

AN ORDINANCE 2008-12-04-1117

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 81.138 acres out of NCB 14867 from "C-3" General Commercial District; "R-6" Residential Single-Family District; "C-3" ERZD General Commercial Edwards Recharge Zone District and "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "MPCD ERZD" Master Planned Community Edwards Recharge Zone District and "MPCD" Master Planned Community District.

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. The City council approves this MPCD" Master Planned Community District so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

SECTION 4. 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 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 5. 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 6. 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.

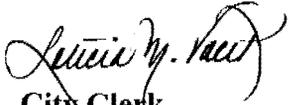
SECTION 7. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

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. This ordinance shall become effective December 14, 2008.

PASSED AND APPROVED this 4th day of December 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney



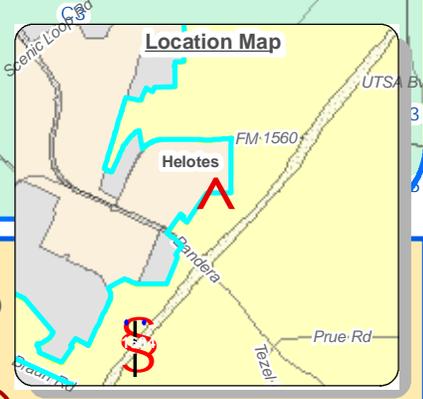
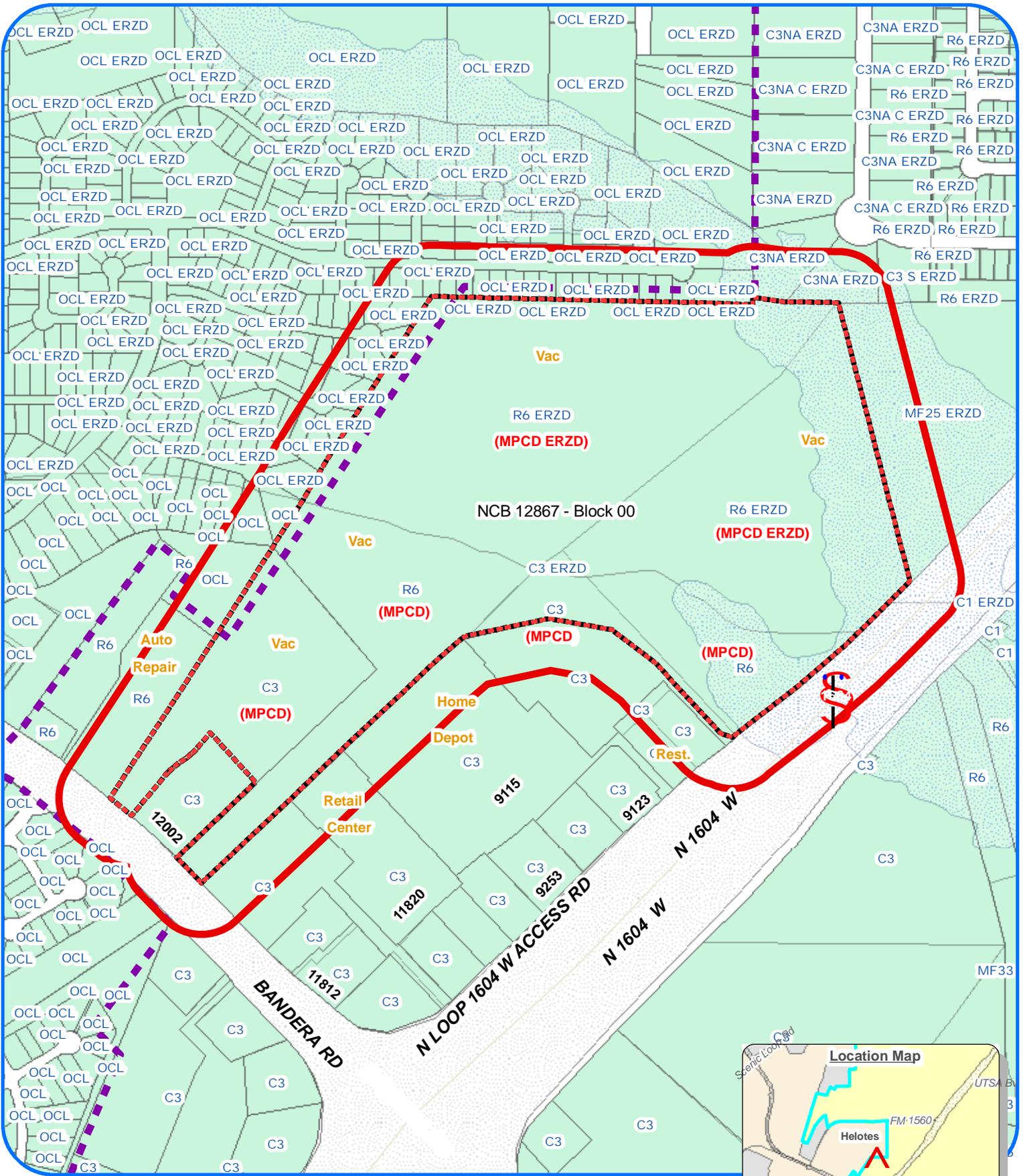
Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-3

