

AN ORDINANCE 2009-03-19-0231

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

\* \* \* \* \*

**WHEREAS**, a public hearing was held 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 24.315 of an acre out of NCB 14865 from "C-2 ERZD" Commercial Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District.

**SECTION 2.** In accordance with Sections 35-514(d)(2)E and 35-514(e)(3) of the Unified Development Code, the City Council authorizes a fence to be erected or altered of up to a height of eight (8) feet and shall be located within forty (40) feet from the property line abutting existing residential zoning districts and land uses.

**SECTION 3.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 4.** 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 45%.

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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 9.** 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 10.** 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 11.** This ordinance shall become effective March 29, 2009.

**PASSED AND APPROVED** this 19<sup>th</sup> day of March 2009.

ATTEST:

  
City Clerk

  
FOR M A Y O R

APPROVED AS TO FORM:

  
City Attorney

Z2009036 Tract 1

**Bury Partners**  
Consulting Engineers and Surveyors

8.019 ACRE TRACT  
(349,327 Sq. Ft.)  
50738.06T11.DWG

FN NO. 50738-06-1  
NOVEMBER 13, 2008  
JOB NO.50806-01.92

**FIELD NOTE DESCRIPTION**

8.019 ACRES OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING THE SAME 7.9929 ACRE TRACT CONVEYED TO S.A. REFLECTIONS LAKE HOMES, INC. AS RECORDED IN VOLUME 6776, PAGE 2085 OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS; SAID 8.019 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; WITH ALL BEARINGS BEING REFERENCED TO THE NORTH AMERICAN DATUM 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, UTILIZING CORS STATIONS TXAN AND TXUV AS CONTROL:

BEGINNING, AT A FOUND ½ INCH IRON ROD, ON THE WESTERLY LINE OF BABCOCK ROAD, MARKING THE MOST NORTHEASTERLY CORNER OF SAID 7.9929 ACRES, AND THE SOUTHEASTERLY CORNER OF UNIVERSITY ROW SUBDIVISION UNIT 2, AS DESCRIBED IN VOLUME 9510, PAGE 44 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, FOR THE BEGINNING OF A CURVE TO THE LEFT;

~~THENCE, ALONG THE WESTERLY LINE OF BABCOCK ROAD, THE~~  
FOLLOWING COURSES:

SOUTHEASTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 756.93 FEET, A CENTRAL ANGLE OF 00° 10' 23" AN ARC LENGTH OF 2.29 FEET AND A CHORD BEARING: S 15° 13' 39" E, 2.29 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP;

S 15° 43' 22" E, A DISTANCE OF 244.80 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP, FOR THE BEGINNING OF A CURVE TO THE RIGHT;

**EXHIBIT A**

SOUTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 533.81 FEET, A CENTRAL ANGLE OF 08° 14' 19" AN ARC LENGTH OF 76.76 FEET AND A CHORD BEARING: S 10° 47' 18" E, 76.69 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP, FOR THE SOUTHEASTERLY CORNER OF SAID 7.9929 ACRES, AND HEREIN DESCRIBED TRACT, SAID IRON ROD ALSO BEING THE NORTHEASTERLY CORNER OF THAT CERTAIN 8.00 ACRES, CONVEYED TO WHEELER FAMILY TRUST AS DESCRIBED IN VOLUME 11433, PAGE 2223 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS;

THENCE, S 89° 53' 24" W, ALONG THE COMMON LINE OF SAID S.A. REFLECTIONS LAKE HOMES, INC., AND THE WHEELER FAMILY TRUST, A DISTANCE OF 1151.47 FEET, TO A FOUND ½ INCH IRON ROD, ON THE EASTERLY LINE OF NORTH HILLS VILLAGE UNIT 2, AS DESCRIBED IN VOLUME 9510, PAGES 14-15, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, FOR THE SOUTHWESTERLY CORNER OF SAID 7.9929 ACRES, AND HEREIN DESCRIBED TRACT;

THENCE, ALONG THE EASTERLY LINE OF SAID NORTH HILLS VILLAGE UNIT 2, THE FOLLOWING COURSES:

