

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

* * * * *

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

SECTION 1. Section 35-3007 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z20105 CC

The rezoning and reclassification of property From "B-3 ERZD" Business Edwards Recharge Zone District to "B-3 ERZD CC" Business Edwards Recharge Zone District with Special City Council approval for an Animal Clinic, Automobile Parts Sales Facility, Building Specialties, Retail Facility, Paint and Wallpaper Store with retail and wholesale sales, Print Shop, and Blueprinting/ Photostatting Facility on 17.39 acres out of NCB 15671; and,

From "B-3 ERZD" Business Edwards Recharge Zone District to "B-3 ERZD CC" Business Edwards Recharge Zone District with Special City Council approval for an Animal Clinic, Automobile Parts Sales Facility, Paint and Wallpaper Store with retail and wholesale sales, Print Shop, and Blueprinting/ Photostatting Facility on 5.597 acres out of NCB 15671 on the property listed below as follows:

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

Provided that the Aquifer Studies Office recommendations are followed as set out below:

1. All land uses shall be in conformance with the table of permitted uses at the time the zoning is approved by City Council. Should the proposed use be listed as requiring special City Council approval, the owner/operator shall apply for re-zoning for that particular use. If the land use is listed as prohibited, that land use will not be permitted.
2. All stormwater run-off from the commercial site shall be directed to a stormwater abatement system which shall be approved by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of building permits.
3. The abandoned water well shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified Development Code (UDC), and 30 Texas Administrative Code (TAC) § 338.
4. Prior to the release of any building permits for additional developments, the following shall be submitted to the Aquifer Protection and Evaluation Division of the San Antonio

Water System:

A. A Water Pollution Abatement Plan shall be submitted for each particular development/use within the area being considered for re-zoning,

B. A set of specific plans which must have a signed Engineers Seal from the State of Texas,

C. A letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan,

D. A copy of the approved Water Pollution Abatement Plan.

5. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about best management practices of 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 recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

6. 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.

7. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulation and Code.

8. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

9. The Aquifer Protection & Evaluation 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.

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -1024.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance is not severable.

PASSED AND APPROVED THIS 10th DAY OF August 20 00

MAYOR:
PRO TEM

David Bruce

ATTEST:

Norm S. Rodriguez
City Clerk

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

00-28

CASE NO: Z20105 CC

Zoning Commission Meeting Date: June 6, 2000

Council District 9

Ferguson Map: 517 B2

Appeal: No

Applicant:

Santikos Investments, C/O John Santikos

Owner:

Santikos Investments, C/O John Santikos

Zoning Request

From "B-3 ERZD" Business Edwards Recharge Zone District to "B-3 ERZD CC" Business Edwards Recharge Zone District with Special City Council approval for an Animal Clinic, Automobile Parts Sales Facility, Building Specialties, Retail Facility, Paint and Wallpaper Store with retail and wholesale sales, Print Shop, and Blueprinting/ Photostatting Facility on 17.39 acres out of NCB 15671; and,

From "B-3 ERZD" Business Edwards Recharge Zone District to "B-3 ERZD CC" Business Edwards Recharge Zone District with Special City Council approval for an Animal Clinic, Automobile Parts Sales Facility, Paint and Wallpaper Store with retail and wholesale sales, Print Shop, and Blueprinting/ Photostatting Facility on 5.597 acres out of NCB 15671

Property Location:

2000 Block Loop 1604 W Expressway

Property is located at the northeast intersection of Highway 281 N and Loop 1604 W Expressway

Applicants Proposal

City Council approval for Business uses in the Edwards Recharge Zone District

Staff Recommendation:

Approval. The subject property is surrounded by a mixture of "B-2" and "B-3" zoning and has access to Highway 281 N and Loop 1604 W Expressways, two major highways for the area. The request for City Council approval of the proposed business uses is appropriate for the area.

