

AN ORDINANCE 2010-11-18-1005

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 48.652 acres out of NCB 17728 from "C-2 ERZD" Commercial Edwards Recharge Zone District and "C-2 PC-1 ERZD" Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District to "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District and "R-6 PC-1 ERZD" Residential Single-Family Bulverde Road Preservation Corridor Edwards Recharge Zone District.

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 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 4. 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 5. 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 6 A Vortech system water quality basin may not be constructed on the property unless the owner can demonstrate to SAWS that such system will not degrade the water quality in the Aquifer.

SECTION 7 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 8. 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 9. 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 six of this ordinance, then sections one through six 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.

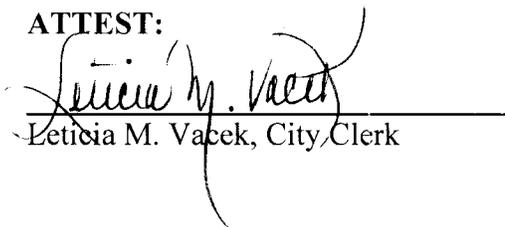
SECTION 10. This ordinance shall become effective November 28, 2010.

PASSED AND APPROVED this 18th day of November 2010.



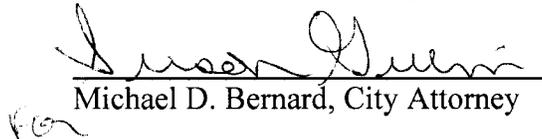
M A Y O R
Julián Castro

ATTEST:

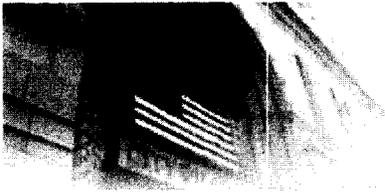


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - Z-4

Name:	Z-4						
Date:	11/18/2010						
Time:	02:44:50 PM						
Vote Type:	Motion to Appr w Cond						
Description:	ZONING CASE # Z2010114 ERZD (District 10): An Ordinance amending the Zoning District Boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District and "C-2 PC-1 ERZD" Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District to "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District and "R-6 PC-1 ERZD" Residential Single-Family Bulverde Road Preservation Corridor Edwards Recharge Zone District on 48.652 acres out of NCB 17728 located on a portion of the 19000 Block of Bulverde Road. Staff and Zoning Commission recommend approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9	x					
John G. Clamp	District 10		x			x	

Z2010114

48.652 ACRE TRACT

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STATE OF TEXAS
COUNTY OF BEXAR

METES AND BOUNDS DESCRIPTION of a 48.652 acre tract of land being out of a 73.00 acre tract as conveyed to The Capital Foresight Limited Partnership in Special Warranty Deed recorded in Volume 14310, Page 2173, Real Property Records, Bexar County, Texas, out of the A. Houston Survey No. 341, Abstract 354, County Block 4956, and the George Voss Survey No. 340-1/2, Abstract 788, County Block 4955, now in New City Block (N.C.B.) 17728, in the City of San Antonio, Bexar County, Texas; said 48.652 acre tract being more particularly described as follows, with bearings derived from the North American Datum of 1983, from state plane coordinates for the Texas South Central Zone,

BEGINNING at a 1/2" iron rod found on the east right-of-way line of Bulverde Road (a 110.00 foot wide public ROW) at the southwest corner of said 73.00 acre tract, same being at the northwest corner of Lot 1, Block 10, Fire Station No. 48, as recorded in Volume 9557, Page 23, Deed and Plat Records, Bexar County, Texas,

THENCE, along said east right-of-way line of Bulverde Road, the west line of said 73.00 acre tract, the following bearings and distances:

Northwesterly, with a curve to the left, said curve having a radius of 1,555.00 feet, a central angle of $00^{\circ} 10' 40''$, a chord bearing and distance of North $27^{\circ} 13' 25''$ West, 4.83 feet, and an arc length of 4.83 feet to a found 1/2" iron rod;

North $27^{\circ} 18' 45''$ West, a distance of 713.00 feet, to a found 1/2" iron rod at a point of curvature;

Northwesterly, with a curve to the right, said curve having a radius of 4,945.00 feet, a central angle of $10^{\circ} 37' 16''$, a chord bearing and distance of North $22^{\circ} 00' 07''$ West, 915.36 feet, and an arc length of 916.67 feet to a found 1/2" iron rod;

North $16^{\circ} 41' 29''$ West, a distance of 1,306.92 feet, to a found 1/2" iron rod at a point of curvature;

