

AN ORDINANCE 2013-08-15-0557

**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.**

\* \* \* \* \*

**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 1.22 acres out of NCB 17728 from "C-2 PC-1 ERZD" Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District to "C-2 S PC-1 ERZD" Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District with a Specific Use Authorization for a Carwash.

**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 the impervious cover on the property described by this ordinance shall not exceed 63%.

**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 August 25, 2013.

**PASSED AND APPROVED** this 15th day of August 2013.

  
M A Y O R  
Julián Castro

**ATTEST:**

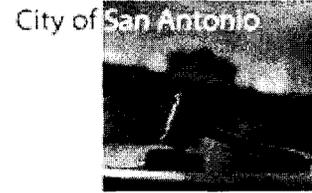
  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney  
For



Request for  
**COUNCIL**  
 ACTION



### Agenda Voting Results - Z-10

<b>Name:</b>	Z-10						
<b>Date:</b>	08/15/2013						
<b>Time:</b>	02:45:36 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2013128 S ERZD (District 10): An Ordinance amending the Zoning District Boundary from "C-2 PC-1 ERZD" Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District to "C-2 S PC-1 ERZD" Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District with a Specific Use Authorization for a Carwash on 1.22 acres out of NCB 17728 located on a portion of the 17000 Block of Bulverde Road. Staff and Zoning Commission recommend approval.						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1	x					
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x			x	

FIELD NOTES  
FOR  
SPECIAL USE PERMIT

A 1.220 acre, or 53,154 square feet more or less, tract of land, out of a 24.847 acre tract conveyed to Bul-1064, Ltd. in General Warranty Deed recorded in Volume 15156, Pages 1113-1120 of the Official Public Records of Bexar County, Texas, out of the George Voss Survey No. 340 ½, Abstract 788, County Block 4955 of Bexar County, Texas now in New City Block (N.C.B.) 17728 of the City of San Antonio, Bexar County, Texas. Said 1.220 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

**BEGINNING:** At a point on the east line of Bulverde Road, a variable width right-of way, the southwest corner of the Fire Station No. 48 Subdivision recorded in Volume 9557, Page 25 Deed and Plat Records of Bexar County, Texas, the northwest corner of the remaining portion of said called 26.45 acre tract;

**THENCE:** N 81°55'14" E, departing the east line right-of-way of said Bulverde Road along and with the south line of the said Fire Station No. 48 Subdivision and the north line of the remaining portion of said called 26.45 acre tract, a distance of 20.00 feet to a found ½" iron rod, a common corner of a 27.74 acre tract recorded in Volume 9712, Pages 1330-1331 of the Official Public Records of Real Property of Bexar County, Texas, the said Fire Station No. 48 Subdivision and the herein described tract;

**THENCE:** S 53°22'29" E, along and with the southwest line of said 27.74 acre tract, a distance of 268.38 feet to a point;

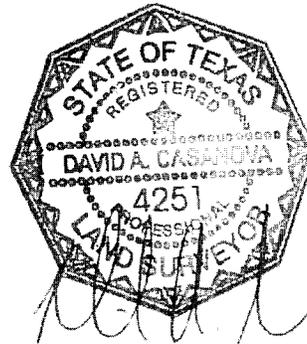
**THENCE:** S 00°00'00" E, over and across said 24.847 acre tract, a distance of 154.71 feet to a point;

**THENCE:** N 90°00'00" W, continuing over and across said 24.847 acre tract, a distance of 222.46 feet to a point on the east right-of-way line of said Bulverde Road;

THENCE: Northwesterly, along and with the east right-of-way line of said Bulverde Road, along a non-tangent curve to the left, said curve having a radial bearing of N 86°35'29" W, a radius of 1560.00 feet, a central angle of 11°29'17", a chord bearing and distance of N 02°20'07" W, 312.27 feet, for an arc length of 312.79 feet to the POINT OF BEGINNING, and containing 1.220 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared under job number 6229-02 by Pape-Dawson Engineers, Inc.

