

AN ORDINANCE 2012-12-06-0961

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 0.242 of an acre out of NCB 18218 from "C-2 CD ERZD MLOD" Commercial Edwards Recharge Zone Military Lighting Overlay District with a Conditional Use for a Theater - Indoor Permitting Over 2 Screens and/or Stages to "C-2 S ERZD MLOD" Commercial Edwards Recharge Zone Military Lighting Overlay District with a Specific Use Authorization for Tire Repair - Auto and Small Truck (Sales and Installation Only, No Mechanical Service Permitted).

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 65% for commercial.

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 16, 2012.

PASSED AND APPROVED this 6th day of December, 2012.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

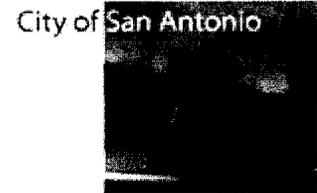
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - Z-13

Name:	Z-13						
Date:	12/06/2012						
Time:	02:55:22 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2012167 S ERZD (District 9): An Ordinance amending the Zoning District Boundary from "C-2 CD ERZD MLOD" Commercial Edwards Recharge Zone Military Lighting Overlay District with a Conditional Use for a Theater - Indoor Permitting Over 2 Screens and/or Stages to "C-2 S ERZD MLOD" Commercial Edwards Recharge Zone Military Lighting Overlay District with a Specific Use Authorization for Tire Repair - Auto and Small Truck (Sales and Installation Only, No Mechanical Service Permitted) on 0.242 of an acre out of NCB 18218 located at the southeast corner of Marshall Road and US Highway 281. 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				
Leticia Ozuna	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			x	
Carlton Soules	District 10		x				

22012167 SER2D

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION

BEING a 0.242 acre tract of land situated in the Wm. Brisbin Survey Number 89 1/2, Abstract 54, New City Block 18218, in the City of San Antonio, Bexar County, Texas being a portion of the tract of land described in the instrument to B&M Marshall Road, Ltd. recorded in Volume 12728, Page 1367, Official Public Records of Bexar County, Texas, said 0.242 acre tract of land being more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way line of Marshall Road (a 80 foot right-of-way) and the easterly right-of-way line of U.S. Highway 281 (a variable width right-of-way);

THENCE with the southerly right-of-way line of Marshall Road North 81' 42' 39" East a distance of 323.00 feet to a point for corner;

THENCE departing the southerly right-of-way line of Marshall Road South 08' 17' 21" East a distance of 472.28 feet to the POINT OF BEGINNING;

THENCE North 82' 28' 36" East a distance of 175.75 feet to a point for corner;

THENCE South 07' 31' 25" East a distance of 60.08 feet to a point for corner;

THENCE South 82' 28' 35" West a distance of 175.75 feet to a point for corner;

THENCE North 07' 31' 25" West a distance of 60.08 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.242 acres (10,560 square feet) of land.



