

46

AN ORDINANCE 97081

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. Z2002239S

The rezoning and reclassification of property from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2NA S ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Specific Use Authorization for a gymnasium on the property listed as follows

4.49 acres of land out of NCB 19217

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

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 23rd DAY OF January 20 03

MAYOR: [Signature] EDWARD D. GARZA

PRO TEM

ATTEST: [Signature] City Clerk

APPROVED AS TO FORM: [Signature] CITY ATTORNEY

03 - 03 1

Property Description
of

4.49 Acres of Land in the City of San Antonio, N.C.B. 19217, being a portion of the Mesa Cielo Property, Bexar County, Texas; said 4.49 Acres being more particularly described as follows.

Beginning At a common point on the western most corner of Lot 1, Mesa Commercial Subdivision and the Northeastern Right of Way Line of Hardy Oaks Blvd ;thence proceed North $43^{\circ}20'56''$ East, a distance of 300.00 feet along the northwestern most property line of Lot 1, Mesa Commercial Subdivision to a point on the northern most corner of Lot 1, Mesa Commercial Subdivision and being the Point of Beginning of the herein described tract.

Thence Proceed North $46^{\circ}39'04''$ West, a distance of 79.21 feet to a point and corner;

Thence Proceed North $42^{\circ}47'37''$ East, a distance of 219.95 feet to a point and corner;

Thence Proceed South $70^{\circ}00'00''$ East, a distance of 470.00 feet to a point and corner;

Thence Proceed South $06^{\circ}54'43''$ West, a distance of 504.92 feet to a point on the northeastern border of Mesa Commercial Subdivision to a point and corner,

Thence: Proceed North $46^{\circ}39'04''$ West, a distance of 650.06 feet along the northeastern border of Mesa Commercial Subdivision to a point being the POINT OF BEGINNING, and containing 4.49 Acres of Land

Note Bearings used in this description are referenced to the Subdivision Plat of Mesa Commercial Subdivision recorded in the Book Volume 9546 on Page 53 of the Deed and Plat Records of Bexar County, Texas

Project No. 020080
October 7, 2002



CASE NO: Z2002239S

Zoning Commission Meeting Date: December 03, 2002

Council District: 9

Ferguson Map: 482 E-5

Appeal: No

Applicant:

Misra Enterprises, L P

Owner

Misra Enterprises, L P

Zoning Request:

From "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2NA S ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Specific Use Authorization for a gymnasium

4.49 acres of land out of NCB 19217

Property Location:

21000 Block of Hardy Oak Boulevard

300 feet northeast of Hardy Oak Boulevard

Applicants Proposal:

To permit the expansion of the existing (Kids R Kids) daycare facility on the adjacent lot and add a gymnasium in the facility.

Staff Recommendation:

Approval The subject property is currently vacant and adjacent to "C-2 ERZD" Commercial Edwards Recharge Zone District and "C-2NA S ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District. The proposed zoning will allow for the expansion of the existing (Kids R Kids) daycare facility and operation of a gymnasium. The "C-2NA S ERZD" zoning will enhance and maintain an existing (Kids R Kids) daycare facility with recreational programs to meet the needs of present and future residents of the neighborhood and community.

Zoning Commission Recommendation:

Approval

VOTE

FOR	8
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2002239 S

ZONING CASE NO. Z2002239 S December 3, 2002

COMMISSIONER GRAU WAS RECUSED FROM THIS CASE

Applicant: Misra Enterprises, L.P.

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "C-2" S ERZD Commercial Edwards Recharge Zone District with Specific Use Authorization for a gymnasium.

Greg Senulis, 23705 IH 10 W., representing the applicant, stated he would like to amend his request to "C-2NA". He stated the purpose of this request is to expand their existing daycare facilities for a gymnasium.

OPPOSE

Mel Stevens, 222 S. West Monte Drive, stated he owns the property that is adjacent to the proposed gymnasium. He stated they are proposing to develop a gymnasium and feels that two facilities of the same operation would be not too appealing. He stated their project is in the permitting process.

REBUTTAL

Greg Senulis, 23705 IH 10 W., stated this is an existing daycare center and they are requesting the change to expand their facilities to build a gymnasium for the children in the daycare.

Staff stated there were 13 notices mailed out to the surrounding property owners, 2 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 Sherrill to recommend approval of "C-2NA" S ERZD for a gymnasium.

1. Property is located on 4.49 acres of land out of NCB 19217 at 21000 Block of Hardy Oaks Boulevard.
2. There were 13 notices mailed, 2 returned in opposition and 2 returned in favor.
3. Staff recommends denial as requested and approval "C-2NA" S ERZD.