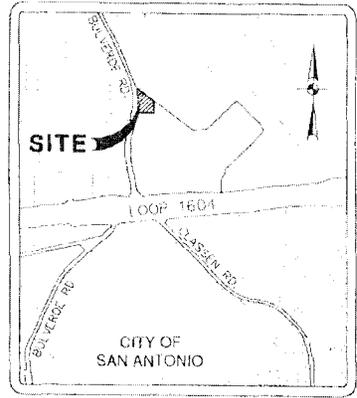
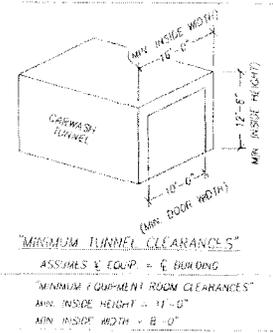
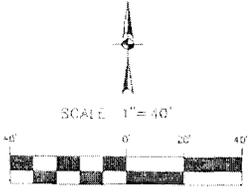
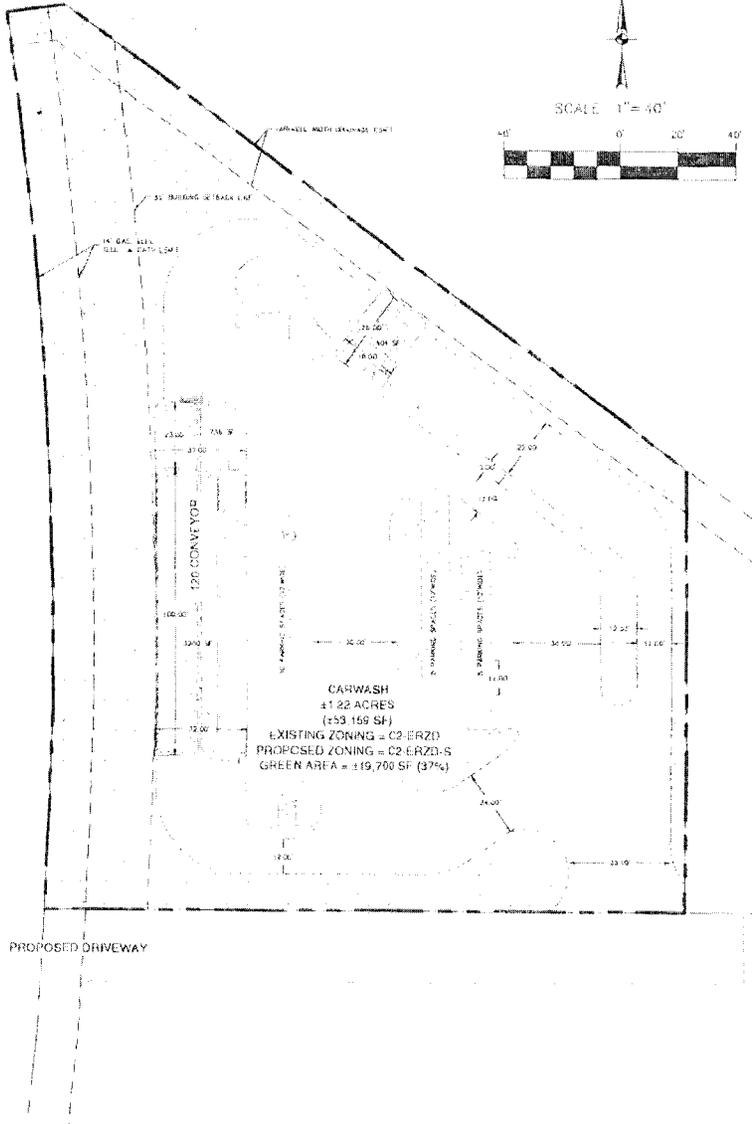
"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: April 12, 2013  
Job No.: 6229-02  
N:\CIVIL\6229-02\WORD\6229-02 FN-1.220 AC.docx  
TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00



72013128

BULVERDE ROAD



**NOTES:**

1. ALL PARKING AND LANDSCAPE AREAS WILL BE DESIGNED TO MEET THE CURRENT APPLICABLE CODES SUBJECT TO THE FINAL SITE PLAN. TEXAS ACCESSIBILITY STANDARDS WILL BE MET.
2. THE APPROXIMATE MAXIMUM IMPERVIOUS COVER WILL BE 63%.
3. THE DIMENSIONS SHOWN ARE SUBJECT TO CHANGE PENDING A FINAL SITE PLAN.
4. THIS PROPERTY IS INTENDED TO BE USED AS A CARWASH FACILITY.

**LAND USE TABLE (ALL VALUES INCLUDED BELOW ARE APPROXIMATE)**

TOTAL BUILDING AREA	4,440 SF
TOTAL PARKING DRIVEWAYS, AND ANCILLARY STORAGE	29,019 SF
MINIMUM LANDSCAPE / GREENSPACE AREA	19,700 SF
<b>TOTAL AREA</b>	<b>53,159 SF = 1.22 AC</b>

**NOTE:**

I, BUL\_1604 LTD., THE PROPERTY OWNER, ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE 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.

**PAPE-DAWSON ENGINEERS**  
 SAN ANTONIO, TEXAS  
 10000 SAN ANTONIO ROAD, SUITE 100  
 SAN ANTONIO, TEXAS 78258  
 TEL: 214.346.1100 FAX: 214.346.1101

**NEC BULVERDE & 1604**  
 SAN ANTONIO, TEXAS  
 SITE EXHIBIT

JOB NO. 6-229-52  
 DATE: APRIL 2011  
 DESIGNER: CE  
 CHECKED: CE  
 DRAWN: PLM