Zoning Commission Recommendation

Approval

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z20105

A ZONING DESCRIPTION
OF
AREA "A"



Being a 17.39 acre tract out of a 25.00 acre tract as recorded in Volume 6447, Pages 626 to 629 of the Deed Records of Bexar County, Texas, a 22.50 acre tract as recorded in Volume 3940, Pages 514 to 518 of the Official Public Records of Real Property of Bexar County, Texas, an 87.113 acre tract as recorded in Volume 2648, pages 831 to 833 of the Official Public Records of Real Property of Bexar County, Texas, and also being out of the Seingas Irrigation & Agricultural Company Survey No. 17, Abstract 726, County Block 4948, and out of the Juan Escamia Survey No. 19½, Abstract 217, County Block 4953, being out of New City Block 15671 in the City of San Antonio, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING: At an iron rod at the northeast corner of the above mentioned 25.00 acre tract, said point being in the centerline of Mud Creek;

THENCE: S 30°32'43" W, a distance of 342.18 feet to the POINT OF BEGINNING, said point being the intersection of the northeast corner of the herein described tract with a proposed 86-foot right-of-way;

THENCE: Departing from the said proposed 86-foot right-of-way, S 20°46'50" W, a distance of 397.46 feet 60 feet northwest and parallel with the east property line of the aforementioned 25.00 acre tract to an angle point at the southeast corner of the herein described tract;

THENCE: N 69°05'18" W, a distance of 702.57 feet to an angle point;

THENCE: N 28°27'06" W, a distance of 1,117.35 feet to an angle point at the westernmost corner of the herein described tract;

THENCE: N 61°32'54" E, a distance of 454.94 feet to an angle point at the intersection of the northernmost corner of the herein described tract with the south right-of-way line of the aforementioned proposed 86-foot right-of-way;

THENCE: S 28°27'06" E, a distance of 471.81 feet coincident with the south right-of-way line of the aforementioned proposed 86-foot right-of-way;

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

FIELD NOTES

17.39 Acre Tract – Zone "A"

Page 2 of 2

THENCE: Southeasterly, coincident with the aforementioned 86-foot right-of-way with a curve to the left, said curve having a radius of 1,543.00 feet, a central angle of $36^{\circ}33'43''$, a chord bearing and distance of S $46^{\circ}43'57''$ E, 968.01 feet, and an arc length of 984.63 feet to the POINT OF BEGINNING and containing 17.39 acres of land in the City of San Antonio, Bexar County, Texas.

Prepared by: Pape-Dawson Engineers, Inc.

Job No.: 4883-05

Date: April 12, 2000

Doc. Id.: 4883\05\Word\FN000411a2

720105

A ZONING DESCRIPTION
OF
AREA "B"



Being a 5.591 acre tract out of an 87.113 acre tract as recorded in Volume 2648, Pages 831-833 of the Official Public Records of Real Property of Bexar County, Texas, and being also out of the Seingas Irrigation & Agricultural Company Survey No. 17, Abstract 726, County Block 4948, out of the Juan Escamia Survey No. 19½, Abstract 217, County Block 4953, and out of the C.C. Irrigation Company Survey No. 15, Abstract 173, County Block 4946, being out of New City Block 15671 in the City of San Antonio, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING: At an iron rod at the intersection of the north right-of-way line of FM Loop 1604 (a variable width right-of-way) with the southeast corner of Lot 1, Block 1, New City Block 15671, American States Subdivision as recorded in Volume 9523, Page 207 of the Deed and Plat Records of Bexar County, Texas;

THENCE: S 75°41'25" E, a distance of 284.54 feet coincident the north right-of-way line of FM Loop 1604 to the POINT OF BEGINNING, said point being the southwest corner of the herein described tract;

THENCE: N 15°28'03" E, a distance of 579.89 feet to an angle point;

THENCE: N 61°32'44" E, a distance of 236.70 feet to an angle point at the northernmost corner of the herein described tract;

THENCE: S 28°33'46" E, a distance of 298.56 feet to an angle point;

THENCE: S 15°28'03" W, a distance of 521.78 feet to an angle point at the southeast corner of the herein described tract;

THENCE: N 75°41'25" W, a distance of 378.08 feet coincident with the north right-of-way line of FM Loop 1604 (a variable width right-of-way) to the POINT OF BEGINNING and containing 5.591 acres of land in the City of San Antonio, Bexar County, Texas.

