

AN ORDINANCE 2009-04-16-0309

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

\* \* \* \* \*

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

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

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

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 1.69 acres out of NCB 17725 from "MF-25 ERZD" Multi-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone 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.** 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 45%.

**SECTION 4.** The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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 9.** 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 10.** This ordinance shall become effective April 26, 2009.

**PASSED AND APPROVED** this 16<sup>th</sup> day of April 2009.

  
M A Y O R

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
For City Attorney

<b>Agenda Item:</b>	<b>Z-5</b>						
<b>Date:</b>	04/16/2009						
<b>Time:</b>	05:26:18 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	ZONING CASE # Z2009018 ERZD CD (District 10): An Ordinance amending the Zoning District Boundary from "MF-25 ERZD" Multi-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District (1.69 acres) and "MF-25 ERZD CD" Multi-Family Edwards Recharge Zone District with a Conditional Use for an Office (15.39 acres) on 17.08 acres out of NCB 17725 located at 17120 Bulverde Road. Staff and Zoning Commission recommend approval of the request for "C-2 ERZD" on 1.69 acres, and denial of the request for "MF-25 ERZD CD" on 15.39 acres.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
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				
Louis E. Rowe	District 9		x				x
John G. Clamp	District 10		x			x	

FIELD NOTES  
FOR

A 1.690 acre, or 73,618 square feet more or less, tract of land out of a 17.08 acre tract of land conveyed to Sierra General Construction, Ltd. in Special Warranty Deed with Vendor's Lien, recorded in Volume 12413, Pages 2433-2437 of the Official Public Records of Bexar County, Texas, out of the George Voss Survey No. 340 1/2, Abstract 788, County Block 4955 of Bexar County Texas, now in New City Block 17725 of the City of San Antonio, Bexar County, Texas. Said 1.690 acre tract being more fully described as follows with bearings base on the North American Datum of 1983, from State Plane Coordinates established for the Texas South Central Zone:

**BEGINNING:** At a found 1/2" iron rod on the south right-of way line of Jones Maltsberger Road, a variable-width right-of-way, said point being the northeast corner of said 17.08 acre tract;

**THENCE:** S 25°50'32" E, a distance of 54.34 feet to a found 1/2" iron rod on the north right-of-way line of Bulverde Road, a variable-width right-of-way;

**THENCE:** Along and with the northwest right-of-way line of said Bulverde Road, the southeast line of said 17.08 acre tract the following calls and distances:

S 39°07'00" W, a distance of 53.68 feet to a found Texas Department of Transportation monument with brass plate;

S 50°18'12" W, a distance of 101.47 feet to a found 1/2" iron rod, the beginning of a non-tangent curve to the left;

Southwesterly, along the arc of said curve to the left, said curve having a radial bearing of S 39°47'23" E, a radius of 1950.08 feet, a central angle of 5°51'23", a chord bearing and distance of S 47°16'55" W, 199.24 feet, an arc distance of 199.33 feet to a found iron;

S 49°08'55" W, a distance of 69.42' to an angle point;

**THENCE:** Departing the northwest right-of way line of said Bulverde Road, the southeast line of said 17.08 acre tract, the following calls and distances:

N 40°51'05" W, a distance of 95.79 feet to an angle point;

Z2009018

N 11°26'23" W, a distance of 198.83 feet to a point on the south right-of-way line of said Jones Maltzberger Road, the north line of said 17.08 acre tract;

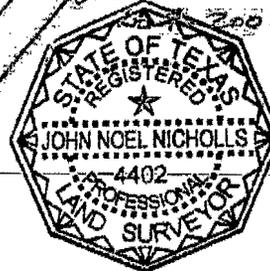
THENCE: Along and with the south right-of-way line of said Jones Maltzberger Road, the north line of said 17.08 acre tract, the following calls and distances:

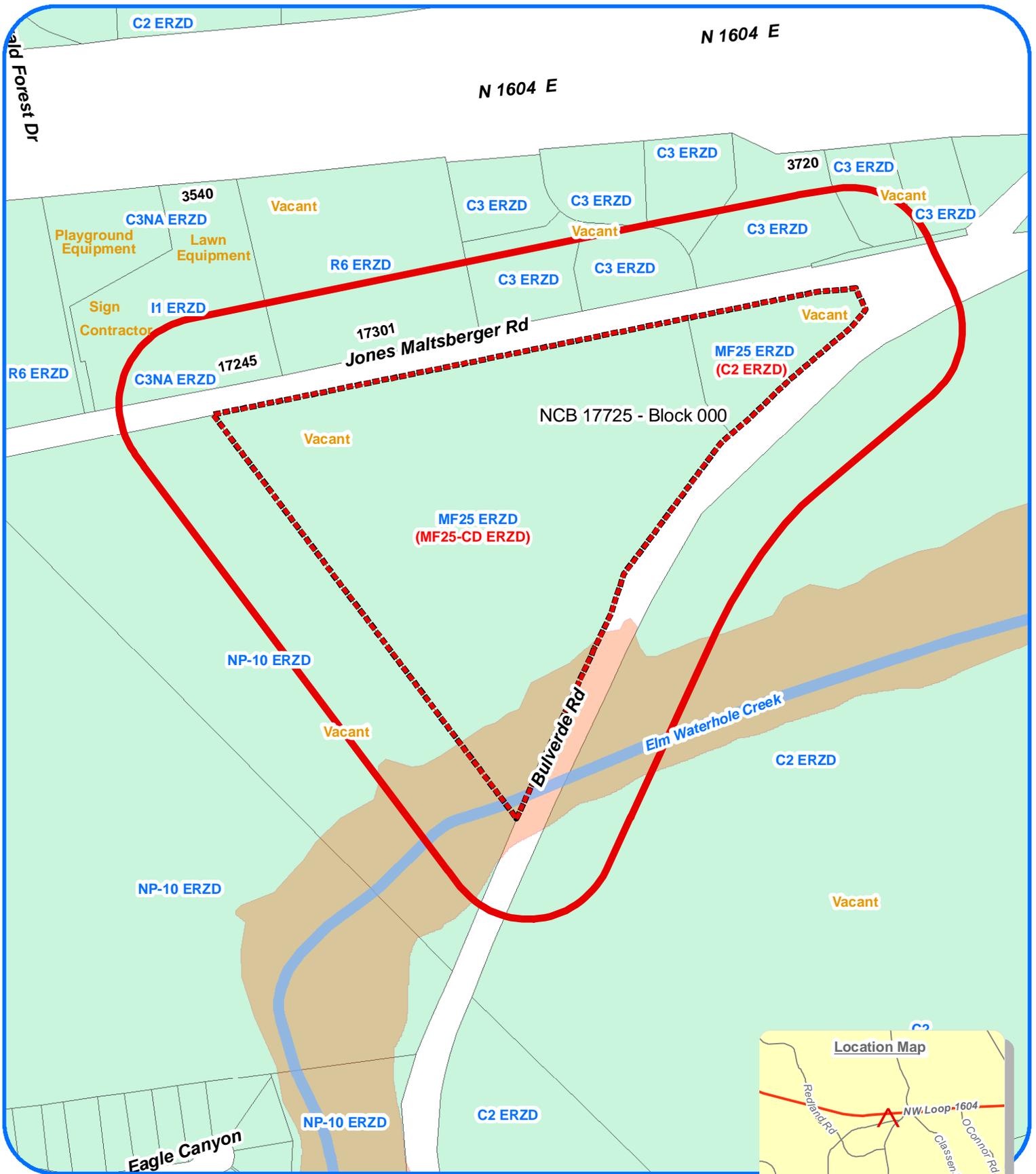
N 78°33'37" E, a distance of 304.60 feet to a found ½" iron rod;

N 84°50'34" E a distance of 91.05 feet to the POINT OF BEGINNING and containing 1.690 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

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

PREPARED BY: Pape-Dawson Engineers, Inc.  
JOB No.: 6974-04  
DATE: November 11, 2008  
REVISED: January 8, 2009.  
DOC. ID: P:\69\74\04\Word\field Notes\081111 Kestrel.doc





## Zoning Case Notification Plan

# Case Z2009018 ERZD CD

Council District 10

Scale: 1" approx. = 300'

Subject Property Legal Description(s): 17.08 acres out of NCB 17725

### Legend

- Subject Property  (17.08 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



**AFFIDAVIT OF PUBLICATION**

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

**April 22, 2009**

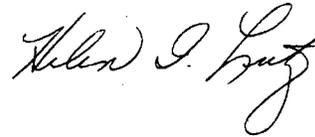
Subscribed and sworn to before me this 22nd day of April, 2009, to certify which witness my hand and seal of office.

**PUBLIC NOTICE**

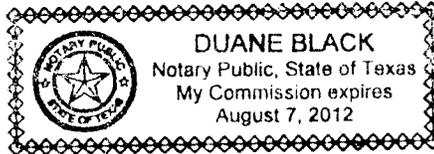
**AN ORDINANCE**  
**2009-04-16-0309**

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: 17.08 acres out of NCB 17725. TO WIT: From "MF-25 ERZD" Multi-Family Edwards Recharge Zone District to "C-2 ERZD", Commercial Edwards Recharge Zone District (1.69 acres). "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

4/22



*Helen I. Lutz, Publisher*



*Notary Public in and for the State of Texas*

Duane Black

*Name of Notary*

*My commission expires August 7, 2012*