

3W

AN ORDINANCE

98838

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 35-304 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. Z2003232

The rezoning and reclassification of property from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "PUD MF-25 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District on the property listed as follows:

33.49 acres out of NCB 19218

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

Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to:

- 1. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. This is to include any swimming pool chemicals used for maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.
2. The land uses within the MF-25 zoned areas 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 that 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 prohibited, that land use will not be permitted on the site.
3. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
4. 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) 704-7305.
5. 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.
6. 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 or 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 (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
7. 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 (BMP) 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 Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc.

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 -491.

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 .

PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF February 20 04

ATTEST: Jolanda L. Lelover MAYOR: Edward D. Garza  
 City Clerk EDWARD D. GARZA

APPROVED AS TO FORM: Yusuf J. Ward  
 CITY ATTORNEY

04-06



**MEETING OF THE CITY COUNCIL**

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE – GENERAL MANAGER
CITY PUBLIC SERVICE – MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE – ASSESSOR
FINANCE – CONTROLLER
FINANCE – GRANTS
FINANCE – PUBLIC UTILITIES SUPERVISOR
FINANCE-TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 3W

DATE: FEB 12 2004

MOTION: Schubert Segovia

ORDINANCE NUMBER: 98838

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: 72003232

TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
ROGER O. FLORES JR. District 1		<input checked="" type="checkbox"/>	
JOEL WILLIAMS District 2		<input type="checkbox"/>	
RON SEGOVIA District 3		<input type="checkbox"/>	
RICHARD PEREZ District 4		<input checked="" type="checkbox"/>	
PATTI RADLE District 5			<input checked="" type="checkbox"/>
ENRIQUE M. BARRERA District 6		<input checked="" type="checkbox"/>	
JULIAN CASTRO District 7			<input checked="" type="checkbox"/>
ART A. HALL District 8		<input type="checkbox"/>	
CARROLL SCHUBERT District 9		<input type="checkbox"/>	
CHRISTOPHER "CHIP" HAASS District 10		<input type="checkbox"/>	
EDWARD D. GARZA Mayor		<input checked="" type="checkbox"/>	

ZC: APPROVAL

STAFF: APPROVAL

**04-06**

**Z2003232**

**TICOR TITLE AGENCY OF SAN ANTONIO**

GF# 03041131B-GC

**WAIVER OF INSPECTION  
AND  
ACCEPTANCE OF TITLE POLICY EXCEPTIONS**

I or we, the undersigned, agree that the Owner's Policy of Title Insurance to be issued by TICOR TITLE AGENCY OF SAN ANTONIO (hereinafter TICOR TITLE AGENCY) covering the following property:

A Field Note description of a 33.4913 acre tract of land situated in New City Block 19218 in the City of San Antonio, Bexar County Texas, being a portion of that 84.97 acre tract in the name of 281/150 Stone Oak Developers, Ltd, as recorded in Volume 9835 at Page 903 of the Bexar County Official Public Records said 33.4913 acre tract being more particularly described by Metes and Bounds as follows:

Beginning at an iron pin found in the north right-of-way line of Stone Oak Parkway (110' width ROW) at a point of curvature to the right with a radius of 1145.00 feet and a chord which bears S 34° 35' 42" W, at 1.42 feet as shown on Plat Recorded in Volume 9515 at Page 24 of the Bexar County Deed and Plat Records and being the POINT OF BEGINNING of this tract;

THENCE, Continuing on said right-of-way and curve to the right through an interior angle of 00° 04' 15", with an arc distance of 1.42 feet to an iron pin set for the most southerly corner of this tract;

THENCE, N 66° 39' 25", W, 538.41 feet to an iron pin set in the east boundary line of Champions Equestrian Center a 30.00 acre tract as recorded in Volume 7996, at Page 1762, Deed Records of said County to the southwesterly most corner of this tract;

THENCE, Northerly along the common boundary of this tract and said Champions Equestrian Center's 30 acre tract;

N 23° 20' 35" E, 459.98 feet to an iron pin found for a bend;

N 13° 45' 35" E, 525.00 feet to an iron pin found for a bend;

N 02° 37' 05" W, 973.54 feet to an iron pin found for a bend;

N 33° 05' 35" E, 606.89, feet to an iron pin found for the northwest corner of this tract and the northeast corner of said 30 acre tract and being in the southwest line of The Oaklands Subdivision as recorded in Volume 9530 at Page 151 of Deed and Plat records of Bexar County Texas;