N 00° 29' 02" W, A DISTANCE OF 114.89 FEET, TO A FOUND 1 INCH, (PINCH) IRON PIPE, FOR AN ANGLE CORNER OF HEREIN DESCRIBED TRACT;

N 00° 09' 45" E, A DISTANCE OF 139.62 FEET, TO A FOUND 1 INCH, IRON PIPE, FOR AN ANGLE CORNER OF HEREIN DESCRIBED TRACT;

N 00° 53' 45" W, A DISTANCE OF 59.14 FEET, TO A FOUND ½ INCH IRON ROD, FOR THE NORTHWESTERLY CORNER OF SAID 7.9929 ACRE TRACT, AND THE SOUTHWESTERLY CORNER OF SAID UNIVERSITY ROW SUBDIVISION UNIT 2;

THENCE, N 89° 54' 20" E, ALONG THE COMMON BOUNDARY LINE BETWEEN UNIVERSITY ROW SUBDIVISION UNIT 2 AND SAID 7.9929 ACRES, AT A DISTANCE OF 1,063.40 FEET, PASSING A FOUND ½ INCH IRON ROD FOR THE SOUTHEASTERLY CORNER OF LOT 9, BLOCK 1, NCB 17224, OF SAID UNIVERSITY ROW SUBDIVISION UNIT 2, FOR THE TOTAL DISTANCE OF 1071.68 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.019 ACRES OF LAND MORE OR LESS.

Z2009036

NOTE: SURVEY PLAT OF EVEN DATE TO ACCOMPANY THIS LEGAL DESCRIPTION.

Hal B. Lane III 11/14/08  
HAL B. LANE III  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4690  
BURY + PARTNERS, INC.  
922 ISOM ROAD, SUITE 100  
SAN ANTONIO, TX 78216  
PH# (210) 525-9090



Z2009036

Tract 2

**b** Bury Partners

Consulting Engineers and Surveyors

7.986 ACRE TRACT  
(347,874 Sq. Ft.)  
50738.06TI2.DWG

FN NO. 50738-06-2  
NOVEMBER 13, 2008  
JOB NO. 50806-01.92

**FIELD NOTE DESCRIPTION**

7.986 ACRES OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING THE SAME 8.00 ACRE TRACT CONVEYED TO DAVID E. WHEELER AND RHETA D. WHEELER, AS CO-TRUSTEES OF THE WHEELER FAMILY TRUST, AS RECORDED IN VOLUME 11433, PAGE 2223 OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS; SAID 7.986 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; WITH ALL BEARINGS BEING REFERENCED TO THE NORTH AMERICAN DATUM 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, UTILIZING CORS STATIONS TXAN AND TXUV AS CONTROL:

**BEGINNING**, AT A FOUND  $\frac{1}{2}$  INCH IRON ROD, ON THE WESTERLY LINE OF BABCOCK ROAD, MARKING THE SOUTHEASTERLY CORNER OF SAID 8.00 ACRES, AND THE NORTHEASTERLY CORNER OF THAT CERTAIN 8.321 ACRE TRACT CONVEYED TO JAMES BYRNE JR, AS DESCRIBED IN VOLUME 7488, PAGE 91 OF THE DEED OF TRUST RECORDS OF BEXAR COUNTY, TEXAS;

**THENCE**, S 89° 53' 54" W, ALONG THE COMMON LINE OF SAID WHEELER FAMILY TRUST TRACT, AND THE JAMES BYRNE JR. TRACT, ~~A DISTANCE OF 1169.77 FEET, TO A FOUND  $\frac{1}{2}$  INCH IRON ROD, ON~~ THE EASTERLY LINE OF NORTH HILLS VILLAGE UNIT 2, AS DESCRIBED IN VOLUME 9510, PAGES 14-15, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, FOR THE SOUTHWESTERLY CORNER OF SAID 8.00 ACRES, AND HEREIN DESCRIBED TRACT;