Name:	P-1, P-2, P-3, Z-2, Z-3, Z-9, Z-11, Z-12, P-5, P-6, Z-15, Z-17
Date:	12/04/2008
Time:	05:10:07 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE Z2008188 ERZD (District 8): An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District; "R-6" Residential Single-Family District; "C-3" ERZD General Commercial Edwards Recharge Zone District and "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "MPCD ERZD" Master Planned Community Edwards Recharge Zone District and "MPCD" Master Planned Community District on an 81.138 acre tract of land out of NCB 14867 located at the 9100 Block of North Loop 1604 West. Staff and Zoning Commission recommend approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1	x					
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5	x					
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				x



Zoning Case Notification Plan

Case Z2008-188 ERZD

Council District 8
 Scale: 1" approx. = 500'
 Subject Property Legal Description(s): 81.13 acres out of NCB 14867

Legend

- Subject Property ▬▬▬▬▬▬ (81.13 acres)
- 200' Notification Buffer ▬▬▬▬▬▬
- Current Zoning R6, C3
- Requested Zoning Change (MPCD)
- 100-Year FEMA Floodplain



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Property Description for Zoning Purposes
of

An 81.138 acre, more or less, tract of land out of the Perry Davis Survey Number 267, Abstract Number 189 County Block 4528, New City Block 14867 within the City of San Antonio, Bexar County, Texas and being all of that 71.564 acre tract described by Deed recorded in Volume 11092, Page 0016, and a portion of the remainder of a 14.57 acre tract described in Volume 9181, Page 21, both of the Official Public Records of Bexar County, Texas. Those portions lying within the City of San Antonio being more particularly described as follows:

- Beginning: At a found ½" iron pin with MW Cude cap in the Northeast line of State Highway Number 16, also known as Bandera Road, at its intersection with the Northwest line of a 135 foot wide Electric and Gas Easement described in a deed recorded in Volume 5619, Page 162 of the Deed Records of Bexar County, the most Southerly West corner of the 71.564 acre tract. Said ½" iron pin is also the South corner of Lot 1, Block 2 N.C.B. 14867 as shown on the Plat of Falcon Professional Center recorded in Volume 9561, Page 112 of the Deed and Plat Records of Bexar County, Texas;
- Thence: With the Northwest line of the said 135 foot Electric and Gas Easement, a Northwest line of the 71.564 acre tract, the Southeast line of said Lot 1, Block 2, N46°22'00"E, 431.20 feet to a set X in concrete for the East corner of said Lot 1, Block 2;
- Thence: With the Northeast line of said Lot 1, Block 2, N43°39'41"W, 254.94 feet to the North corner of said Lot 1, Block 2, witnessed by a ½" iron pin with cap stamped "Howland" bearing S43°39'41"E, 0.25 feet;
- Thence: With the Northwest line of said Lot 1, Block 2, S38°59'08"W, 67.78 feet to a set ½" iron pin with cap stamped "MW Cude";
- Thence: Continuing with the Northwest line of said Lot 1, Block 2, with a curve to the right with a radius of 270.00 feet, a delta angle of 17°12'13", a chord length of 80.77 feet, a chord bearing of S47°30'06" W, for an arc length of 81.07 feet to a set ½" iron pin with cap stamped "MW Cude";