**Z2003232**

THENCE, S 54° 10' 36" E, 445.55 feet through an iron pin found at 226.49 feet for the southeasterly corner of said subdivision and the southwest corner of the remainder of a 77.493 acre tract as recorded in Volume 5413 at Page 2020 Real Property Records of said county, to an iron pin set for the northeast corner of this tract;

THENCE, On a southerly direction dissecting said 84.97 acre tract;

S 04° 01' 38" E, 258.55 feet to an iron pin set for a bend;

S 35° 50' 59" W, 148.50 feet to an iron pin set for a bend;

S 02° 35' 30" E, 893.31 feet to an iron pin set for a bend;

S 13° 47' 10" W, 336.53 feet to an iron pin set for a bend;

S 05° 28' 13" E, 114.12 feet to an iron pin set for a bend;

S 33° 21' 50" E, 51.51 feet to an iron pin set for a bend;

S 05° 31' 30" E, 140.95 feet to an iron pin set in the north right-of-way line of said Stone Oak Parkway intersecting a curve to the left with a radius of 1255.00 feet with a chord that bears S 41° 28' 12" W at 301.99 feet for the most southeasterly corner of this tract;

THENCE, Continuing on said right-of-way and curve to the left through a central angle of 13° 49' 14" with an arc distance of 302.73 feet to an iron pin found for a point of tangency on said right-of-way;

THENCE, S 34° 33' 35" W, 296.18 feet to the POINT OF BEGINNING and containing 1,458,880 square feet or 33.4913 acres of land.

NOTE: The company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

will be in the usual Texas form and contain the standard exceptions as described in Schedule B of the Commitment. Additionally, exceptions will be taken to matters specific to this property as described below:

Volume 3998, Page 444; Volume 4361, Page 617; Volume 6564, Page 828; Volume 6735, Page 882; Volume 7222, Page 76; Volume 7666, Page 1651; Volume 8217, Page 929; Volume 8283, Page 1004; Volume 8343, Page 2044; Volume 8427, Page 1967; Volume 8551, Page 579; Volume 8781, Page 1612; Volume 8811, Page 1350; Volume 9098, Page 1953; Volume 9129, Page 247; Volume 7222, Page 116 and Volume 7222, Page 132, Real

# CASE NO: Z2003232

## Staff and Zoning Commission Recommendation - City Council

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**Date:** February 12, 2004

**Zoning Commission Meeting Date:** January 20, 2004

**Council District:** 9

**Ferguson Map:** 483 B4

**Appeal:** No

**Applicant:**

Harrison Worldwide Enterprises, Inc.

**Owner:**

Harrison Worldwide Enterprises, Inc.

**Zoning Request:** From "C-3 ERZD" General Commercial Edwards Recharge Zone District to "PUD MF-25 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District

33.49 acres out of NCB 19218

**Property Location:** Northside of Stone Oak Parkway between Evans Road and U.S. Highway 281

Stone Oak Parkway at Oakland Bend

**Proposal:** To allow for a multi-family or townhouse development.

**Neighborhood Association:** Stone Oak Property Owners Association

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required

**Staff Recommendation:**

Approval. This will result in a reduction in the quantity of existing "C-3" zoning in Stone Oak. This proposal provides a transition between existing "C-3" zoning and residential PUD to the west.

**Zoning Commission Recommendation:**

Approval

**VOTE**

**FOR** 11

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Fred Kaiser 207-7942

**Z2003232**

**ZONING CASE NO. Z2003232** – January 20, 2004

Applicant: Harrison Worldwide Enterprises, Inc.

Zoning Request: “C-3” ERZD General Commercial Edwards Recharge Zone District to PUD “MF-25” ERZD Multi Family Planned Unit Development Edwards Recharge Zone District.

Matt Harrison, 2371 Oak Pebble, representing the owner, stated this is 33 ½ acres that was originally part of the Stone Oak Master Plan that was approved. He further stated they are proposing to develop approximately 220 units townhomes on the subject property. He stated their zoning request would be a down zoning and feels this would have no adverse affect on the surrounding area.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and Stone Oak Property Owners Association is 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 McAden and seconded by Commissioner Grau to recommend approval.