Z2002239 S

AYES: Mehringer, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Martinez

NAYS: None

ABSTAIN: Avila

RECUSED: Grau

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

NOV 15 2002

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, Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case #Z2002239 located at 21756 Hardy Oak Blvd.

Date: November 15, 2002

SUMMARY

A request for a change in zoning has been made for an approximate 4.49-acre tract located at 21756 Hardy Oak Boulevard on the city's north side. A change in zoning from "R-6 ERZD" to "C-2 S ERZD", is being requested by the applicant and owner, Mistra Enterprises, L.P. The change in zoning will allow for the expansion of an adjacent daycare facility, which includes construction of a gymnasium on the site. No site specific category determination has been requested as of the date of this report.

NOTE: 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 by the Resource Protection Division. Based on the information provided, 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 Resource 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".

LOCATION

The subject tract is located in City Council District 9, at the northeast corner of Hardy Oak Boulevard and Stone Oak Parkway. The property is located on the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

The Aquifer Protection & Evaluation Section of the San Antonio Water System conducted an investigation of the referenced property to evaluate any environmental concerns present at the site. The subject property can be described as an unimproved tract of land that has been cleared and partially leveled with approximately 8 to 10 feet of fill material. The general direction of drainage is south towards an existing drainage area. The site lies within the Upper Salado Creek watershed.

According to FEMA flood insurance rate map No. 48029C0140, the subject site is located outside the 100-year flood plain

The 4.49-acre tract has a Water Pollution Abatement Plan (WPAP) approved by the Texas Commission on Environmental Quality (TCEQ) on June 9, 1999. A modification to the WPAP will be required since the original WPAP submitted does not provide for any impervious cover. Staff evaluated the geologic assessment and was in general agreement with the described assessment. The Edwards Kainer Formation, Dolomite member outcrops on the southern portion of the site. Additional outcropping was not evident due to the extensive amount of fill present on site. No sensitive recharge features were listed in the Geologic Assessment portion of the WPAP nor were any observed during the site evaluation.

ENVIRONMENTAL CONCERNS

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

- 1 The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas which are then carried off in the first flush of stormwater run-off.
- 2 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.
- 3 The proper construction of the sewer mains and service laterals to prevent wastewater from entering the subsurface

ENVIRONMENTAL RECOMMENDATIONS

The following are recommendations to address the environmental concerns raised by the construction of this commercial development on the Edwards Aquifer Recharge Zone:

- 1 The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits:
 - A A 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 letter from the Texas Commission on Environmental Quality approving each WPAP,
 - D A copy of the approved WPAP.
- 2 All stormwater run-off from the commercial development shall be directed to a stormwater abatement system that shall be reviewed by the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.
 3. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5(b)(5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
 - 4 The land uses within the commercial 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 prohibited, that land use will not be permitted on that site.
 - 5 Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of 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 Soil Conservation Service, Texas Department of Agriculture, U S Department of Agriculture, etc. shall be used.
 - 6 The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.
 - 7 The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
 - 8 The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