**THENCE**, ALONG THE EASTERLY LINE OF SAID NORTH HILLS VILLAGE UNIT 2, THE FOLLOWING COURSES:

N 00° 25' 44" E, A DISTANCE OF 213.83 FEET, TO A FOUND 1 INCH IRON PIPE, FOR AN ANGLE CORNER OF HEREIN DESCRIBED TRACT;

N 00° 07' 13" E, A DISTANCE OF 85.74 FEET, TO A FOUND  $\frac{1}{2}$  INCH IRON ROD FOR THE SOUTHWESTERLY CORNER OF THAT CERTAIN 7.9929 ACRES CONVEYED TO SA REFLECTIONS LAKE

HOMES AS DESCRIBED IN VOLUME 6776, PAGE 2085 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, AND THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED TRACT;

THENCE, N 89° 53' 24" E, ALONG THE COMMON BOUNDARY LINE BETWEEN SAID SA REFLECTIONS LAKE HOMES TRACT, AND WHEELER FAMILY TRUST TRACT, A DISTANCE OF 1151.47 FEET, TO A SET 1/2 INCH IRON ROD WITH BPI CAP FOR THE SOUTHEASTERLY CORNER OF SAID 7.9929 ACRE TRACT, AND THE NORTHEASTERLY CORNER OF SAID 8.00 ACRE TRACT, SAME BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE, ALONG THE WESTERLY LINE OF BABCOCK ROAD, THE FOLLOWING COURSES:

SOUTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 533.81 FEET, A CENTRAL ANGLE OF 04° 13' 41" AN ARC LENGTH OF 39.39 FEET AND A CHORD BEARING: S 04° 33' 18" E, 39.38 FEET, TO A SET 1/2 INCH IRON ROD WITH BPI CAP;

S 02° 56' 36" E, A DISTANCE OF 260.78 FEET, TO THE POINT OF BEGINNING AND CONTAINING 7.986 ACRES OF LAND MORE OR LESS.

NOTE: SURVEY PLAT OF EVEN DATE TO ACCOMPANY THIS LEGAL DESCRIPTION.

*Hal B. Lane III* 11/17/02  
HAL B. LANE III  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4690  
BURY + PARTNERS, INC.  
922 ISOM ROAD, SUITE 100  
SAN ANTONIO, TX 78216  
PH# (210) 525-9090



Z2009036

Tract 3

**b** Bury Partners

Consulting Engineers and Surveyors

8.310 ACRE TRACT  
(361,987 Sq. Ft.)  
50738.06TI3.DWG

FN NO. 50738-06-3  
NOVEMBER 13, 2008  
JOB NO.50806-01.92

**FIELD NOTE DESCRIPTION**

8.310 ACRES OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING THE SAME 8.321 ACRE TRACT CONVEYED TO R.B. JAMES AND MARTHA JO ANNE MARR JAMES, AS RECORDED IN VOLUME 7488, PAGE 91 OF THE DEED OF TRUST RECORDS OF BEXAR COUNTY, TEXAS; SAID 8.310 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; WITH ALL BEARINGS BEING REFERENCED TO THE NORTH AMERICAN DATUM 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, UTILIZING CORS STATIONS TXAN AND TXUV AS CONTROL:

**BEGINNING**, AT A FOUND ½ INCH IRON ROD, ON THE WESTERLY LINE OF BABCOCK ROAD, MARKING THE NORTHEASTERLY CORNER OF SAID 8.321 ACRES, AND THE SOUTHEASTERLY CORNER OF THAT CERTAIN 8.00 ACRE TRACT CONVEYED TO THE WHEELER FAMILY TRUST, AS DESCRIBED IN VOLUME 11433, PAGE 2223 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS;

**THENCE**, S 02° 53' 30" E, ALONG THE WESTERLY LINE OF BABCOCK ROAD, A DISTANCE OF 304.33 FEET, TO A FOUND ½ INCH IRON ROD FOR ~~THE NORTHEASTERLY CORNER OF BETHANY PRIMITIVE BAPTIST CHURCH~~, AS DESCRIBED IN VOLUME 9532, APGE 192 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED TRACT;