1. Property is located on 33.49 acres out of NCB 19218 at Stone Oak Parkway and Oakland Blend.
2. There were 14 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixson, Sherrill, McAden, Avila, Stribling, Peel**

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

Z2003232

**To:** Zoning Commission Members

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

**Copies To:** Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, PE, Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File

**Subject:** Zoning Case Z2003232 (Estancia/Stone Oak)

**Date:** January 12, 2004

**SUMMARY**

A request for a change in zoning has been made for an approximate 33.49-acre tract located on the city's north side. A change in zoning from **C-3 ERZD** to **MF-25 PUD ERZD** is being requested by the owner, Mr. Matt Harrison, represented by Mr. Dennis Rion, P.E. of Pape-Dawson Engineers, Inc. The change in zoning has been requested to allow for the owner to construct a multifamily residential development.

**As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received for the entire site, by the Aquifer Protection & Evaluation Division. Based on the information provided, a portion of 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, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.

**LOCATION**

The subject property is located in City Council District 9, on the southern side of Stone Oak, west of U.S. Hwy 281. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

1. Development Description:

The proposed change is from C-3 ERZD to MF-25 PUD ERZD and will allow for the construction of a townhouse community. Currently the property is undeveloped.

2. Surrounding Land Uses:

Single-family residential homes exist to the northeast of the property. The remaining property surrounding the site is undeveloped.

3. Geologic Features:

The Resource Protection Division of SAWS conducted an evaluation on November 20, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Greg James, P.G., was present during the site evaluation. This site possesses outcrops of the Kainer Formation of the Edwards Limestone. Some outcrops of vuggy limestone were noted. While some solution cavities were noted on the property, none appear to be sensitive. There appears to be little potential for the transmission of water to the subsurface at this site. The property does not lie within the FEMA 100 year floodplain.

4. Water Pollution Abatement Plan:

As of the date of this report, a Water Pollution Abatement Plan has not been submitted to the Texas Commission on Environmental Quality. A WPAP will be required to be submitted and approved by TCEQ prior to construction.

## **ENVIRONMENTAL CONCERNS**

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

1. Standard Pollution/Abatement Concerns:

- A. 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.
- B. 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:

- 1. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. This is to include any swimming pool chemicals used for maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.

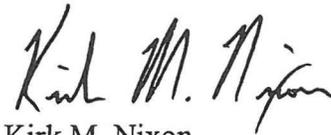
2. The land uses within the MF-25 zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on the site.
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5. 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.
6. 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 (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
7. 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 (BMP) 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 Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
8. 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.

Z2003232

Zoning Commission Members  
Z2003232 (Estancia/ Stone Oak)  
Page 4

9. 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.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.



