

AN ORDINANCE 2011-12-01-1001

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

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WHEREAS, a public hearing was held after notice and publication 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 0.113 of an acre out of NCB 16883 from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization for an Animal Clinic.

SECTION 2. A description of the property is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 3. 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 specific 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 4. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 5. This change of zoning district boundary is conditioned on the requirement that no additional impervious cover shall be added to the existing retail center.

SECTION 6. 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 7. 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 8. 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 9. 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 10. 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.

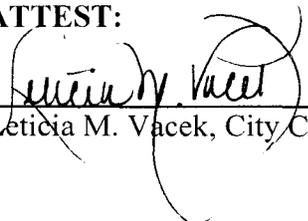
SECTION 11. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 12. This ordinance shall become effective December 11, 2011.

PASSED AND APPROVED this 1st day of December 2011.


M A Y O R
for Julián Castro

ATTEST:

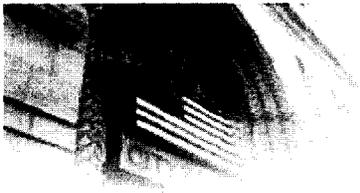


Leticia M. Vacek, City Clerk

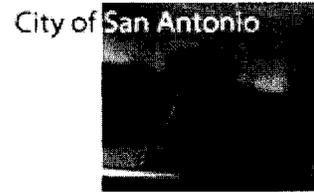
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - Z-9

Name:	Z-3, Z-4, Z-5, P-3, Z-7, Z-9, Z-10, Z-11						
Date:	12/01/2011						
Time:	02:13:00 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE Z2011201 S ERZD (District 8): An Ordinance amending the Zoning District Boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization for an Animal Clinic on 0.113 of an acre out of NCB 16883 located at 8202 North Loop 1604 West, Suites 111 and 112. Staff and Zoning Commission recommend approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x			x	
Jennifer V. Ramos	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

2011 09 12

METES AND BOUNDS DESCRIPTION
September 12, 2011
Suite 111 & 112

BEING a 0.113-acre tract of land out of Lot 4, Block 20, New City Block 16883, Hausman/Loop 1604 NEC, Bexar County, Texas recorded in Volume 9575, Page 15, Deed and Plat Records, Bexar County, Texas, said 0.113-acre tract being more particularly described as follows;

BEGINNING at the most northerly corner of the herein described tract being S 31° 21' 54" E 261.83 feet across said Lot 4 from the most northerly corner of said Lot 4;

THENCE S 50° 45' 34" E 66.77 feet across said Lot 4 to the most easterly corner of the herein described tract;

THENCE S 39° 14' 26" W 75.38 feet across said Lot 4 to the most southerly corner of the herein described tract;

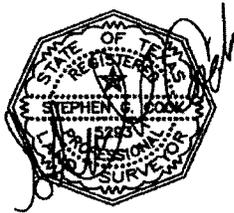
THENCE N 50° 45' 34" W 33.28 feet across said Lot 4 to a westerly corner of the herein described tract;

THENCE N 39° 14' 26" E 3.30 feet across said Lot 4 to a southerly corner of the herein described tract;

THENCE N 50° 45' 34" W 33.49 feet across said Lot 4 to the most westerly corner of the herein described tract;

THENCE N 39° 14' 26" E 72.08 feet across said Lot 4 to the POINT OF BEGINNING

Stephen G. Cook - Registered Professional Land Surveyor - No. 5293

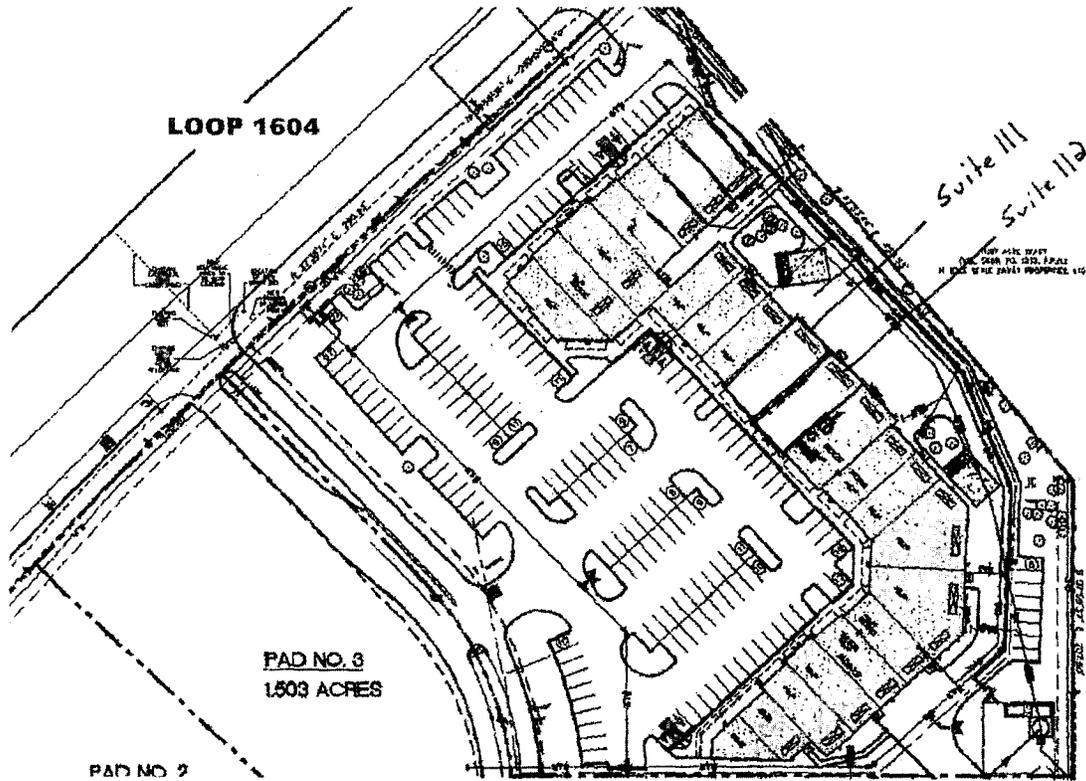


SGCE # 999-777-015

ATTACHMENT A

Z2013-001

Site Plan



Notes for Site Plan

1. Total number of acres subject to rezoning request - .113
2. Impervious Cover - all .113 acres
3. Square footage of all paved or otherwise hard surfaced streets, parking facilities - 4922.28 sq. ft.
4. Dimension of site - Suite 111 (35 ft. by 72 ft.) Suite 112 (30 ft. by 74 ft.)
5. Total square footage of retail center - 42,790 sq. ft.
6. The proposed use of veterinary hospital – small animal will be entirely enclosed within an existing structure. That existing structure complies with all current setbacks, off street parking and buffering requirements pursuant to the Unified Development Code.
7. The intended use of the property will be a veterinary hospital.
8. I, Walter K. Myers on behalf of K Partners Hausman, LP and the Hausman Village Retail Owners Association, the property owner, acknowledge that this site plan is submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.