Prepared by: Pape-Dawson Engineers, Inc.
Job No.: 4883-05
Date: April 12, 2000
Doc. Id.: 4883\05\Word\FN\000411a1

PAPE-DAWSON ENGINEERS, INC.

Z20105

ZONING CASE NO. Z20105 June 6, 2000

Applicant: Santikos Investments, c/o John Santikos

Zoning Request: "B-3" ERZD Business Edwards Recharge Zone District to "B-3" ERZD CC Business Edwards Recharge Zone District with City Council approval for an animal clinic, automobile parts sales facility, building specialties, retail facility, paint and wallpaper store with retail and wholesale sales, print shop, and blueprinting/photostatting facility on 17.39 acres out of NCB 15671; and from "B-3" ERZD Business Edwards Recharge Zone District to "B-3" ERZD CC Business Edwards Recharge Zone District with City Council approval for an animal clinic, automobile parts sales facility, paint and wallpaper store with retail and wholesale sales, print shop and blueprinting/photostatting facility on 5.597 acres out of NCB 15671

Rudy Farwagi, SAWS, stated based on the environmental assessment of the property and the proposed land use, staff recommends approval provided the applicant agrees to abide by all recommendations made by SAWS.

Sam Dawson, 555 E. Ramsey, stated the zoning change is intended for business use. There will be 75 acres of land to be used for commercial, consisting of retail, restaurant and leasable space.

Staff stated there were 9 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Plummer and seconded by Commissioner Falcone to recommend approval as presented as long as the applicant abides by SAWS recommendations.

1. Property is located in the 200 block of Loop 1604 West Expressway.
2. There were 9 notices mailed, 0 returned in opposition and 0 returned in favor.
3. Staff recommends approval.

AYES: Clamp, Mayor, Mehringer, Emerson, Galloway, Hophan, Falcone, Anderson, Plummer

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Aquifer Protection and Evaluation Division, San Antonio Water System

Copies To: Rebecca Quintanilla Cedillo, Chief of Water Resources, San Antonio Water System, Scott R. Halty, Director, Source Water and Watershed Protection and Management, Jason Corzine, Planner III, Aquifer Protection and Evaluation Division, File

Subject: Zoning Case Z20105 (Palladium)

Date: May 23, 2000

SUMMARY

A request for a change in zoning has been made for an approximate 22.98-acre tract located on the city's north side. A change in zoning from "B-3 ERZD" to "B-3 ERZD CC", is being requested by Pape-Dawson Engineers Inc. on behalf of the applicant, Santikos Investments. The change in zoning will allow for the area to be developed as mixed-use retail stores. The area covered by the zoning request has previously been determined to be a Category 1 property. The submitted Water Pollution Abatement Plan (WPAP) proposes an impervious cover percentage of 69% for this project.

LOCATION

The subject tract is located in City Council District 9 at the north east corner of Hwy. 281 and Loop 1604. The 22.98 acre subject area lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE ASSESSMENT

An investigation was made by the San Antonio Water System, Aquifer Protection and Evaluation Division to assess the geologic conditions, which exist at this site, and to observe any environmental concerns. In addition, a copy of the geologic assessment, which was prepared for a Water Pollution Abatement Plan (WPAP), was used to compare field observations and the location of features on the site.

The property is currently undeveloped and is covered with trees, brush and natural grasses. The Edwards Group can be found outcropping across the site. Several areas of exposed Edwards bedrock exhibited solution features and fractures. The majority of these features were soil-filled thus limiting their recharge capabilities. No potential recharge features were observed on the site. The abandoned water well shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified

The Groundwater Resource Protection Division of SAWS will inspect the well to ensure that it has been properly plugged.

The property displays moderate topographic relief. The general direction of the drainage flows to the northwest towards Mud Creek. The site is bordered on the south by Loop 1604, Hwy. 281 north is located to the west, the property is undeveloped to the east and the north.

