

AN ORDINANCE 2008-04-17-0329

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 Lot 6 and Lot 8, Block 4, NCB 14759 from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "O-1 S ERZD" Office Edwards Recharge Zone District with a Specific Use Authorization for a Non-Commercial Parking Lot and "R-6 CD S ERZD" (CD-Non-Commercial Parking Lot) Residential Single-Family Edwards Recharge Zone District with a Conditional Use for a Non-Commercial Parking Lot and a Specific Use Authorization for a Non-Commercial Parking Lot within the Edwards Recharge Zone.

SECTION 2. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 3. 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 4. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses using 90 degree or less cut-off fixtures;
- B. Parking spaces shall be parallel to the north property line of Lot 8; and
- C. No Ingress/Egress onto Red Robin Road.

SECTION 5. 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 6. 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 30%.

SECTION 7. 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 8. 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 9. 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 10. 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 11. 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.

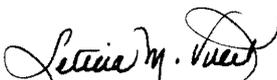
SECTION 12. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 13. This ordinance shall become effective on April 27, 2008.

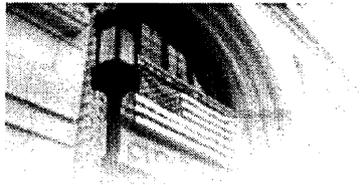
PASSED AND APPROVED this 17th day of April 2008.


M A Y O R

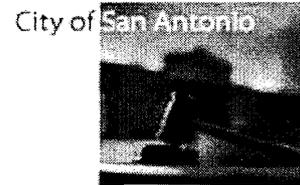
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney
For

