blvd., a north corner of said remaining portion of a 37.416 acre tract;

/THENCE: Southeasterly, along and with said curve return to the right said curve having a radial bearing of S 42°35'44" E, a radius of 25.00 feet, a central angle of 90°00'00", a chord bearing and distance of S 87°35'44" E, 35.36 feet, an arc length of 39.27 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", at the east end of said curve return, a north corner of said remaining portion of a 37.416 acre tract, a point of tangency;

THENCE: Along and with the southwest right-of-way line of said Misty Rock, the northeast line of said remaining portion of a 37.416 acre tract the following calls and distances:

S 42°35'44" E, a distance of 99.57 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", a point of curvature;

Southeasterly, along and with said tangent curve return to the right said curve having radius of 1541.31 feet, a central angle of 18°04'49", a chord bearing and distance of S 33°33'19" E, 484.36 feet, an arc length of 486.38 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", a point of tangency;

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S 24°30'55" E, a distance of 648.46 feet (648.75 feet by plat) to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the northwest line of Lot 35, Block 18 of the Amending Plat of Raba Elementary School Subdivision recorded in Volume 9547, Page 175 of the Deed and Plat Records of Bexar County, Texas, the south corner of the said right-of-way of Misty Rock, the east corner of said remaining portion of a 37.416 acre tract;

THENCE: S 65°29'37" W, along and with the northwest line of said Lot 35, the southeast line of said remaining portion of a 37.416 acre tract, at a distance of 131.4 feet passing a found ½" iron rod with a yellow cap marked "Pape-Dawson" at the north corner of Lot 44 of The Reserve at Westover Hills, Unit-3 (P.U.D.), the west corner of said Lot 35, continuing along and with the southeast line of said remaining portion of a 37.416 acre tract, the northwest line of said The Reserve at Westover Hills, Unit-3 (P.U.D.), at a distance of 451.4 feet passing the north corner of Lot 9 of the Reserve at Westover Hills, Unit-1 (P.U.D.) recorded in Volume 9555, Pages 21-22 of the Deed and Plat Records of Bexar County, Texas, the west corner of Lot 43 of the said The Reserve at Westover Hills, Unit-3 (P.U.D.), continuing along and with the southeast line of said remaining portion of a 37.416 acre tract, the northwest line of said The Reserve at Westover Hills, Unit-1 (P.U.D.), for a total distance of 1171.41 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", on the northeast line of Portola Blvd., (Lot 200, Block 56), a variable width private street established in the said The Reserve at Westover Hills, Unit-1 (P.U.D.), the west corner of Lot 201 (Greenbelt) of the Reserve at Westover Hills, Unit-1 (P.U.D.),

THENCE: Along and with the northeast line of said Portola Blvd. the following calls and distances:

N 24°32'04" W, a distance of 14.19 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", a point of curvature;

Northwesterly, along a tangent curve to the right said curve having radius of 488.00 feet, a central angle of 05°26'30", a chord bearing and distance of N 21°48'49" W, 46.33 feet, an arc length of 46.35 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", a point of reverse curvature;

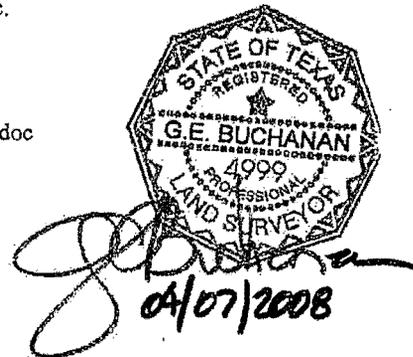
Northwesterly, along a reverse curve to the left said curve having radius of 462.00 feet, a central angle of 47°46'29", a chord bearing and distance of N 42°58'49" W, 374.16 feet, an arc length of 385.23 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", a point of tangency;

N 66°52'03" W, a distance of 312.97 feet (314.47 feet by plat) to a set ½" iron rod with a yellow cap marked "Pape-Dawson", at the south end of the curve return for the southeast right-of-way line of the aforementioned Westover Hills Blvd. and the northeast line of said Portola Blvd.;

