

AN ORDINANCE 2008-03-20-0236

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

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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 Lot 5, Block 1, NCB 17615 from "C-3 NA" ERZD General Commercial, Nonalcoholic Sales, Edwards Recharge Zone District to "C-3 NA" CD S ERZD (CD- Outside Storage, Screened) General Commercial, Nonalcoholic Sales, Edwards Recharge Zone District with a Conditional Use for Outside Storage with screening and a Specific Use Authorization for Outside Storage on the Edwards Recharge Zone.

SECTION 2. The City Council finds as follows:

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

SECTION 3. The City council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 4. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed the existing impervious cover which includes the compacted crushed limestone fill material for the entire site.

SECTION 5. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 6. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 7. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 8. 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 9. 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 10. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 11. This ordinance shall become effective on March 30, 2008.

PASSED AND APPROVED this 20th day of March, 2008.

Mauphine P. Cisneros

for M A Y O R

PHIL HARDBERGER

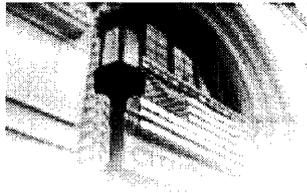
ATTEST:

Leticia M. Vaca
City Clerk

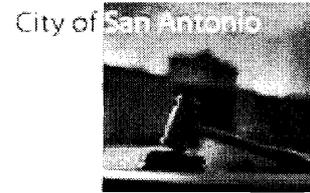
APPROVED AS TO FORM:

[Signature]