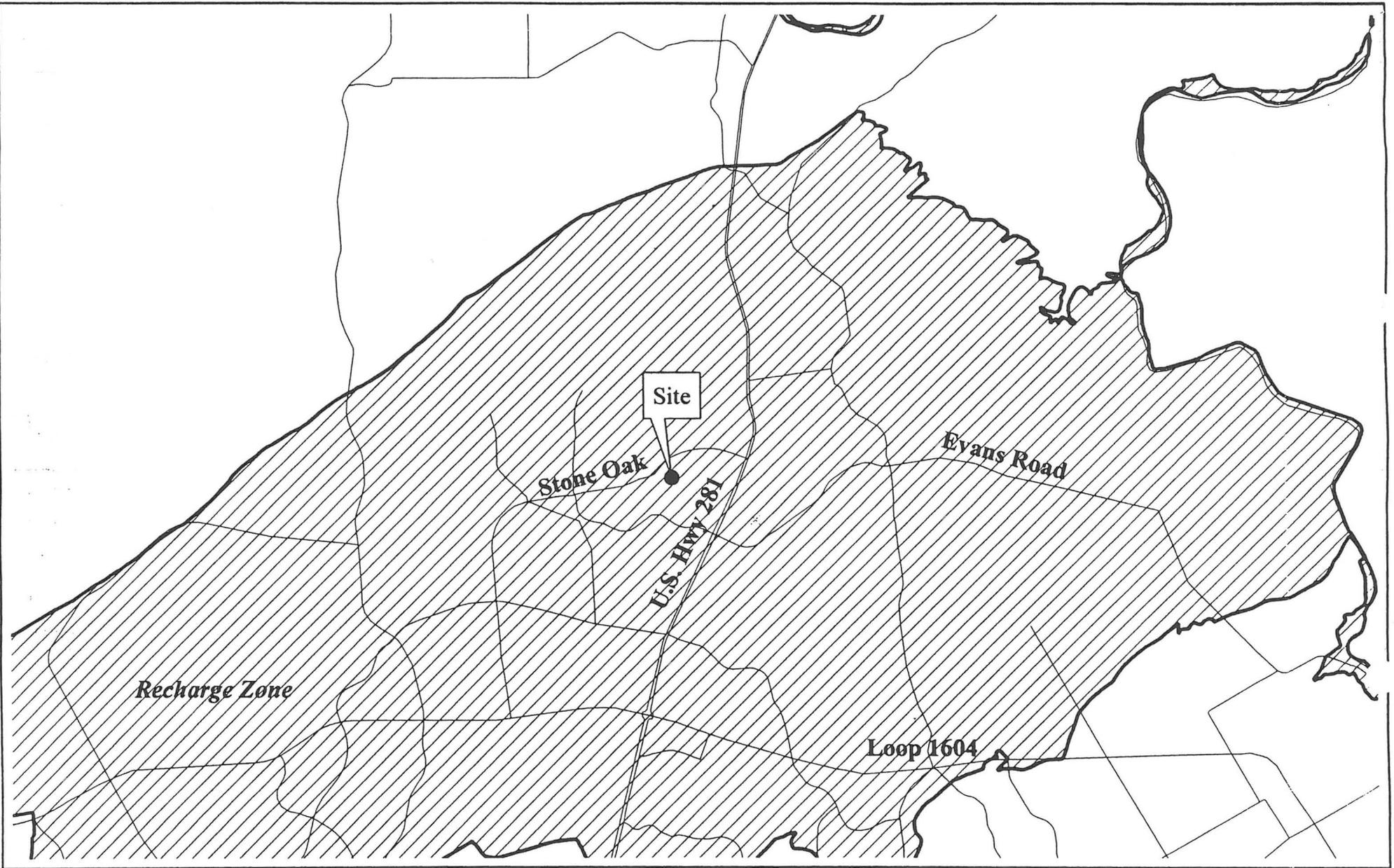
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS