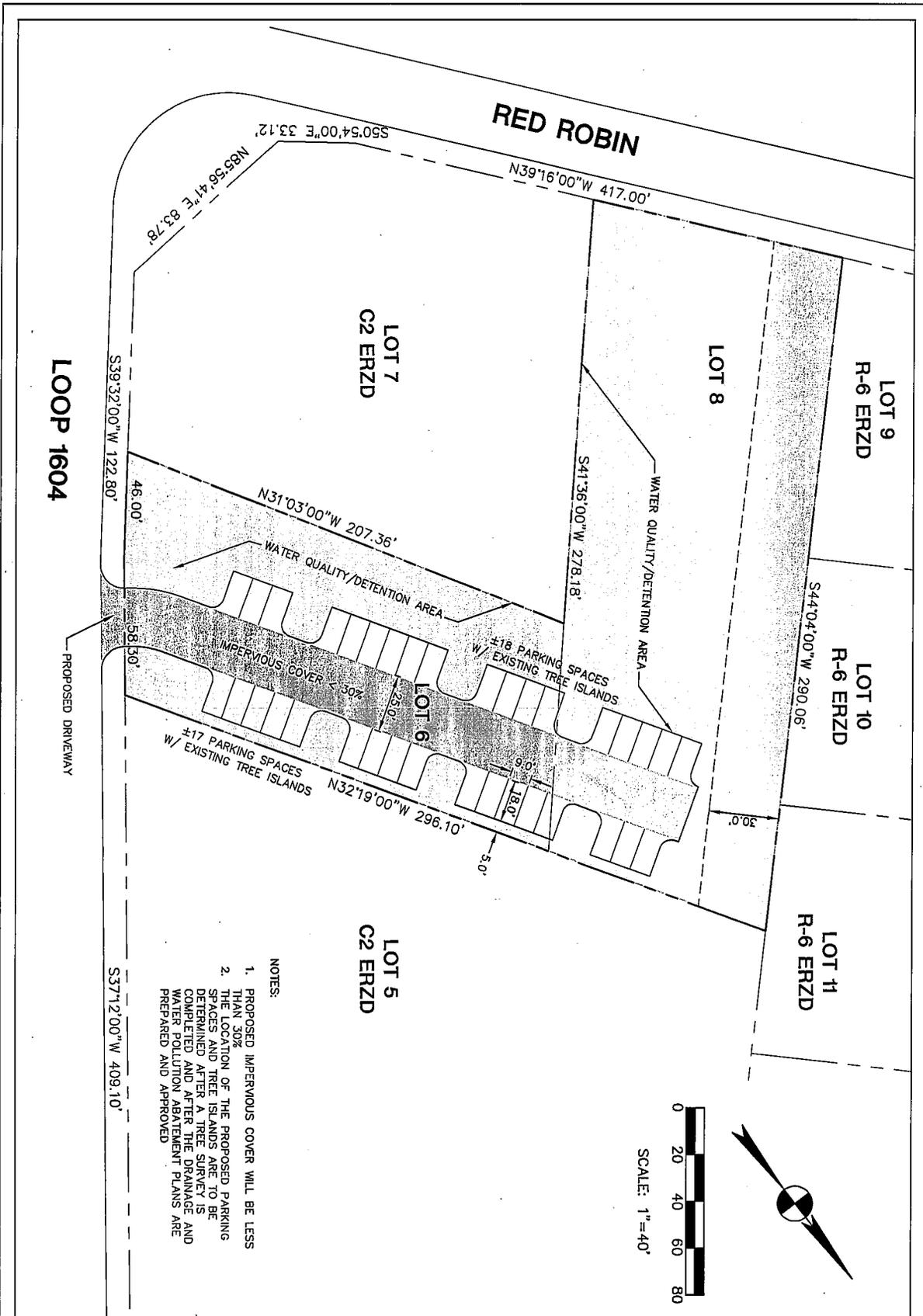


Request for
COUNCIL
ACTION

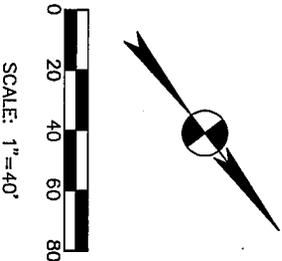


Agenda Voting Results - Z-6

Name:	Z-6						
Date:	04/17/2008						
Time:	03:32:08 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE #Z2008059 CD S ERZD (District 8): An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "O-1 S ERZD" Office Edwards Recharge Zone District with a Specific Use Authorization for a Non-Commercial Parking Lot and "R-6 CD S ERZD" (CD-Non-Commercial Parking Lot) Residential Single-Family Edwards Recharge Zone District with a Conditional Use for a Non-Commercial Parking Lot and a Specific Use Authorization for a Non-Commercial Parking Lot within the Edwards Recharge Zone on Lots 6 and 8, Block 4, NCB 14759, 7535 West Loop 1604 and 999 Red Robin Road as requested Kyle Seale Crossings, Ltd., Applicant for Vernon and Maria Griffith. Staff and Zoning Commission recommend Approval with conditions.						
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				x
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					