For City Attorney

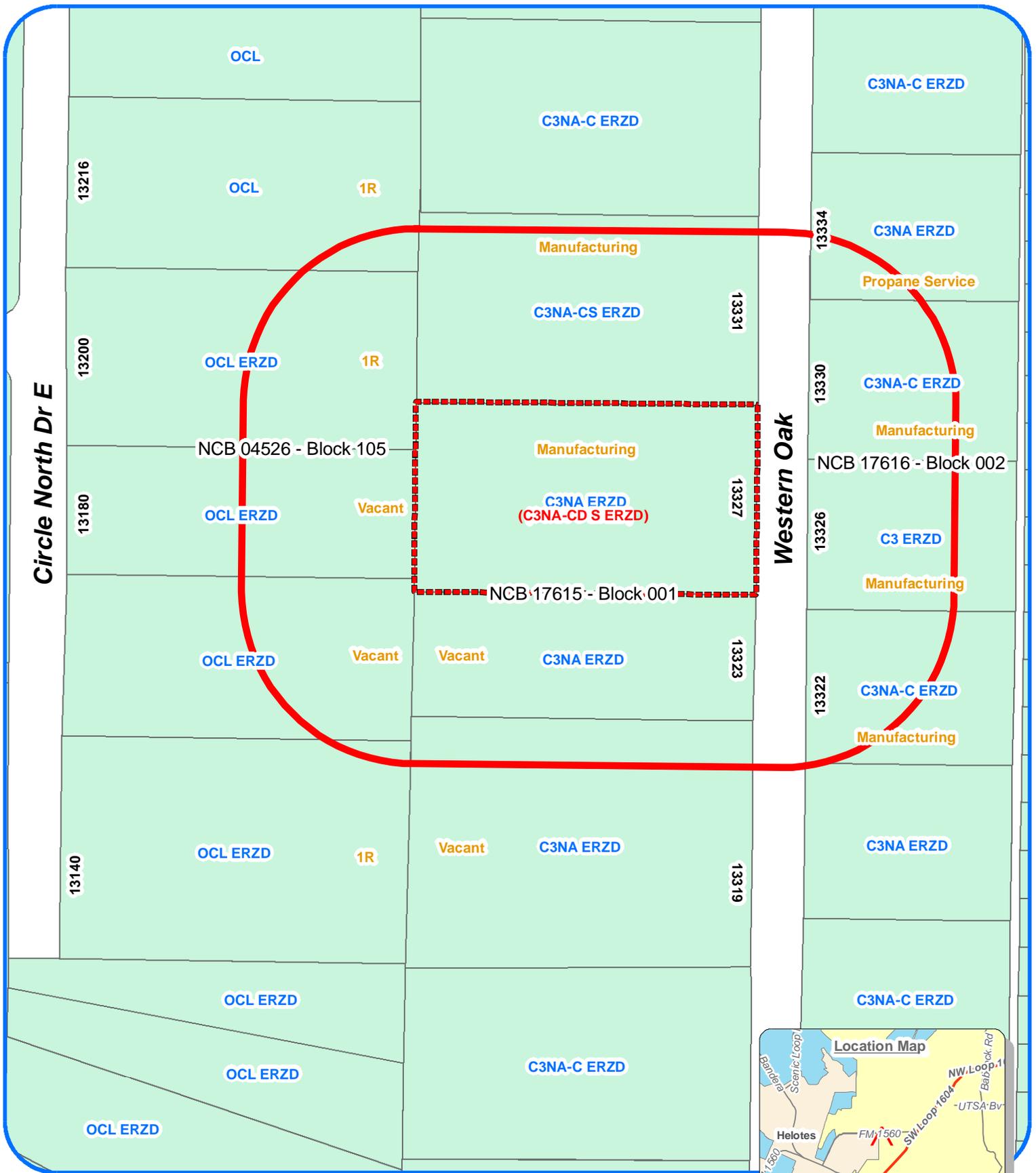


Request for
COUNCIL



Agenda Voting Results - Z-11

Name:	Z-11						
Date:	03/20/2008						
Time:	04:07:03 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2008075 ERZD CD S (District 8): An Ordinance changing the zoning district boundary from "C-3 NA ERZD" General Commercial, Nonalcoholic Sales, Edwards Recharge Zone District to "C-3 NA CD S ERZD" (CD- Outside Storage, Screened) General Commercial, Nonalcoholic Sales, Edwards Recharge Zone District with a Conditional Use for Outside Storage with screening and a Specific Use Authorization for Outside Storage on the Edwards Recharge Zone on Lot 5, Block 1, NCB 17615, 13327 Western Oak Drive as requested by City of San Antonio, Applicant for G & H Wade Joint Venture, 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				
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				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



Zoning Case Notification Plan

Case Z2008075

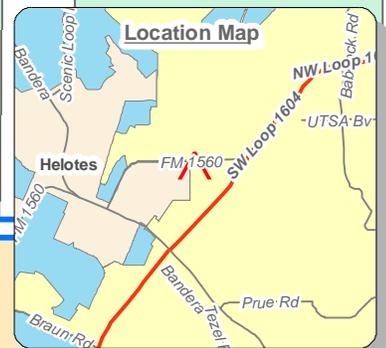
Council District 8

Scale: 1" approx. = 150'

Subject Property Legal Description(s): Lot 5 - NCB 17615 - Block 001

Legend

- Subject Property (1.995 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain

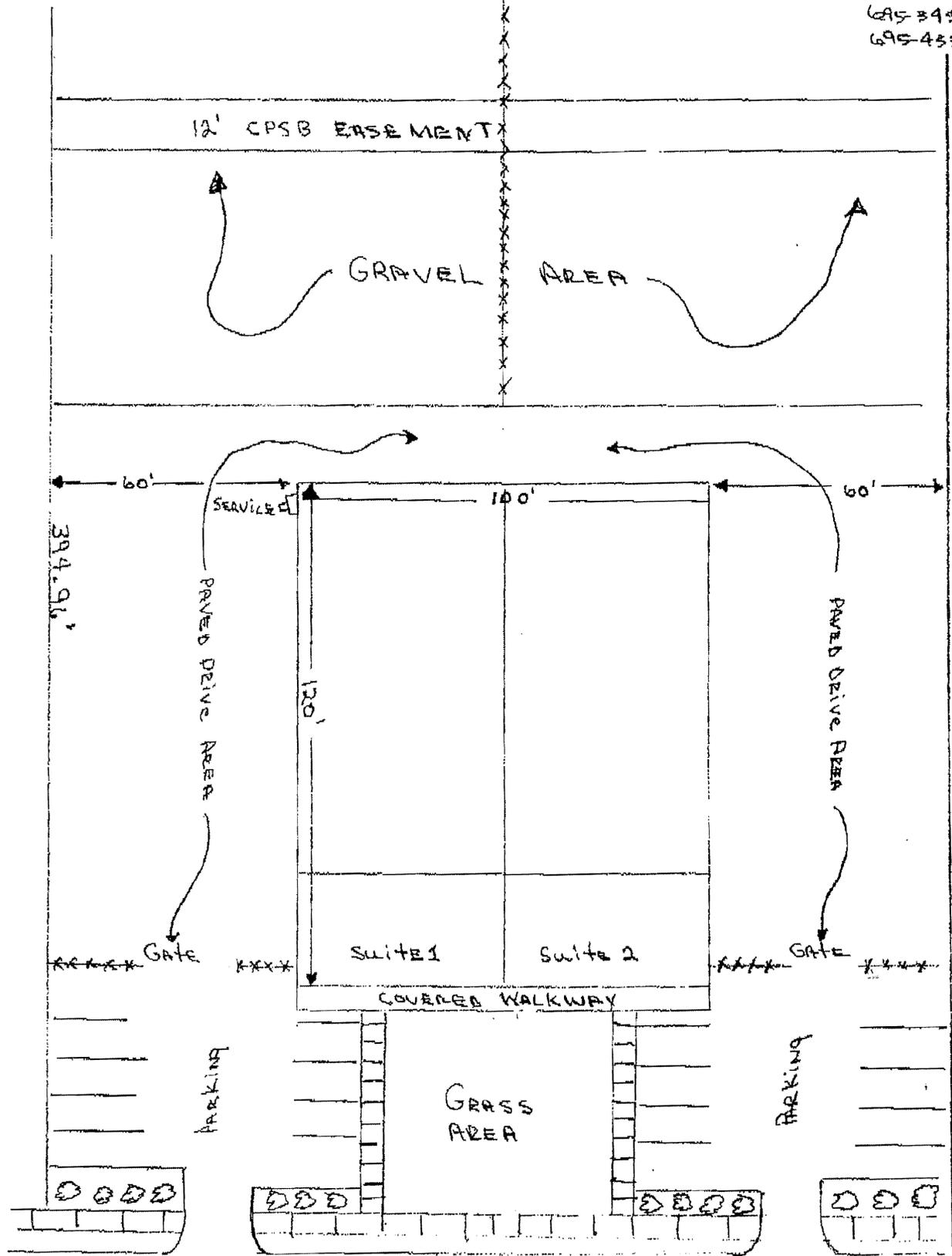


City of San Antonio - Development Services Dept
(02/01/2008)

22008075

CPSB TOWER LINE AREA

GE H WARR JT.V.
13331 WESTERN OAK
HELOTES. TX 78023
695-3451 P.
695-4337 F.



13327
WESTERN OAK DR.

SITE PLAN

EXHIBIT A

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: Lot 5, Block 1, NCB 17615 TO WIT: From "C-3 NA" ERZD General Commercial, Nonalcoholic Sales, Edwards Recharge Zone District to "C-3 NA" CD S ERZD (CD- Outside Storage, Screened) General Commercial, Nonalcoholic Sales, Edwards Recharge Zone District with a Conditional Use for Outside Storage with screening and a Specific Use Authorization for Outside Storage on the Edwards Recharge Zone provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Before me, the undersigned authority, on this day personally appeared Helen I. ^{3/25} by me duly sworn, says on oath that she is Publisher of the Commercial Recorder newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2008-03-20-0236 here to attached has been published in every issue of said newspaper on the following days, to wit:

03/25/2008.

Helen I. Gutz

Sworn to and subscribed before me this 25th day of of March, 2008.

Martha L. Machuca