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- THENCE: Northwesterly, along and with the said tangent curve return to the right said curve having radius of 25.00 feet, a central angle of 94°01'40" (93°59'36" by plat), a chord bearing and distance of N 19°51'13" W, 36.58 feet, an arc length of 41.03 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", at the north end of said curve return, a point of compound curvature;
- THENCE: Northeasterly, along and with the southeast right-of-way line of said Westover Hills Blvd., the northwest line of the aforementioned remaining portion of a 37.416 acre tract, along a compound curve to the right said curve having radius of 1710.03 feet, a central angle of 13°10'46", a chord bearing and distance of N 33°45'00" E, 392.48 feet, an arc length of 393.35 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", the west corner of a 4.000 acre tract recorded in Volume 4112, Pages 749-752 of the Official Public Records of Real Property of Bexar County, Texas;
- THENCE: Departing the southeast right-of-way line of said Westover Hills Blvd., along and with the common line of said 4.000 acre tract and the said remaining portion of a 37.416 acre tract the following calls and distances:
S 42°35'44" E, a distance of 570.85 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson";
N 47°24'16" E, a distance of 300.00 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson";
N 42°35'44" W, a distance of 583.83 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", on the southeast right-of-way line of the aforementioned Westover Hills Blvd.;
- THENCE: N 47°24'16" E, along and with the southeast right-of-way line of said Westover Hills Blvd., the northwest line of said remaining portion of a 37.416 acre tract, a distance of 780.67 feet to the **POINT OF BEGINNING**, and containing 27.24 acres in the City of San Antonio, Bexar County, Texas, Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

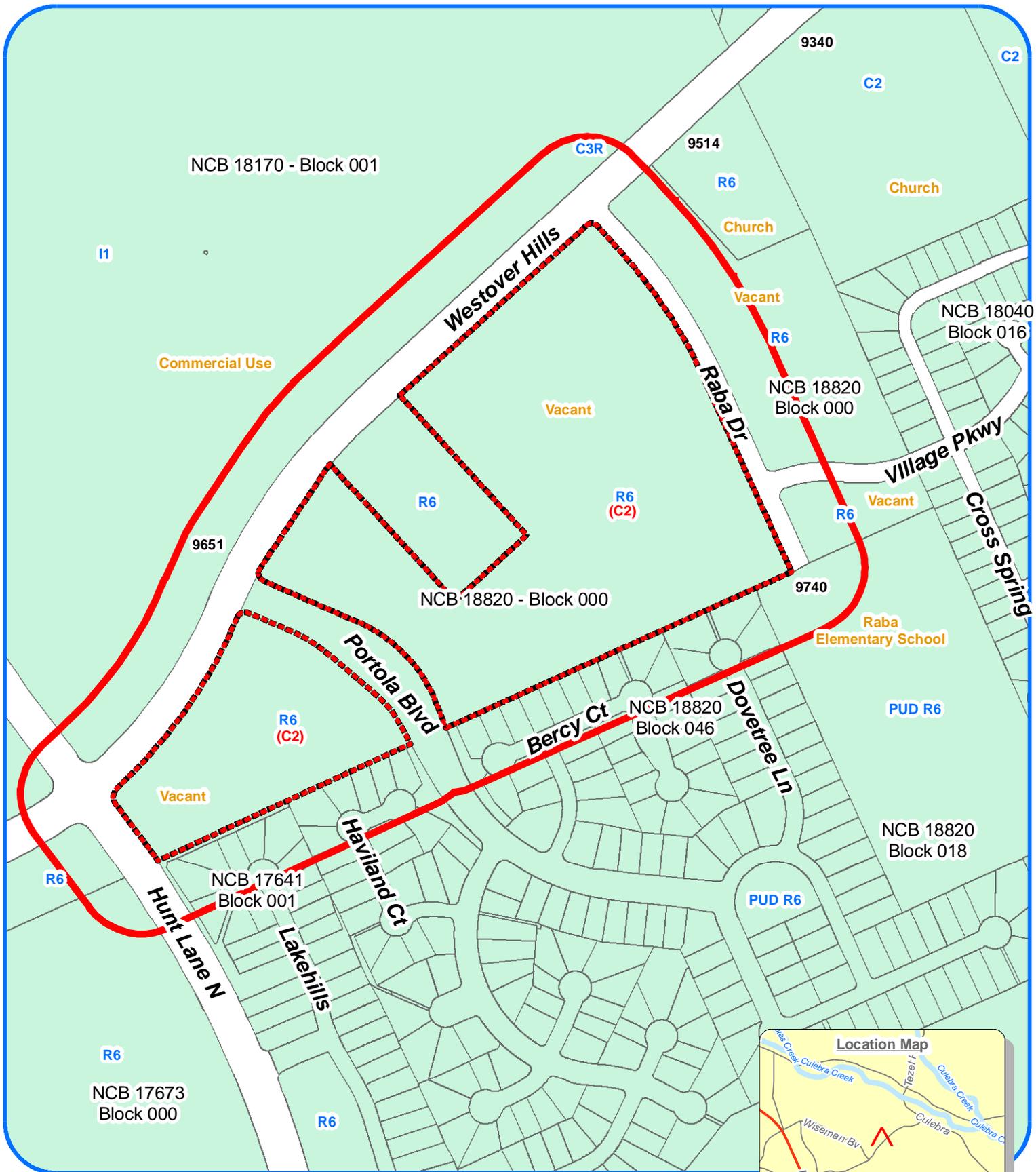
PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: April 7, 2008
JOB NO. 9113-08
DOC. ID. N:\survey08\8-9200\9113-08\word\27.24AC-FN.doc