ENVIRONMENTAL CONCERNS

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

1. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas which are then carried off in the first flush of stormwater run-off.
2. Improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance, which may be carried off in the first flush of stormwater run-off.
3. The proper construction of the sewer mains and service laterals to prevent wastewater from entering the subsurface.
4. The presence of an abandoned water well on site.

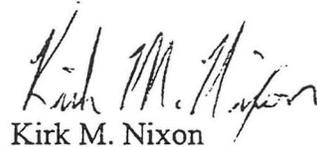
ENVIRONMENTAL RECOMMENDATIONS

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

1. All land uses shall be in conformance with the table of permitted uses at the time the zoning is approved by City Council. Should the proposed use be listed as requiring special City Council approval, the owner/operator shall apply for re-zoning for that particular use. If the land use is listed as prohibited, that land use will not be permitted.
2. All stormwater run-off from the commercial site shall be directed to a stormwater abatement system which shall be approved by the Aquifer Protection and Evaluation Division of the San Antonio Water System prior to the release of building permits.
3. The abandoned water well shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified Development Code (UDC), and 30 Texas Administrative Code (TAC) § 338.

4. Prior to the release of any building permits for additional developments, the following shall be submitted to the Aquifer Protection and Evaluation Division of the San Antonio Water System:
 - A. A Water Pollution Abatement Plan 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 letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan,
 - D. A copy of the approved Water Pollution Abatement Plan.
5. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about best management practices of 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 recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
6. 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.
7. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
8. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Protection and Evaluation Division of the San Antonio Water System at (210) 704-7392.
9. The Aquifer Protection and Evaluation 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.

Based on the environmental assessment of the property, and the proposed land use, staff recommends approval of the intended use as long as the applicant agrees to abide by all recommendations made in this document.



Kirk M. Nixon
Manager, Aquifer Protection & Evaluation



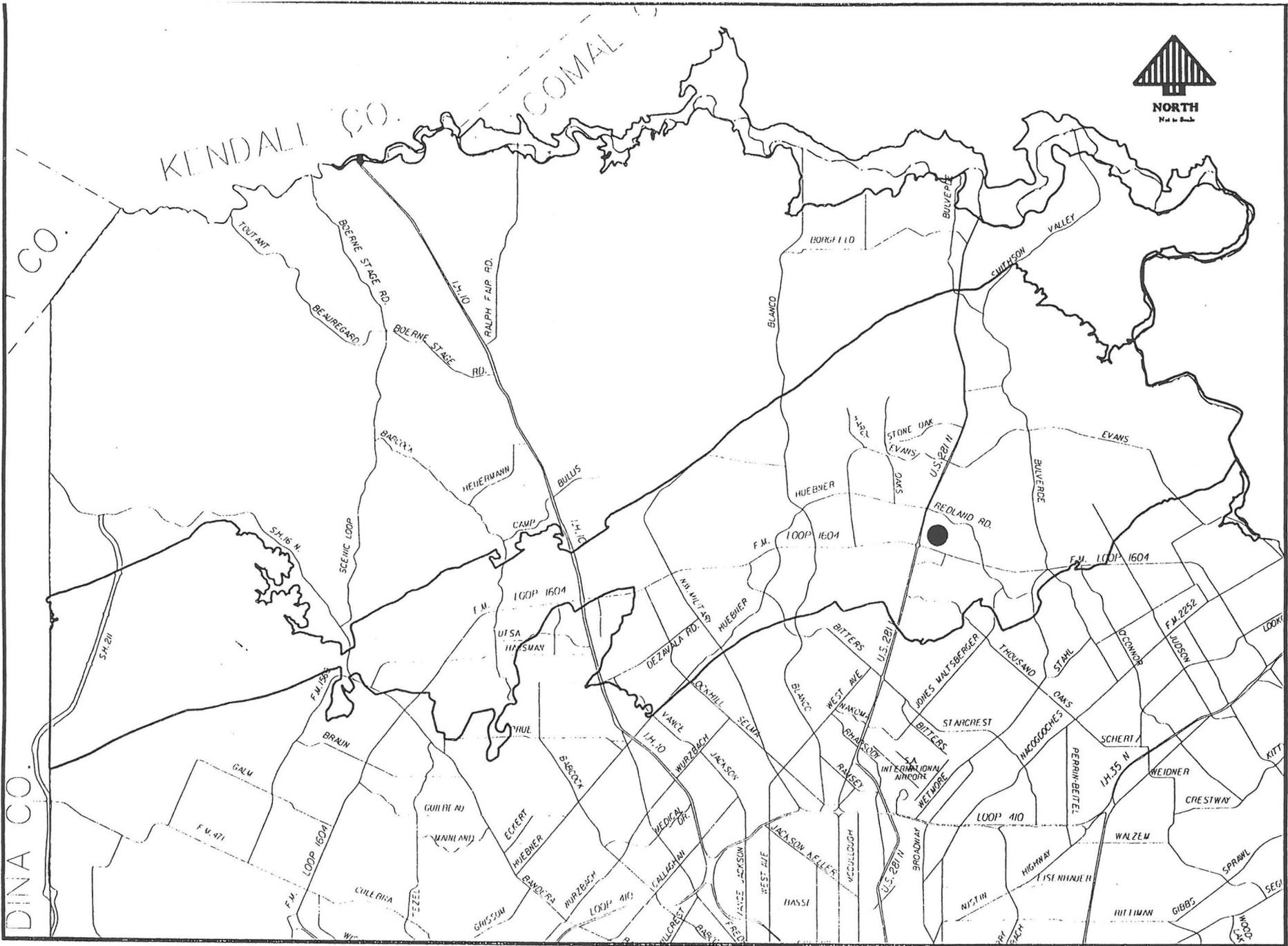
Scott R. Halty
Director, Source Water and Watershed Protection