Zoning Case: Z2003232

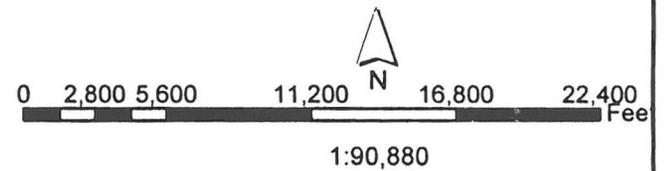
Figure 1

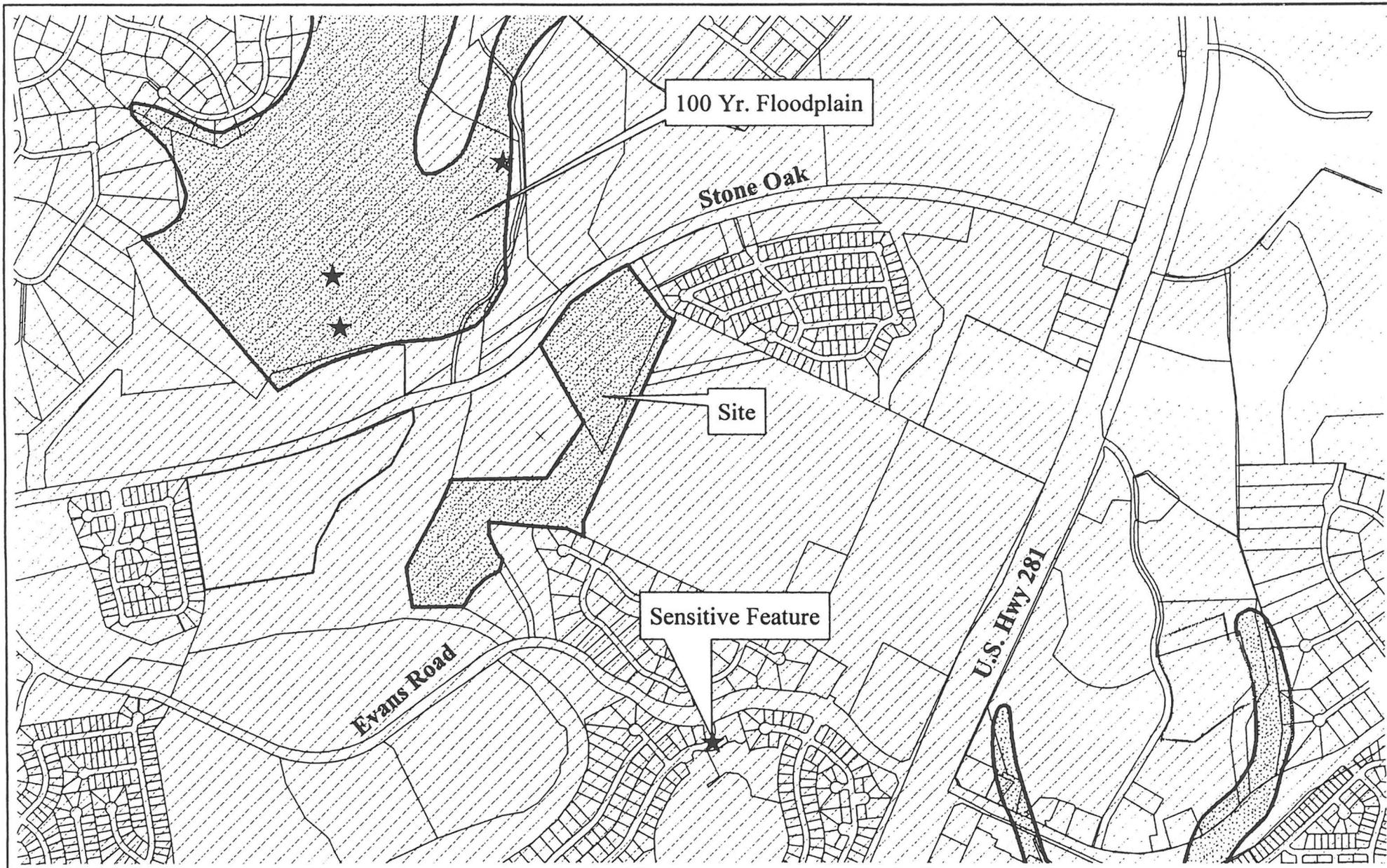
Map Page 483 B4

X= 2138558 Y=13783116

Map prepared by Aquifer Protection & Evaluation KJS 11/20/2003

**Z2003232**





Zoning Case: Z2003232

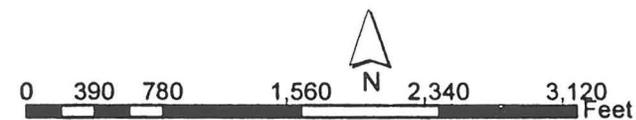
Figure 2

Map Page 483 B4

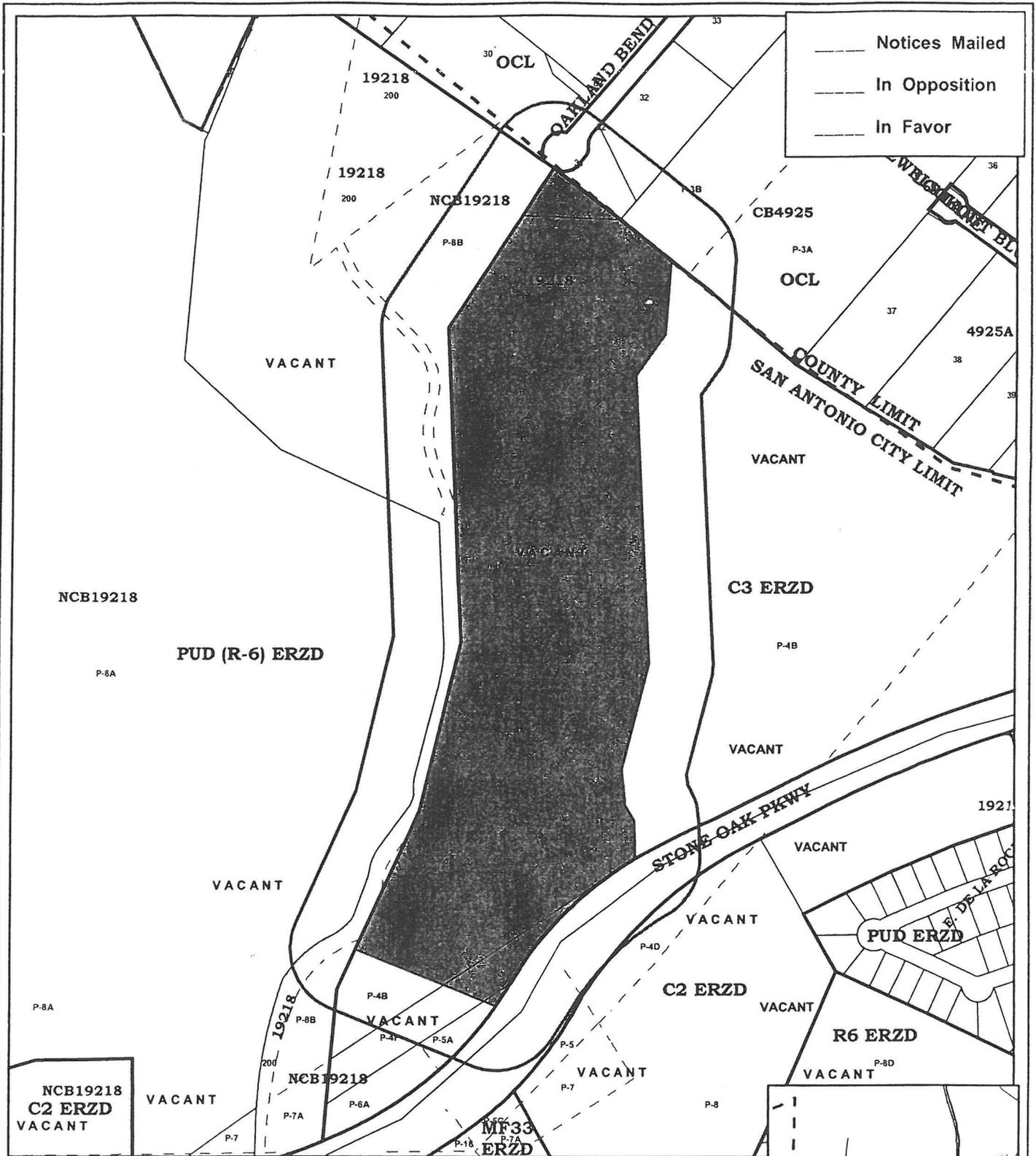
X=2138558 Y=13783116

Map prepared by Aquifer Protection & Evaluation KJS 11/20/2003

**Z2003232**



1:13,267



- - - Notices Mailed  
 - - - In Opposition  
 - - - In Favor

# ZONING CASE: Z2003-232

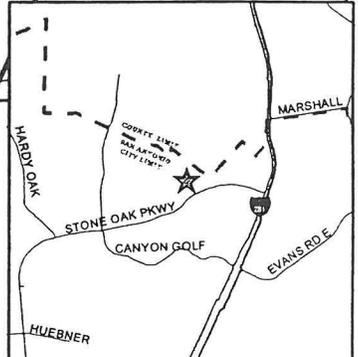
City Council District NO. 9  
 Requested Zoning Change  
 From: "C-3 ERZD" To "PUD MF-25 ERZD"  
 Date: February 12, 2004  
 Scale: 1" = 400'

 Subject Property  
 200' Notification

T-0  
 p.647  
 E-5



C:DEC 2 2003  
 (Z. A.)



Affidavit of Publisher

**PUBLIC NOTICE**

**AN ORDINANCE 98838**

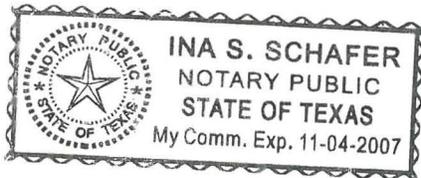
AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 33.49 acres out of NCB 19218, From "C-3 ERZD" General Commercial Edwards Recharge Zone District to "PUD MF-25 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District provided that the recommendations of the Aquifer Studies Office are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
2/18

STATE OF TEXAS,  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared I. Lutz, who being by me duly sworn, says on oath that she is the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio-City Clerk-Ordinance 98838 hereto attached has been published in every issue of said newspaper on the following days, to-wit: February 18, 2004.

*I. Lutz*  
\_\_\_\_\_

Sworn to and subscribed before me this 18th day of February, 2004.



*Ina S. Schaffer*  
\_\_\_\_\_  
Notary Public in and for Bexar County, Texas