Zoning Commission Members
Z2002239 (21756 Hardy Oak Blvd.)
Page 4

9. If any 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 Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

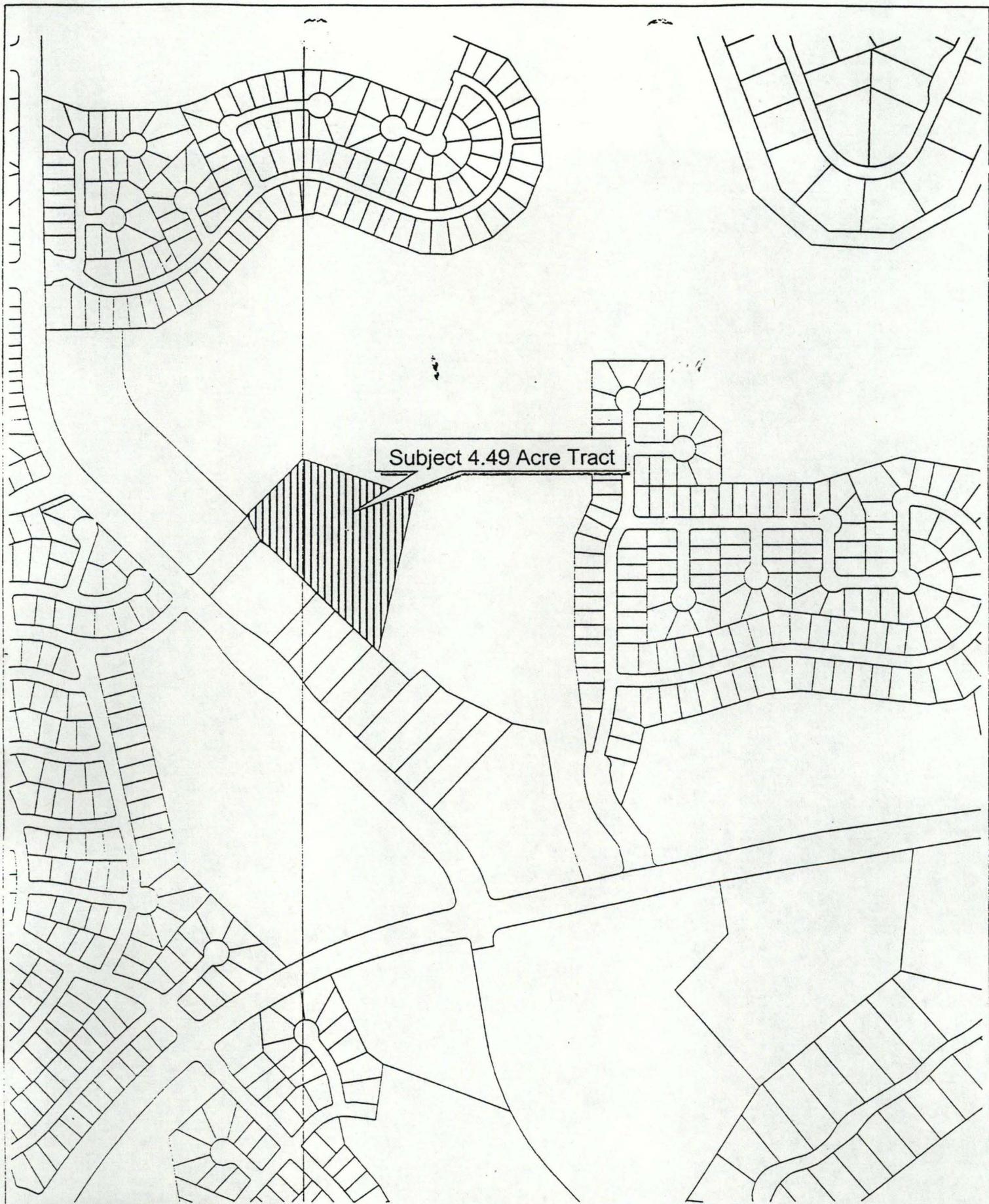
- 10 The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project

Based on the environmental assessment of the property and the proposed land use, staff recommends approval provided the applicant agrees to abide by all recommendations contained in this document.

APPROVED:


Kirk M. Nixon
Manager, Resource Protection Division

KMN KJS



21756 Hardy Oaks Blvd.

Z2002239

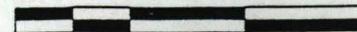
Figure 2

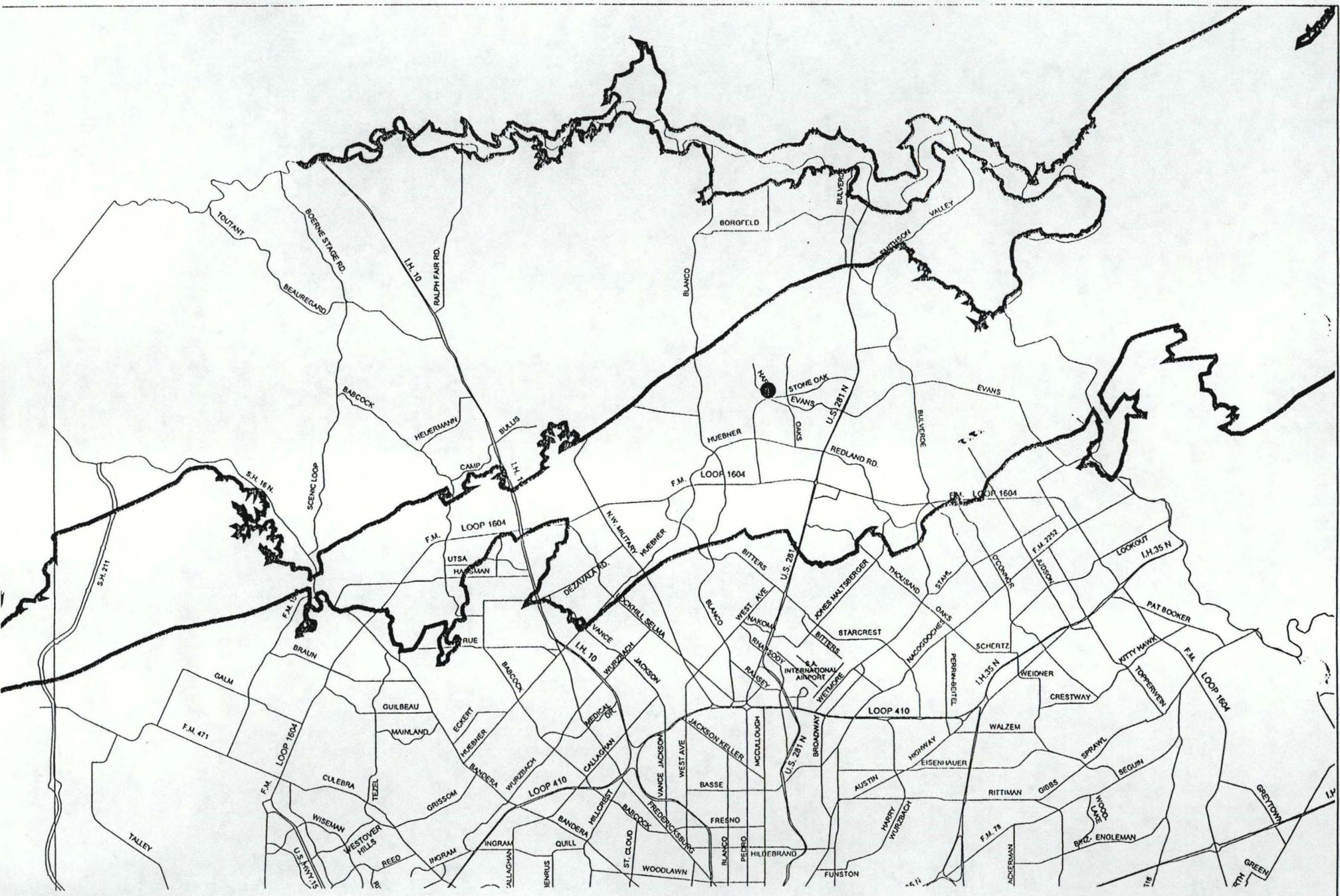
*** Subject property is outside floodplain**