APPROVED:



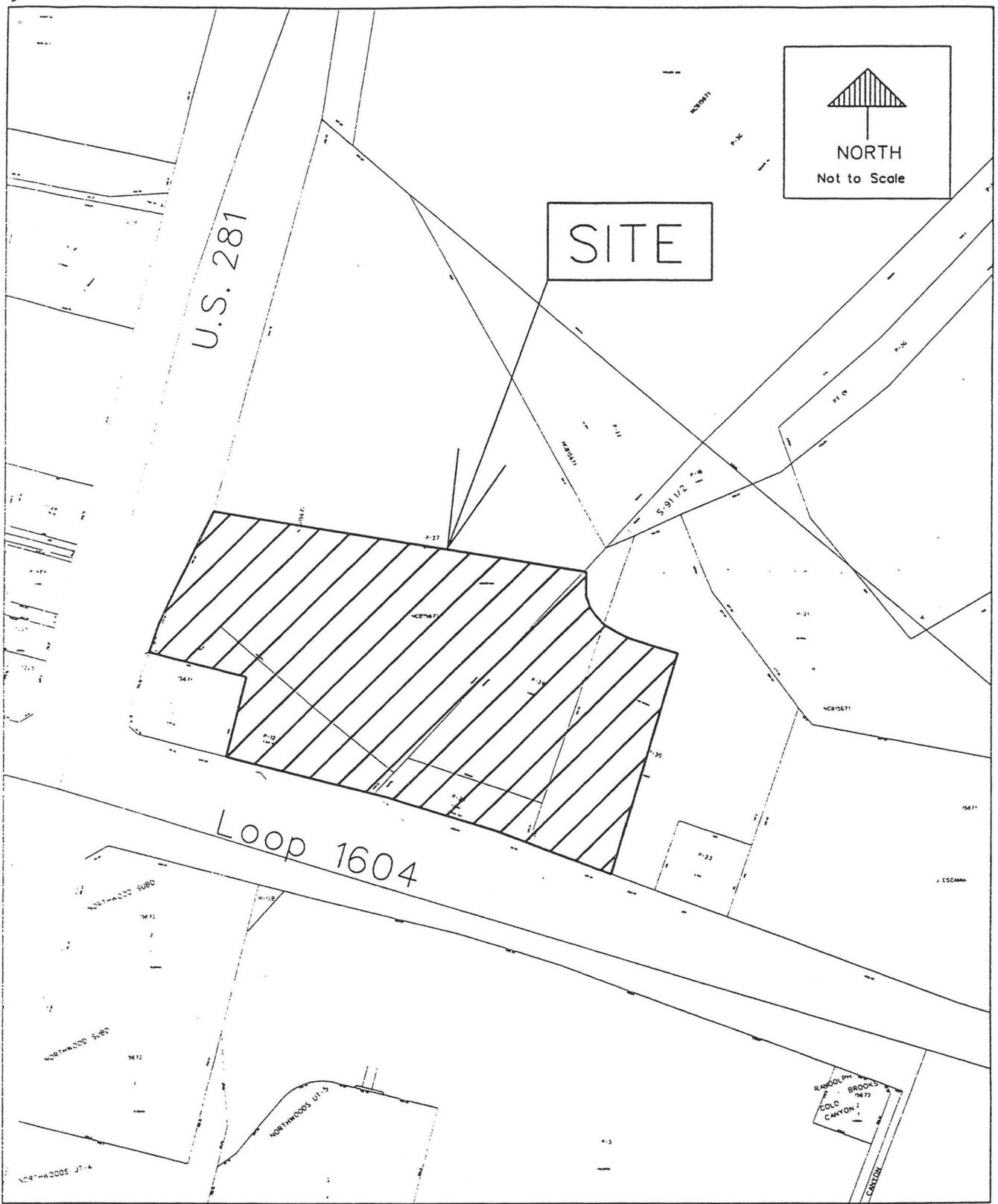
Rebecca Quintanilla Ceditto
Chief of Water Resources

