

AN ORDINANCE 2009-10-01-0804

**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 10.673 acres out of NCB 18218 from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District (5.847 acres) and "C-2" ERZD Commercial Edwards Recharge Zone District (4.826 acres).

**SECTION 2.** A description of the property is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** In accordance with Section 35-514(d)(2)E 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 along the northern property line that abuts existing residential zoning districts and land uses.

**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 50%.

**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.

# Z-18. Amended.

**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 Planning and 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 October 11, 2009.

**PASSED AND APPROVED** this 1st day of October 2009.

ATTEST:

  
City Clerk

  
M A Y O R  
JULIÁN CASTRO

APPROVED AS TO FORM:

  
for City Attorney

<b>Agenda Item:</b>	<b>Z-18</b>						
<b>Date:</b>	10/01/2009						
<b>Time:</b>	04:07:08 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	ZONING CASE # Z2008064 ERZD (District 9): An Ordinance amending the Zoning District Boundary from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District (6.284 acres) and "C-2" ERZD Commercial Edwards Recharge Zone District (4.942 acres) on 11.226 acres out of NCB 18218, located on the 23000 Block of US Highway 281 North. Staff and Zoning Commission recommend approval.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		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			x	
John G. Clamp	District 10		x				x

**Z2003064**

**METES & BOUNDS DESCRIPTION**

**October 19, 2009**

BEING a 5.847-acre tract out of the Wm. Brisban Survey No. 89-1/2, Abstract No. 54, county Block 4900, Bexar County, Texas and the Wm. Brisban Survey No. 396-1/2, Abstract No. 55, County Block 4923, Bexar County, Texas, New City Block 18218, in the City of San Antonio, Bexar County, Texas out of a 101.3-acre tract recorded in Volume 7681, Pages 412-418, Official Public Records, Bexar County, Texas, said 5.847 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found in the north line of said 101.3-acre tract for the most westerly corner of the herein-described tract said ½" iron rod set being North 82°44'15" East, 150.84 feet along the north line of said 101.3 acre tract from a ½" iron rod found in the easterly Right-Of-Way (R.O.W.) line of U.S. Highway 281 for the northwest corner of said 101.3-acre tract;

THENCE North 82°44'15" East, 599.31 feet along the north line of said 101.3-acre tract to an ½" iron rod found;

THENCE North 82°47'39" East, 471.36 feet across said 10.673 acre tract to a point;

THENCE South 87°14'05" East, 71.35 across said 10.673-acre tract to the northeast corner of the herein described tract;

THENCE 375.38 feet across said 10.673-acre tract by a circular curve to the left having the following parameters:

Radius	= 1175.00 feet
Chord Bearing	= South 17°51'30" East
Chord Distance	= 373.79 feet

to a point in the south line of said 10.673-acre tract for the southeast corner at the herein described tract;

THENCE South 76°48'13" West, 378.22 feet along the south line of said 10.673-acre tract to a ½' iron rod found in the south line of said 10.673 acre tract;

THENCE North 36°23'07" West, 172.80 feet along the south line of said 10.673-acre tract to a ½" iron rod found;

THENCE South 82°40'39" West, 147.29 feet along the south line of said 10.673-acre tract to a ½" iron rod found;

THENCE North 07°12'44" West, 178.85 feet along the west line of said 10.673-acre tract to a ½" iron rod found;

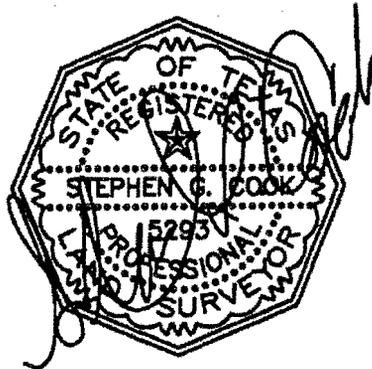
**EXHIBIT A**

72008011A

THENCE South 82°43'11" West, 592.65 feet along the south line of said 10.673-acre tract to a ½" iron rod found;

THENCE North 13°20'13" West, 90.46 feet along the west line of said 101.3-acre tract to the POINT OF BEGINNING.