**THENCE**, S 89° 34' 55" W, ALONG THE SOUTHERLY LINE OF SAID R.B. JAMES AND MARTHA JO ANNE MARR JAMES TRACT, SAME BEING THE NORTHERLY LINE OF SAID BETHANY PRIMITIVE BAPTIST CHURCH, AND THE NORTHERLY LINE OF NORTH HILLS VILLAGE, UNIT 1, AS DESCRIBED IN VOLUME 8800, PAGE 168 DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, A DISTANCE OF 1185.05 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP, ON THE EASTERLY LINE OF NORTH HILLS VILLAGE UNIT 2, AS DESCRIBED IN VOLUME 9510, PAGES 14-15, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, FOR THE SOUTHWESTERLY CORNER OF SAID 8.321 ACRES, AND HEREIN DESCRIBED TRACT;

Z2009036

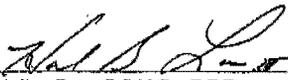
THENCE, ALONG THE EASTERLY LINE OF SAID NORTH HILLS VILLAGE UNIT 2, THE FOLLOWING COURSES:

N 00° 27' 39" W, A DISTANCE OF 184.76 FEET, TO A FOUND 1 INCH IRON PIPE, FOR AN ANGLE CORNER OF HEREIN DESCRIBED TRACT;

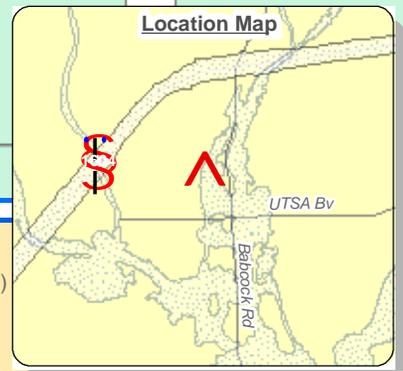
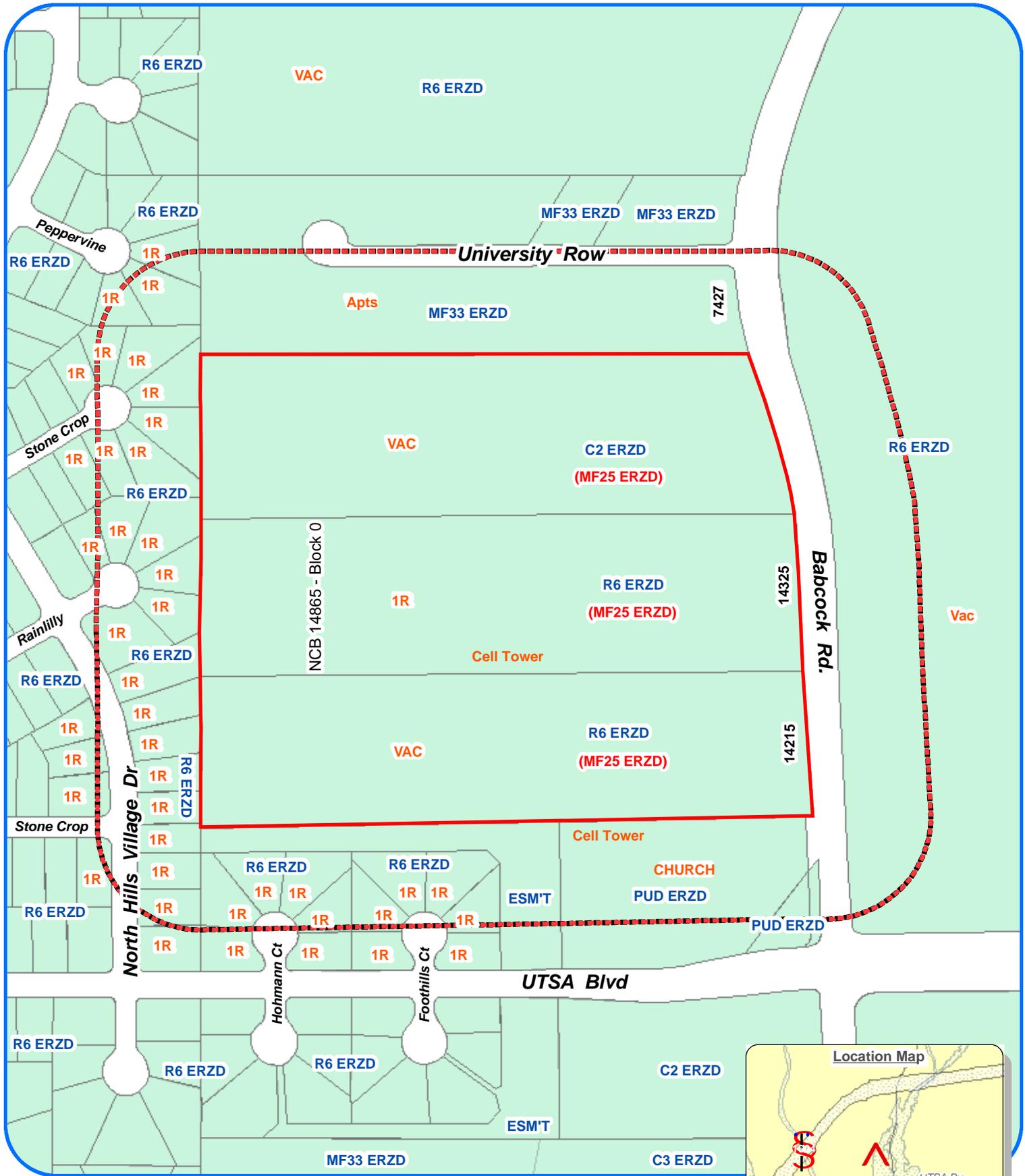
N 00° 37' 48" E, A DISTANCE OF 125.76 FEET, TO A FOUND ½ INCH IRON ROD FOR THE SOUTHWESTERLY CORNER OF SAID WHEELER FAMILY TRUST TRACT, AND THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED TRACT;