KMN: JCC



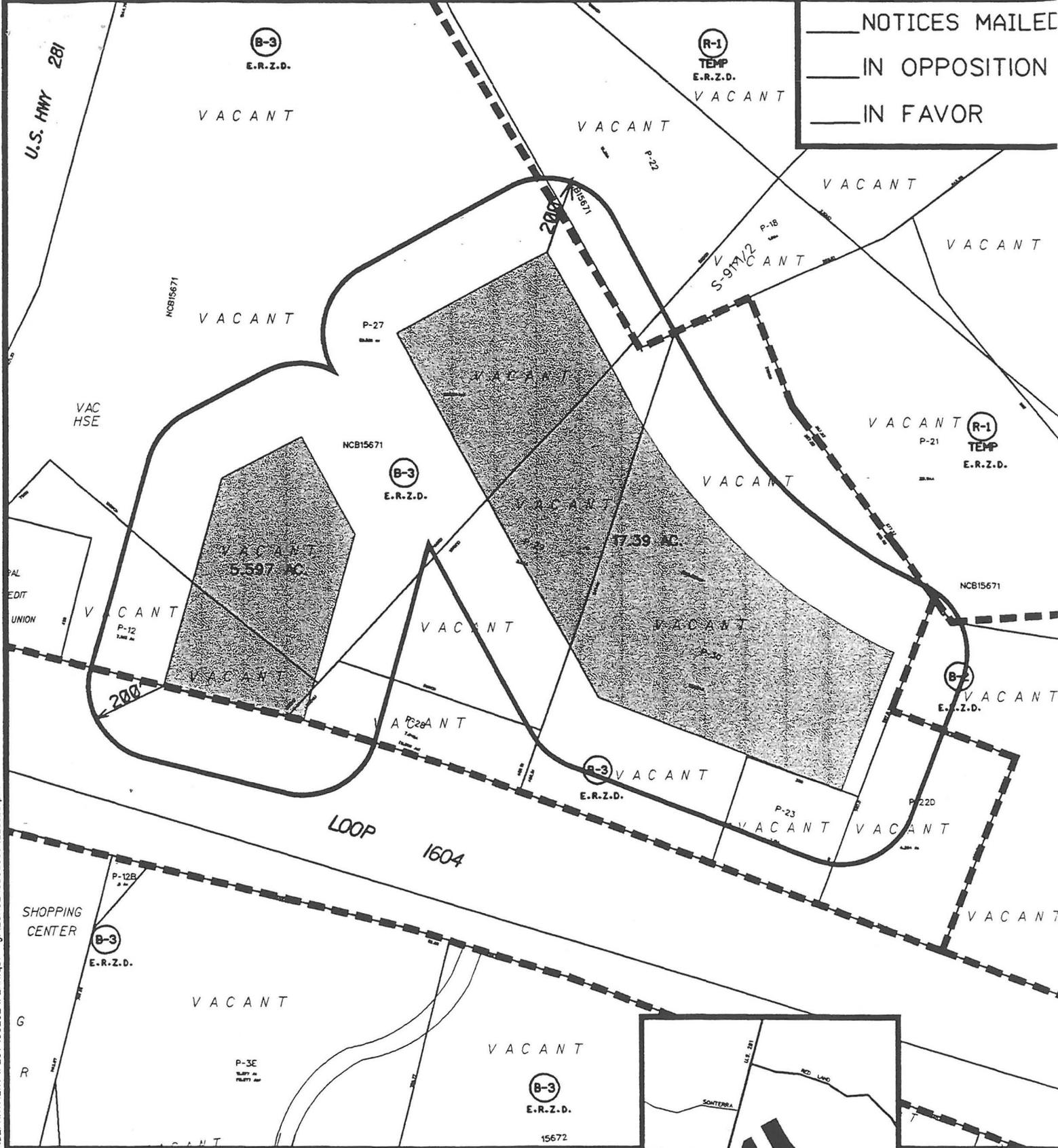
● -Subject Site

22.98 Acres
 Zoning Case No. Z20105
 FIGURE 1



22.98 Acres
Zoning Case No. Z20105
Figure 2.

_____ NOTICES MAILED
 _____ IN OPPOSITION
 _____ IN FAVOR



\\GIS\DATA\A\DEPT\H\PL\U\DU\UE\PLAN.apf J:\ZCASE\08\cases\Z20105.prf

ZONING CASE Z20105

CITY COUNCIL DISTRICT NO: 9
 REQUESTED ZONING CHANGE
 FROM "B-3" ERZD TO "B-3" ERZD CC
 DATE AUG. 10, 2000
 SCALE 1" = 350'



DEPARTMENT OF PLANNING
 SAN ANTONIO, TEXAS

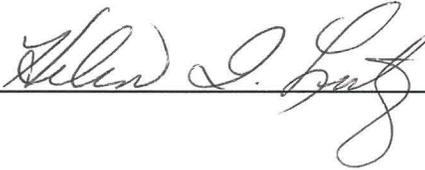
Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

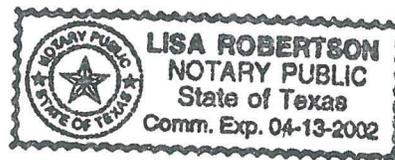
Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is the Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Publisher of said newspaper on the following days, to-wit: August 15, 2000



Sworn to and subscribed before me this 15th day of August, 2000.



Notary Public in and for Bexar County, Texas



PUBLIC NOTICE

AN ORDINANCE 92298

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 17.39 ACRES OUT OF NCB 15671 FROM "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD CC BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR AN ANIMAL CLINIC, AUTOMOBILE PARTS SALES FACILITY, BUILDING SPECIALTIES, RETAIL FACILITY, PAINT AND WALLPAPER STORE WITH RETAIL AND WHOLESALE SALES, PRINT SHOP, AND BLUEPRINTING/PHOTOSTATTING FACILITY; AND 5.597 ACRES OUT OF NCB 15671 FROM "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD CC BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR AN ANIMAL CLINIC, AUTOMOBILE PARTS SALES FACILITY, PAINT AND WALLPAPER STORE WITH RETAIL AND WHOLESALE SALES, PRINT SHOP, AND BLUEPRINTING/PHOTOSTATTING FACILITY; PROVIDED THAT THE NINE (9) RECOMMENDATIONS OF THE AQUIFER STUDIES OFFICE ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
8/15