Stephen G. Cook  
Registered Professional Land Surveyor  
No. 5293



## **METES & BOUNDS DESCRIPTION**

**October 19, 2009**

BEING a 4.826-acre tract out of the Wm. Brisban Survey No. 89-1/2, Abstract No. 54, county Block 4900, Bexar County, Texas and the Wm. Brisban Survey No. 396-1/2, Abstract No. 55, County Block 4923, Bexar County, Texas, New City Block 18218, in the City of San Antonio, Bexar County, Texas out of a 101.3-acre tract recorded in Volume 7681, Pages 412-418, Official Public Records, Bexar County, Texas, said 4.826-acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found in the south line of Lot 21, Winchester Hills subdivision recorded in Volume 9521, Pages 168-171, Deed and Plat Records, Bexar County, Texas and the northeast corner of the herein described tract, said iron rod found being South 87°14'05" East 265.93 feet along the south line of said Lot 21 from the southwest corner of said Lot 21;

THENCE 522.53 feet along the east line of said 10.673-acre tract by a circular curve to the left having the following parameters:

Radius	= 975.00 feet
Chord Bearing	= South 14°33'58" East
Chord Distance	= 516.29 feet

to a ½" iron rod found for the southeast corner of the herein-described tract;

THENCE South 76°48'13" West, 207.25 feet along the south line of said 10.673-acre tract to a ½' iron rod found in the south line of said 101.3-acre tract;

THENCE 375.38 feet across said 10.673-acre tract by a circular curve to the right having the following parameters:

Radius	= 1175.00 feet
Chord Bearing	= North 17°51'30" West
Chord Distance	= 373.79 feet

to a point;

THENCE North 87°14'05" West, 71.35 feet across said 10.673-acre tract to a point;

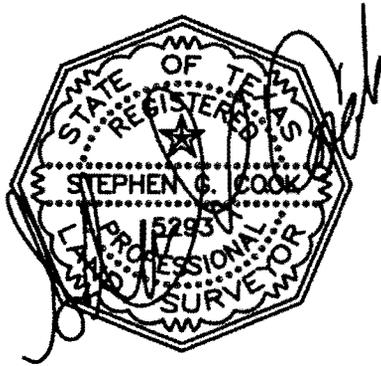
THENCE South 82°47'39" West, 471.36 feet across said 10.673-acre tract to a ½" iron rod found;

THENCE North 16°35'21" East, 218.54 feet across said 10.673-acre tract to the southwest corner of Lot 22, Winchester Hills Subdivision recorded in Volume 9521, Pages 168-171, Deed and Plat Records, Bexar County Texas;

THENCE North 82°47'23" East, 400.61 feet along the south line of said Lot 22 to a ½" iron rod found for the southeast corner of said Lot 22 and the southwest corner of said Lot 21;

THENCE South 87°14'05" East 265.93 feet along the south line of said Lot 21 to the POINT OF BEGINNING

Stephen G. Cook  
Registered Professional Land Surveyor  
No. 5293



**AFFIDAVIT OF PUBLICATION**

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of *The Hart Beat*; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

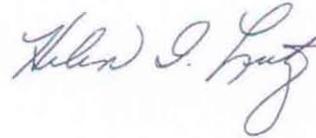
**October 7, 2009**

Subscribed and sworn to before me this 7th day of October, 2009, to certify which witness my hand and seal of office.

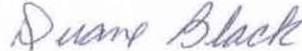
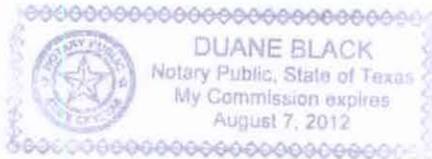
**PUBLIC NOTICE**

**AN ORDINANCE**  
**2009-10-01-0804**

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 11.226 acres out of NCB 18218 TO WIT: From "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District (6.284 acres) and "C-2" ERZD Commercial Edwards Recharge Zone District (4.942 acres). "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
10/7



*Helen I. Lutz, Publisher*



*Notary Public in and for the State of Texas*

Duane Black

*Name of Notary*

*My commission expires August 7, 2012*