And Northwesterly, with a curve to the right, said curve having a radius of 4,945.00 feet, a central angle of $00^{\circ} 09' 50''$, a chord bearing and distance of North $16^{\circ} 36' 34''$ West, 14.14 feet, and an arc length of 14.14 feet to a point;

THENCE, departing said east right-of-way line of Bulverde Road and crossing said 73.00 acre tract, the following bearings and distances:

North $73^{\circ} 18' 31''$ East, a distance of 309.37 feet, to a point;

North $16^{\circ} 41' 29''$ West, a distance of 303.92 feet, to a point;

And North $37^{\circ} 09' 51''$ West, a distance of 65.45 feet, to a point on the south line of a 1.394 acre tract, as conveyed to the North East Independent School District in Special Warranty Deed and recorded in Volume 13712, Page 2082, said Real Property Records, for the northwest corner of this tract;

THENCE, along the south line of said 1.394 acre tract and crossing said 73.00 acre tract, the following bearings and distances:

Northeasterly, with a curve to the left, said curve having a radial bearing of North $37^{\circ} 09' 51''$ West, a radius of 700.00 feet, a central angle of $10^{\circ} 30' 10''$, a chord bearing and distance of North $47^{\circ} 35' 04''$ East, 128.14 feet, and an arc length of 128.32 feet to a point;

North $42^{\circ} 19' 59''$ East, a distance of 100.58 feet, to a point of curvature;

Northeasterly, with a curve to the right, said curve having a radial bearing of South $47^{\circ} 40' 01''$ East, a radius of 700.00 feet, a central angle of $51^{\circ} 42' 47''$, a chord bearing and distance of North $68^{\circ} 11' 23''$ East, 610.57 feet, and an arc length of 631.79 feet to a point;

And South $85^{\circ} 57' 14''$ East, a distance of 146.65 feet, to a point, for the northeast corner of this tract;

THENCE, crossing said 73.00 acre tract, South $04^{\circ} 02' 46''$ West, a distance of 43.05 feet, to a point on the east line of said 73.00 acre tract;

THENCE, along the east line of said 73.00 acre tract and the west line of a 17.545 acre tract, as conveyed to the Roseheart Homeowners Association in Special Warranty Deed and recorded in Volume 13824, Page 2017, said Real Property Records, the following bearings and distances;

South $11^{\circ} 25' 57''$ East, a distance of 129.08 feet, to a found $\frac{1}{2}$ " iron rod;

South $31^{\circ} 13' 04''$ East, a distance of 141.76 feet, to a found $\frac{1}{2}$ " iron rod;

South $26^{\circ} 51' 35''$ West, a distance of 189.52 feet, to a found $\frac{1}{2}$ " iron rod;

South $12^{\circ} 16' 47''$ West, a distance of 327.06 feet, to a found $\frac{1}{2}$ " iron rod;

South $18^{\circ} 06' 59''$ West, a distance of 158.59 feet, to a found $\frac{1}{2}$ " iron rod;

South $36^{\circ} 12' 30''$ West, a distance of 231.57 feet, to a found $\frac{1}{2}$ " iron rod;

South 31° 28' 36" West, a distance of 604.67 feet, to a found ½" iron rod;

South 21° 36' 29" East, a distance of 419.85 feet, to a found ½" iron rod;

South 56° 57' 56" East, a distance of 351.70 feet, to a found ½" iron rod;

South 02° 35' 44" East, a distance of 221.57 feet, to a found ½" iron rod;

And South 50° 22' 58" East, passing the corner of a 23.00 acre tract at 136.00 feet, as conveyed to the City of San Antonio in a Deed and recorded in Volume 14155, Page 1169, said Real Property Records, a distance of 543.52 feet, to a found ½" iron rod;

THENCE, along the east line of said 73.00 acre tract and the west line of said 23.00 acre tract the following bearings and distances;

South 30° 15' 20" West, a distance of 110.94 feet, to a found ½" iron rod;

South 57° 00' 26" East, a distance of 575.88 feet, to a found ½" iron rod;

South 15° 07' 13" West, a distance of 313.58 feet, to a found ½" iron rod;

North 60° 19' 33" West, a distance of 312.61 feet, to a found ½" iron rod;

And South 29° 11' 57" West, a distance of 38.69 feet, to a found ½" iron rod at the northeast corner of said Lot 1, Block 10, Fire Station No. 48;

THENCE, along the south line of said 73.00 acre tract and the north line of said Lot 1, Block 10, Fire Station No. 48, South 62° 49' 09" West, a distance of 410.64 feet, to the POINT OF BEGINNING.

CONTAINING in all, 48.652 acres or 2,119,267 square feet of land, more or less.



Rodney B. Belaire
 Rodney B. Belaire
 Registered Professional Land Surveyor
 Texas No. 5616