

AN ORDINANCE 2009-01-15-0042

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 a 1.5999 acre tract of land out of Lot 28 and Lot 29, Block 1, NCB 17600 from "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "C-3 ERZD" General 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 50%.

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 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.

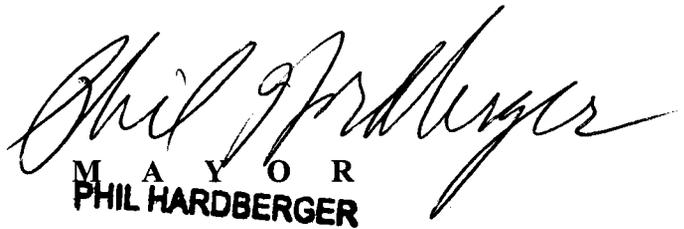
SECTION 7. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

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 January 25, 2009.

PASSED AND APPROVED this 15th day of January 2009.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney
For

Z2008171

METES & BOUNDS DESCRIPTION OF A 1.5999 ACRE TRACT

Being a 1.5999 acre tract of land out of Lots 28 and 29, Block 1, N.C.B. 17600, La Fontana Commercial Subdivision, City of San Antonio, as recorded in Volume 9575, Page 182 of the Deed and Plat Records of Bexar County, Texas; said 1.5999 acre tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of said Lot 29, being a point in the southeast line of Encino Commons (60' right-of-way), and being the northwest corner of said 1.5999 acre tract;

THENCE departing said right-of-way line, and with the northwest line of said Lot 29, the following calls:

THENCE South 38° 24' 39" East 26.69 feet to a point;

THENCE South 65° 36' 42" East 162.03 feet to the beginning of a curve to the left;

THENCE along said curve to the left, a distance of 31.74 feet, a radius of 25.00 feet, a delta of 72° 44' 11", a tangent of 18.41 feet, a chord of 29.65 feet, and a chord bearing of North 78° 01' 12" East to a point of reverse curvature, the beginning of a curve to the right;

THENCE along said curve to the right, a distance of 542.04 feet, a radius of 1388.12 feet, a delta of 22° 22' 23", a tangent of 274.52 feet, a chord of 538.60 feet, and a chord bearing of North 52° 50' 18" East to a point of reverse curvature, the beginning of a curve to the left;

THENCE, along said curve to the left, a distance of 10.30 feet, a radius of 6.70 feet, a delta of 88° 05' 34", a tangent of 6.48 feet, a chord of 9.32 feet, and a chord bearing of North 19° 58' 42" East to a point;

THENCE North 24° 04' 05" West 13.51 feet to a point for the beginning of a non-tangent curve to the right;

THENCE along said curve to the right, a distance of 111.30 feet, a radius of 1395.92 feet, a delta of 4° 34' 06", a tangent of 55.68 feet, a chord of 111.27 feet, and a chord bearing of North 66° 38' 09" East to a point;

THENCE departing said northwest line of Lot 29, South 04° 45' 49" East 88.24 feet to a point;

THENCE South 64° 21' 45" West 157.96 feet to a point for the beginning of a non-tangent curve to the left;

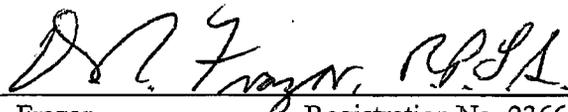
Z2008171

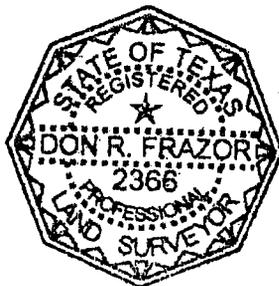
THENCE along said curve to the left, a distance of 440.32 feet, a radius of 1724.00 feet, a delta of $14^{\circ} 38' 01''$, a tangent of 221.36 feet, a chord of 439.12 feet, and a chord bearing of South $52^{\circ} 07' 38''$ West to a point;

THENCE South $44^{\circ} 48' 37''$ West 62.93 feet to a point;