THENCE, N 89° 53' 54" E, ALONG THE COMMON BOUNDARY LINE BETWEEN SAID R.B. JAMES AND MARTHA JO ANNE MARR JAMES TRACT, AND WHEELER FAMILY TRUST TRACT, A DISTANCE OF 1169.77 FEET, TO THE POINT OF BEGINNING AND CONTAINING 8.310 ACRES OF LAND MORE OR LESS.

NOTE: SURVEY PLAT OF EVEN DATE TO ACCOMPANY THIS LEGAL DESCRIPTION.

  
4/19/08  
HAL B. LANE III  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4690  
BURY + PARTNERS, INC.  
922 ISOM ROAD, SUITE 100  
SAN ANTONIO, TX 78216  
PH# (210) 525-9090





## Zoning Case Notification Plan

# Case Z2009036 ERZD

Council District 8

Scale: 1" approx. = 250'

Subject Property Legal Description(s): 24.315 acres out of NCB 14865

### Legend

- Subject Property  (24.315 acres)
- 200' Notification Buffer
- Current Zoning C2 ERZD
- Requested Zoning Change (MF25 ERZD)
- 100-Year FEMA Floodplain



City of San Antonio  
 Planning - Development Services Dept.  
 1/12/2009  
 D. E. Castillo

**Z-7 Zoning Case# Z2009036 ERZD  
14215 and 14325 Babcock Road**

**Current Zoning-** "C-2 ERZD" Commercial Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District

**Proposed-** "MF-25 ERZD" Multi-Family Edwards Recharge Zone District

**Intended use-**To allow off-campus student housing (apartments/near UTSA)

**Case Manager-** Leslie Zavala

**Applicant-** Drenner & Golden Stuart Wolff, LLP

**Representative-** Drenner & Golden Stuart Wolff, LLP

**Impervious Coverage Level (if applicable) –** 45%

**Neighborhood-** College Park HOA

**Issues-** N/A

**Misc-** Maps attached

**Notes-** College Park in support of the case, letter from HOA attached and letter of understanding.

**SAWS-**

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the subject property as a Category 2 property.
3. SAWS recommends a maximum impervious cover of 45% on the site.

**College Park HOA, AGUA and GEAA in support of the zoning case**

— VARIANCE FOR A 8' FENCE