COMPROMISE WITH WESTOVER FOREST AND WOODGLEN NEIGHBORHOOD ASSOCIATIONS
FOR
CITY OF SAN ANTONIO ZONING CASE Z2008105

1. Request for Zoning C2 instead of C3
2. Remove the 8.74 acre, Tract D4 and the 1.74 acre, Tract D5 from this Zoning request. This is 23% of the property I first requested to be rezoned and will move the Woodglen neighborhood approximately 500 feet away from the C2 Zoning request.
3. Place the Master Declaration of Protective Covenants and Performance Standards for Westover Hills - Phase VI that was filed on March 31, 1995 in Vol. 6381 Page 0453 which refers to Architectural Design Guidelines, Landscape and Lighting Guidelines and Sign Regulations.
4. Include one person from each neighborhood to be an exofficio, non-voting member of the Westover Hills Phase VI Architectural Control Committee ("ACC") as it pertains to Tracts D2, D3, D4 and D5 only.
5. The ultimate developer of either or both Tracts D2 and D3 will take over maintenance of their side of Portola Blvd., the private street entrance into the Westover Forest subdivision, only if it to be used by the Owner of D2 or D3 as an entrance into their property. No entrance to Portola Blvd. within five car lengths to the Westover Forest entrance gate.
6. The developer will not build a city street from Hunt Lane to Raba Drive as a shortcut across Tracts D2 and D3.
7. The Westover Hills Owners Association will take over maintenance of the 35 foot and 50 foot drainage easements along the property line between Westover Forest and Tracts D2 and D3.
8. The developer will not build any building within 50 feet from residential property line on D2 and within 100 feet from residential property line on D3.
9. Developer will work with the ultimate developer of Tract D3 for a pedestrian walkway from Portula Blvd. to Raba Drive.
10. Westover Hills Owners Association will work with neighborhood and City of San Antonio on solutions to traffic issues in area.
11. Developer will construct no new above ground electric lines along the border between Tracts D2 and D3 and Westover Forest.

12. A 25 foot natural landscape buffer fronting Raba Drive and Westover Hills Blvd. and same buffer along Village Parkway.
13. Signs employing flashing lights or mechanical action will be prohibited.
14. The proposed development shall have shared access to limit number of access points into and out of site even if it is later subdivided along Raba Drive.
15. Median cut on Westover Hills to access the site may not be placed within 500 feet of the existing median nose at Raba Drive on the west side of the intersection.



Zoning Case Notification Plan

Case Z-2008-105

Council District 6

Scale: 1" approx. = 400'

Subject Property Legal Description(s): Parcels P-7 and P-7A - NCB 18820 - Block 000

Legend

- Subject Property (35.21 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(04/30/2008)

Affidavit of Publisher

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: P-7, and P-7A NCB 18820 TO WIT: From "R-6" Residential Single-Family District to "C-2" Commercial District. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
5/19

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2008-05-15-0422 here to attached has been published in every issue of said newspaper on the following days, to wit:

05/19/2008.

Helen I. Lutz

Sworn to and subscribed before me this 19th day of of May, 2008.

Martha L. Machuca