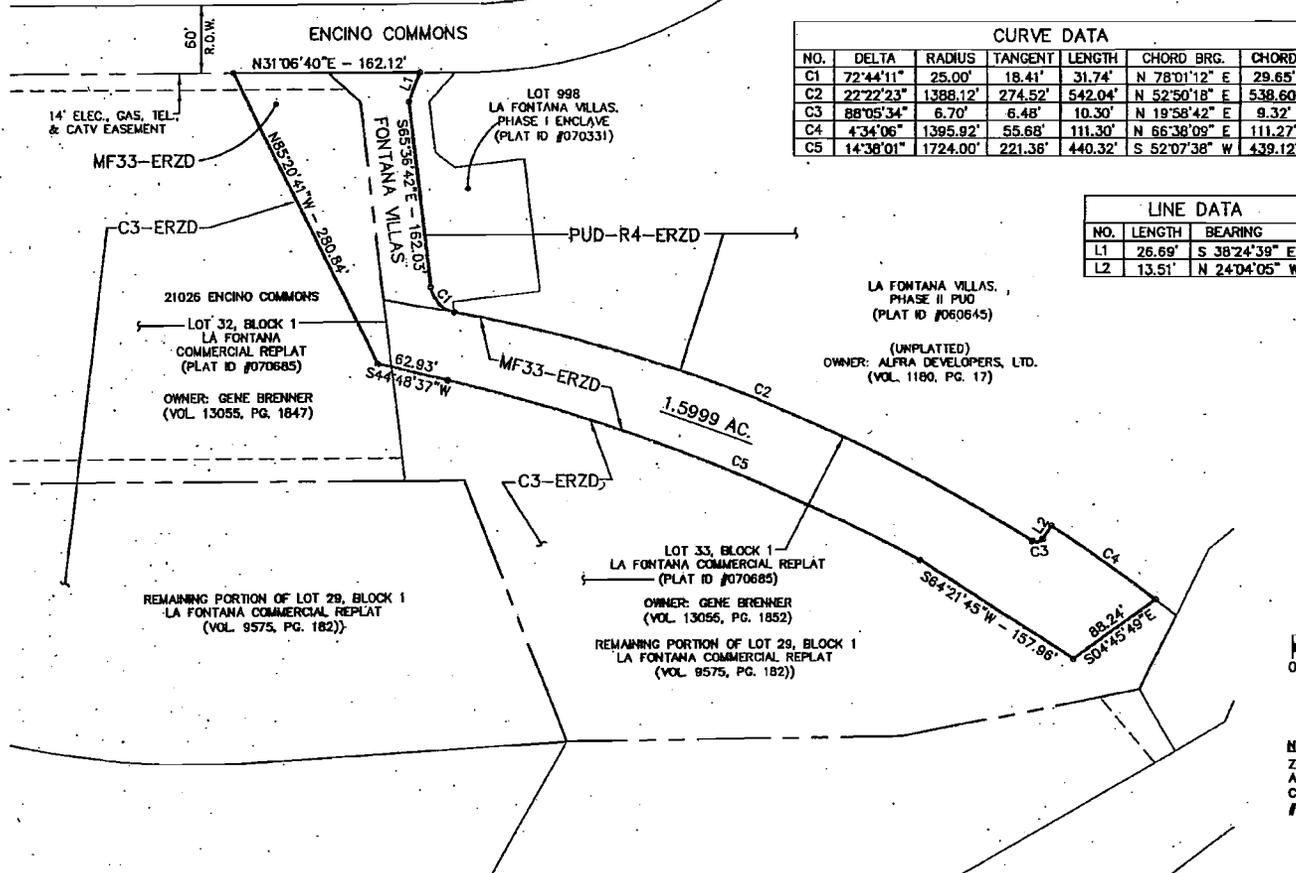
THENCE North $85^{\circ} 20' 41''$ West 60.47 to the southeast line of said Lot 28, and continuing across said Lot 28 for a total distance of 280.84 feet to a point in said southeast line of Encino Commons;

THENCE with said southeast line of Encino Commons, North $31^{\circ} 06' 40''$ East 162.12 feet to the **POINT OF BEGINNING** and containing 1.5999 acres, more or less.

 5/9/08
D.R. Frazor Registration No. 2366
Registered Professional Land Surveyor



Z2008171

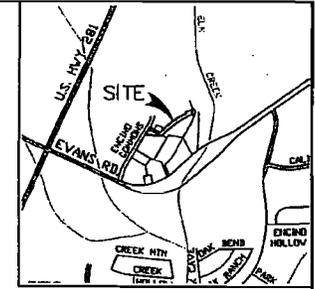


CURVE DATA						
NO.	DELTA	RADIUS	TANGENT	LENGTH	CHORD BRG.	CHORD
C1	72°44'11"	25.00'	18.41'	31.74'	N 78°01'12" E	29.65'
C2	22°22'23"	1388.12'	274.52'	542.04'	N 52°50'18" E	538.60'
C3	88°05'34"	6.70'	6.48'	10.30'	N 19°58'42" E	9.32'
C4	4°34'06"	1395.92'	55.68'	111.30'	N 66°38'09" E	111.27'
C5	14°38'01"	1724.00'	221.36'	440.32'	S 52°07'38" W	439.12'