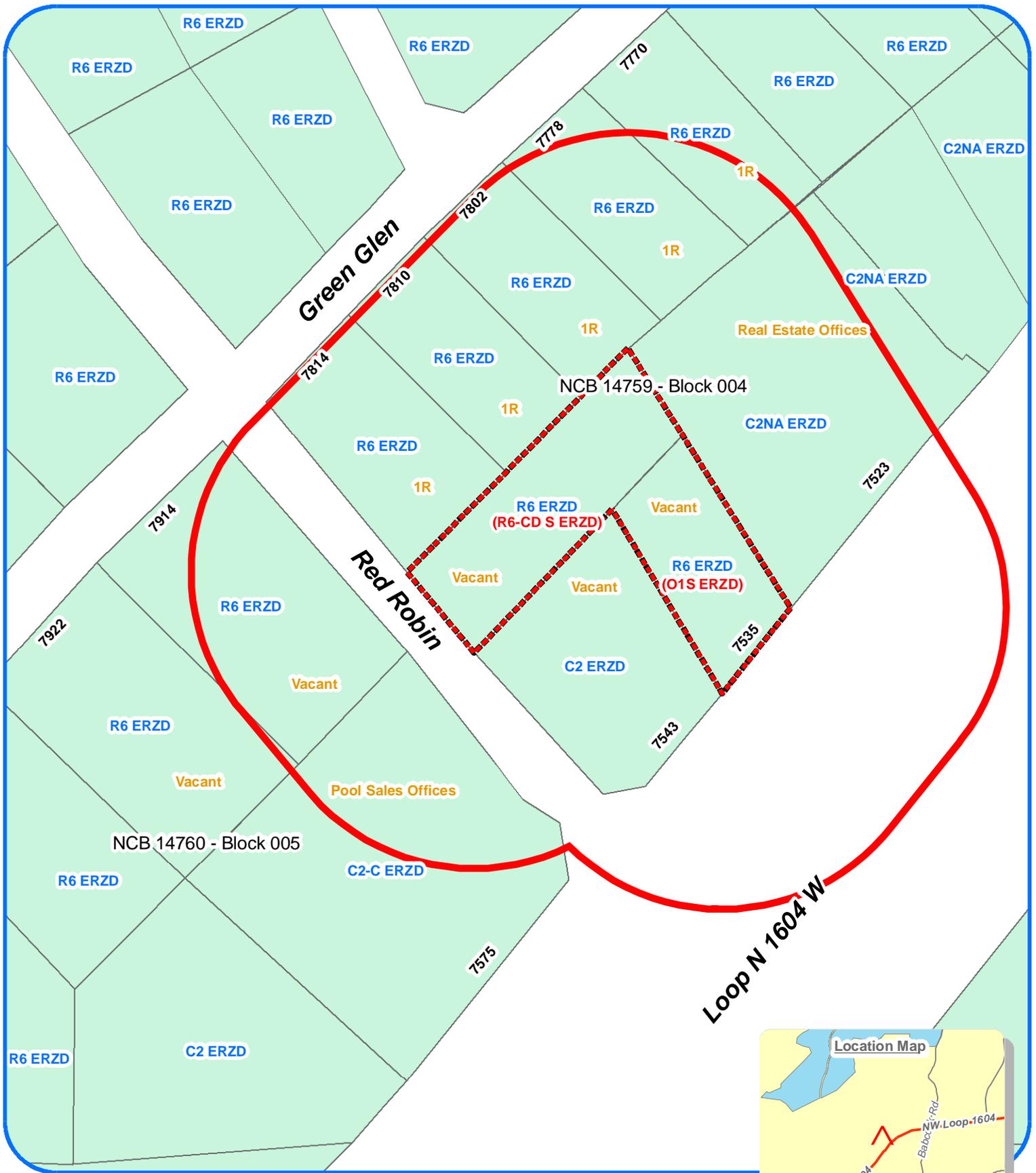
- NOTES:
1. PROPOSED IMPERVIOUS COVER WILL BE LESS THAN 30%
 2. THE LOCATION OF THE PROPOSED PARKING SPACES AND TREE ISLANDS ARE TO BE DETERMINED AFTER A TREE SURVEY IS COMPLETED AND AFTER THE DRAINAGE AND WATER POLLUTION ABATEMENT PLANS ARE PREPARED AND APPROVED



Bury+Partners
 ENGINEERING SOLUTIONS
 922 Isom Road, Suite 100
 San Antonio, TX 78218
 Tel. (210)525-8080 Fax (210)525-0529
 Bury+Partners-SA, Inc. ©Copyright 2007

SITE PLAN EXHIBIT

**BANDERA FAMILY HEALTHCARE
 SAN ANTONIO, TEXAS**



Zoning Case Notification Plan

Case Z-2008-059

Council District 8

Scale: 1" approx. = 120'

Subject Property Legal Description(s): Lots 6 and 8 - NCB 14759 - Block 004

Legend

- Subject Property (1.097 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(02/27/2008)

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: Lots 6 and 8, Block 4, NCB 14759 TO WIT: From "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "O-1 S ERZD" Office Edwards Recharge Zone District with a Specific Use Authorization for a Non-Commercial Parking Lot and "R-6 CD S ERZD" (CD-Non-Commercial Parking Lot) Residential Single-Family Edwards Recharge Zone District with a Conditional Use for a Non-Commercial Parking Lot and a Specific Use Authorization for a Non-Commercial Parking Lot within 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".
4/21

Before me, the undersigned authority, on this day personally appeared Helen I by me duly sworn, says on oath that she is Publisher of the Commercial Recorder in general circulation in the City of San Antonio, in the State and County aforesaid, and Ordinance 2008-04-17-0329 here to attached has been published in every issue of said newspaper on the following days, to wit:

04/21/2008.

Helen I. Lopez

Sworn to and subscribed before me this 21st day of of April, 2008.

Martha L. Machuca