Map Prepared by Resource Protection & Compliance Department KJS 11/13/2002



300 0 300 600 Feet

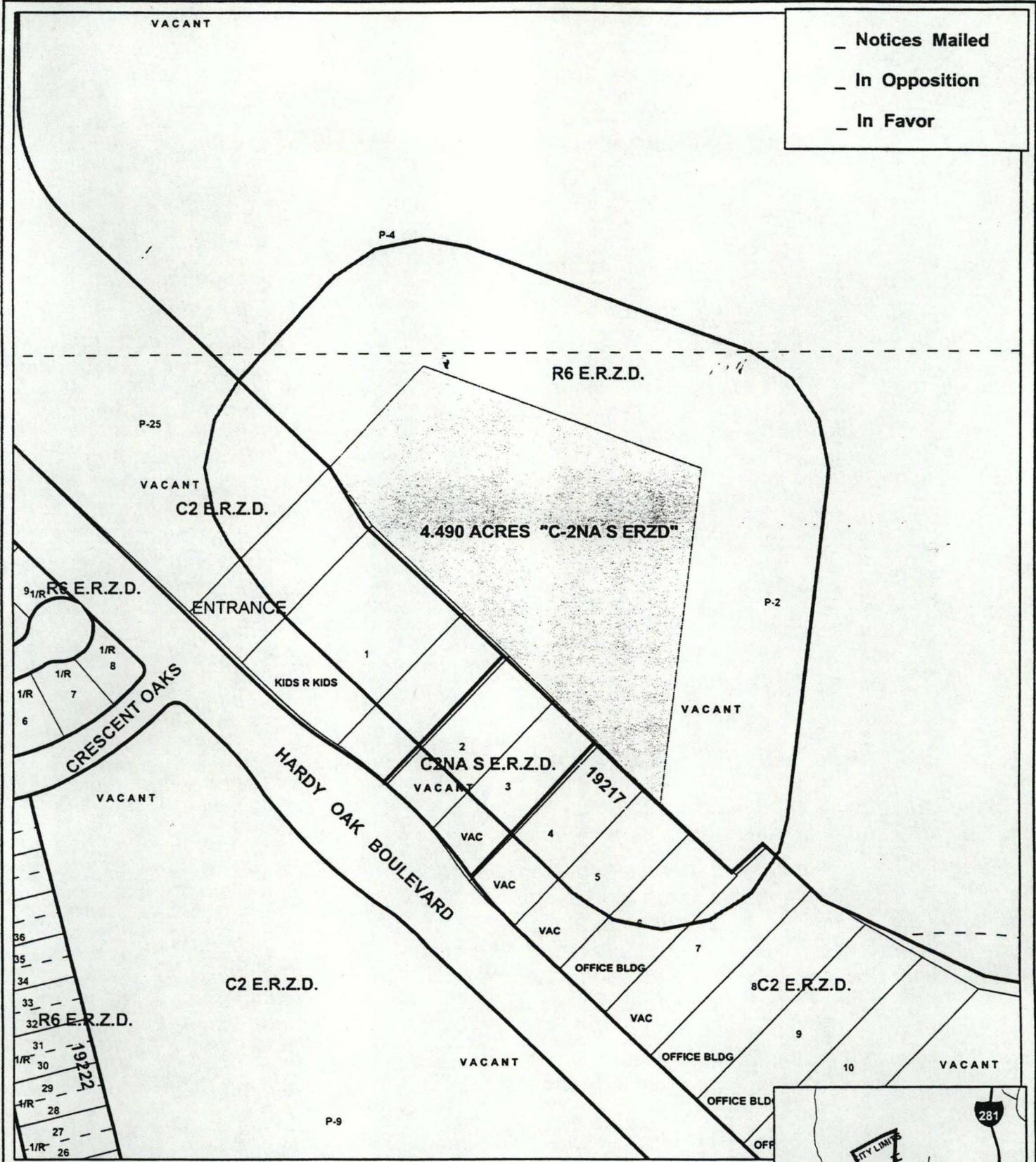




21756 Hardy Oaks Blvd.
Z2002239 Figure 1



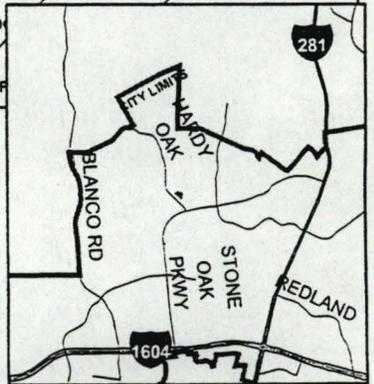
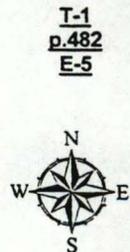
- _ Notices Mailed
- _ In Opposition
- _ In Favor



ZONING CASE: Z2002-239S

City Council District NO. 9
 Requested Zoning Change
 From: "R-6 ERZD" To "C-2NA S ERZD"
 Date: January 23, 2003
 Scale: 1' = 200'

- Subject Property
- 200' Notification



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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: 46

DATE: JAN 23 2003

MOTION: Schubert Jordan

ORDINANCE NUMBER: 97081

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: 22002-2395

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		✓	
JOHN H. SANDERS District 2		✓	
ANTONIETTE "TONI" MOORHOUSE District 3		✓	
ENRIQUE "KIKE" MARTIN District 4		absent	
DAVID A. GARCIA District 5		absent	
ENRIQUE M. BARRERA District 6		✓	
JULIAN CASTRO District 7		absent	
BONNIE CONNER District 8		✓	
CARROLL SCHUBERT District 9		✓	
DAVID CARPENTER District 10		✓	
EDWARD D. GARZA Mayor		absent	

ZC: Approval

Staff: Approval

03-03

Affidavit of Publisher

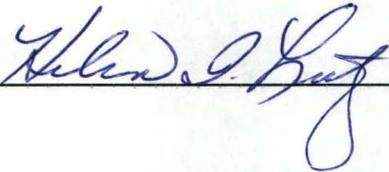
STATE OF TEXAS,

COUNTY OF BEXAR

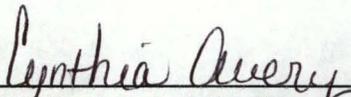
CITY OF SAN ANTONIO

PUBLIC NOTICE
AN ORDINANCE 97081
AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 4.49 acres of land out of NCB 19217, From "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2NA S ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Specific Use Authorization for a gymnasium. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Before me, the undersigned authority, on this day personally ^{1/28} appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of 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 97081 hereto attached has been published in every issue of said newspaper on the following days, to-wit: January 28, 2003.



Sworn to and subscribed before me this 28th day of January, 2003.



Notary Public in and for Bexar County, Texas