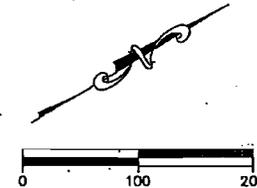
LINE DATA		
NO.	LENGTH	BEARING
L1	26.69'	S 38°24'38" E
L2	13.51'	N 24°04'05" W

LA FONTANA VILLAS,
PHASE II PUD
(PLAT ID #060645)

(UNPLATTED)
OWNER: ALFRA DEVELOPERS, LTD.
(VOL. 1180, PG. 17)



LOCATION MAP
1"=2000'



NOTE:
ZONING DESIGNATIONS AND DELINEATIONS
ARE PER CITY OF SAN ANTONIO ZONING
CASES #Z2003242 (01/08/04) AND
#Z2007208 (10/04/07).

Z2008171

REVISION	DATE	DRAWN BY	SCALE:
			1" = 100'
		DESIGNED BY: R. E. F.	
		DRAWN BY: N. J. W.	
		CHECKED BY: D. R. F.	

SUN BELT ENGINEERS, INC.
CIVIL ENGINEERS & SURVEYORS
SAN ANTONIO, TEXAS

ZONING EXHIBIT
LA FONTANA COMMERCIAL REPLAT
SAN ANTONIO, TEXAS

SHEET 1
OF 1
DATE: MAY, 2008
PROJECT NO.
07033

Z2008171

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

RECEIVED

08 DEC 22 AM 11:36

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

LAND DEVELOPMENT
SERVICES DIVISION

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Patricia M. Garza, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008171 (Business Park)

Date: Dec 22, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 1.5999-acre tract located on the city's northeast side. A change in zoning from **MF-33 ERZD** to **C-3 ERZD** is being requested by the applicant, Richard Frazor of Sun Belt Engineers, Inc. The change in zoning has been requested to allow for the development of a Business Park.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, off of Encino Commons north of Evans Road and east of HWY 281 North. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from MF-33 ERZD to C-3 ERZD and will allow for a business park development. Currently the site is undeveloped. No known wells are on the site.

2. Surrounding Land Uses:

Vacant land bounds the property on all sides. The west side of the property is bounded by Encino Commons Road. The adjacent south property is proposed for the construction of a printing company. This zoning case encompasses a small portion of the proposed printing company. According to city staff the proposed printing company will require an "S" designation for a special use permit that will subsequently require City Council approval prior to construction of the proposed printing company's building.

3. Water Pollution Abatement Plan:

A WPAP has been submitted to the Texas Commission on Environmental Quality (TCEQ).

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on June 6, 2008 and June 9, 2008 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Ms. Joan Falkenberg, P.G., was present during the site evaluation.

A. The subject site to be rezoned is approximately 1.599 acres. The native soil on the site consists of the Tarrant Association, Rolling - Group C and approximately 1 to 2 feet thick. Vegetation was thick and features were obscured by cedar and leaf debris.

B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Dolomitic Member of the Kainer Formation of the Edwards Aquifer. The exposed limestone observed on the subject site was consistent with characteristics of the Dolomitic Member.

The Dolomitic Member of the Kainer Formation is characterized by the presence of massively bedded mudstone, grainstone, and recrystallized limestone with abundant chert nodules. The full section of thickness is approximately 110 to 130 feet.

C. A majority of the area was covered by blocks of fractured bedded rock and large areas of vuggy limestone. Several areas had animal burrows, closed depressions and small solution cavities associated with the fractured limestone. No significant features were observed during the visit. The site appeared to slope to the east and stormwater should drain into West Elm Creek.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 50% on the site.
2. The SAWS recommendation of 50% maximum impervious cover is based on the existing MF-33 zoning of the subject property; in addition 50% maximum impervious cover is consistent with the Water Quality Ordinance No. 81491 recommendation for a Multi-Family development.
3. Should the property have a printing company on site the following provisions shall be addressed; all chemicals used for printing processes shall be disposed of properly as required by all Federal and State Laws. The use of 1-1-1-Trichloroethane on the premises is strictly prohibited. All solvents and cleaners used for the printing machinery shall be disposed of properly.
4. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
5. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan 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. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.

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, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
7. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3523.
8. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Aquifer Protection & Evaluation of the San Antonio Water System at (210) 233-3520.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality,
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.