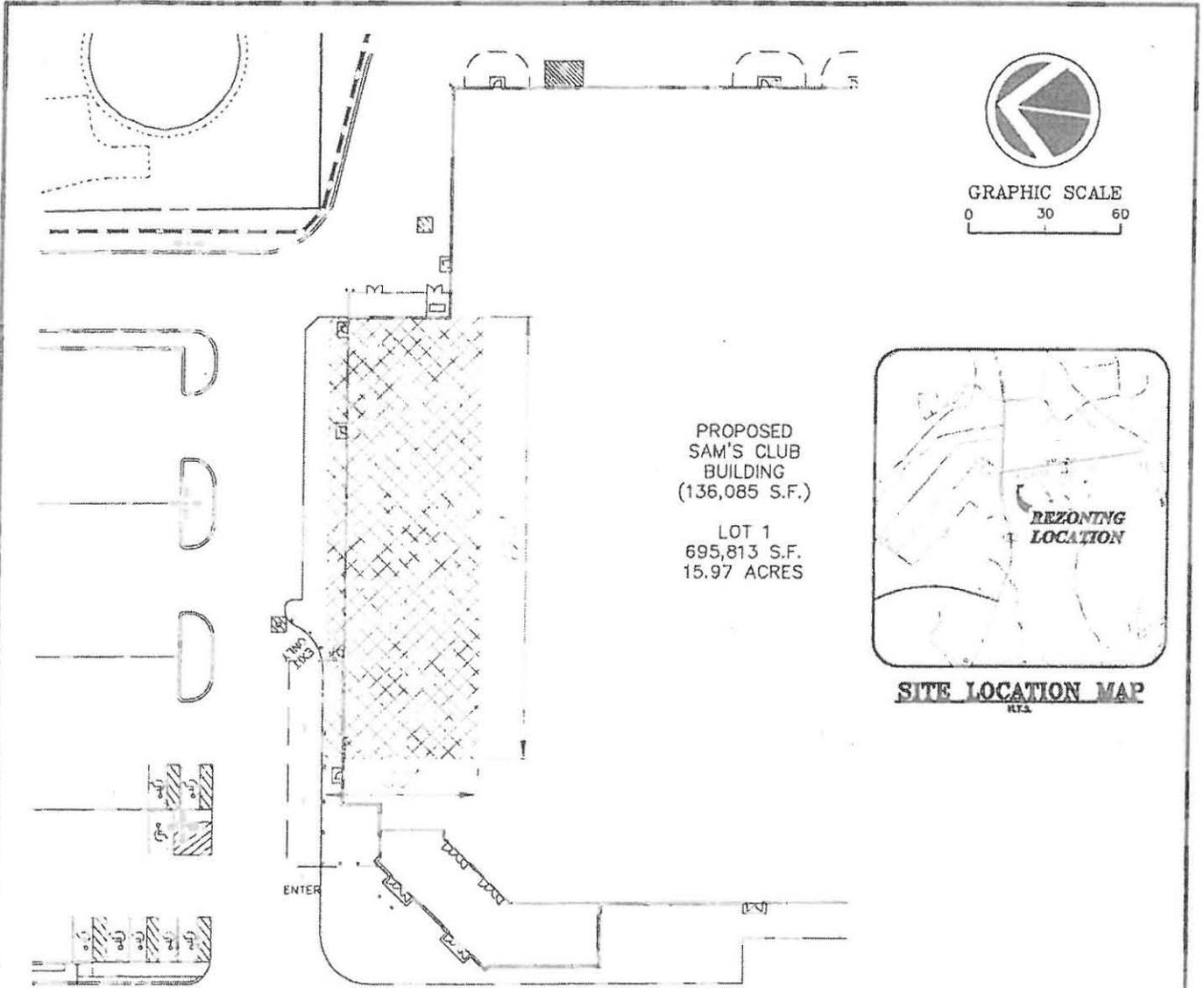
This survey was prepared under 22 TAC §663.21, does not reflect the results of and on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

SHEET 1 OF 2

 550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107 Tel: 817.335.1121 • Fax: 817.335.7437	Wm. BRISBIN SURVEY NUMBER 89 1/2 ABSTRACT 54 NEW CITY BLOCK 18218 CITY OF SAN ANTONIO BEXAR COUNTY, TEXAS
	DATE: JUNE 14, 2012

ATTACHMENT A

Z 20121675 ER21



PROPOSED
SAM'S CLUB
BUILDING
(136,085 S.F.)

LOT 1
695,813 S.F.
15.97 ACRES



SITE LOCATION MAP

LEGEND

PROPOSED REZONING AREA

NOTES:

- THE SETBACKS, PARKING AND LANDSCAPING WILL BE PROVIDED AS PART OF THE LARGER DEVELOPMENT OF THE TRACT IN ACCORDANCE WITH THE UDC.
- 100% IMPERVIOUS COVER FOR THE PROPERTY BEING REZONED.
- REZONING TO C-2 S (TIRE SALES AND INSTALLATION).

SITE ANALYSIS TABLE	
PROPOSED REZONING AREA	±10,560 S.F. (0.24 ACRE)

I, M2G MARSHALL ROAD, LTD., THE PROPERTY OWNER, ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF REZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISION 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.

DATE: 10-16-12
SCALE: 1" = 60' (8½" X 11")

**REZONING EXHIBIT
SAM'S CLUB**

SAN ANTONIO (NN), TEXAS



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121 • Fax: 817.335.7437
[TX REG. F-1114]