4. If a water quality basin is constructed on the property, the following is required:
 - A. Below grade basins shall not be constructed on-site.
 - B. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3520 to schedule a site inspection.
 - C. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3520 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
5. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division.
6. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
7. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Zoning Commission Members
Zoning Case Z2008171 (Business Park)
Page 6

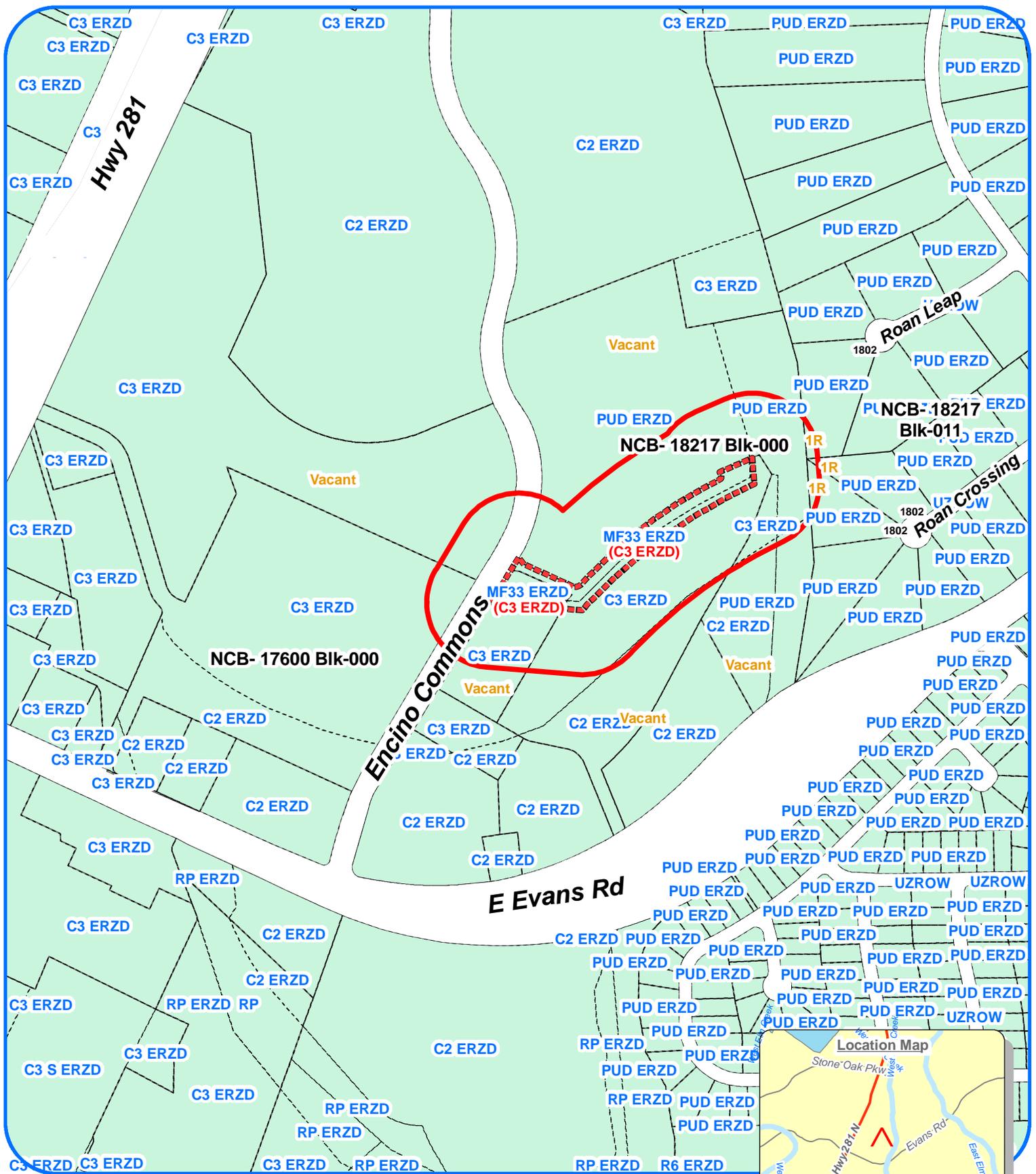
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:PMG



Zoning Case Notification Plan

Case Z-2008-171 ERZD

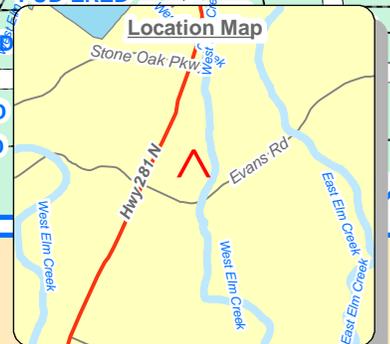
Council District 9

Scale: 1" approx. = 400'

Subject Property Legal Description(s): 1.5999 Acres out of NCB 17600

Legend

- Subject Property (1.5999 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(5/29/2008)