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- Thence: Continuing with the Northwest line of said Lot 1, Block 2 with a curve to the left with a radius of 330.00 feet, a delta angle of $17^{\circ}10'22''$, a chord length of 98.54 feet, a chord bearing of $S47^{\circ}31'01''W$, for an arc length of 98.91 feet to a set $\frac{1}{2}$ " iron pin with cap stamped "MW Cude";
- Thence: Continuing with the Northwest line of said Lot 1, Block 2, $S38^{\circ}59'46''W$, 185.01 feet to a set $\frac{1}{2}$ " iron pin with cap stamped "MW Cude";
- Thence: Continuing with the Northwest line of said Lot 1, Block 2, with a curve to the right with a radius of 15.00 feet, a delta angle of $89^{\circ}55'58''$, a chord length of 21.20 feet, a chord bearing of $S83^{\circ}57'45''W$, for an arc length of 23.54 feet to a found $\frac{1}{2}$ " iron pin with cap stamped "Howland" in the Northeast line of Bandera Road, the Southwest line of the remainder of said 14.57 acre tract;
- Thence: With the Northeast Line of Bandera Road, the Southwest line of the remainder of said 14.57 acre tract, $N51^{\circ}04'16''W$, 105.37 feet to a found brass disc in concrete monument at the West corner of the remainder of the 14.57 acre tract, the South corner of a 4.073 acre tract described in a Deed recorded in Volume 3016, Page 1721, of the Official Public Records of Bexar County, Texas;
- Thence: With the Southeast line of the 4.073 acre tract, a Northwest line of the remainder of said 14.57 acre tract, $N32^{\circ}44'38''E$, 720.35 feet to a set $\frac{1}{2}$ " iron pin with MS Cude cap at the East corner of the said 4.073 acre tract;
- Thence: Crossing the remainder of said 14.57 acre tract $N32^{\circ}46'37''E$, 433.56 feet to a found 1" diameter pipe at a West corner of said 71.564 acre tract;
- Thence: With the Northwest line of said 71.564 acre tract, a Southeast line of the remainder of the 14.57 acre tract, $N32^{\circ}36'48''E$, 38.03 feet to a set $\frac{1}{2}$ " iron pin with MW CUDE cap at the South corner of Lot 11, Block 3, as shown on a plat of Cedar Springs Subdivision Unit 4, P.U.D. recorded in Volume 9529, Page 48 of the Deed and Plat Records of Bexar County, Texas;
- Thence: Continuing with the Northwest line of said 71.564 acre tract, the Southeast line of said Cedar Springs Subdivision Unit 4, P.U.D. and the Southeast line of Cedar Springs Subdivision Unit 5, P.U.D. as shown recorded in Volume 9550, Page 146, of the Deed and Plat Records of Bexar County, Texas, $N32^{\circ}36'48''E$, 1135.52 feet to a found $\frac{1}{2}$ " iron pin in the Southwest line of Cedar Springs Subdivision Unit 3B Planned Unit Development as shown recorded in Volume 9544, Page 160 of the Deed and Plat Records of Bexar County, Texas, the North corner of said 71.564 acre tract;

- Thence: With the North line of said 71.564 acre tract, the South line of said Cedar Springs Subdivision Unit 3B, S88°35'04"E, 1237.48 feet to a found ½" iron pin in the West limit of said 135 foot Electric and Gas Easement;
- Thence: Continuing with the North line of the 71.564 acre tract, the South line of Northwest Business Park Unit 1 Subdivision shown on a plat recorded in Volume 9510, Page 40, of the Deed and Plat Records of Bexar County, Texas, N87°43'38"E, 352.15 feet to a found ½" iron pin for the West corner of Lot 19, Block 1 shown on a plat of Springs at Bandera Subdivision recorded in Volume 9561, Page 69 of the Deed and Plat Records of Bexar County, Texas, the most Northerly East corner of said 71.564 acre tract;
- Thence: With the West line of said Lot 19, Block 1, an East line of said 71.564 acre tract, S14°24'26"E, 1127.88 feet to a set ½" iron pin with MW Cude cap in the North West line of F.M. Road Loop 1604, the most Easterly corner of said 71.564 acre tract;
- Thence: With the Northwest line of said F.M. Road Loop 1604, the Southeast line of the 71.564 acre tract, S45°14'42"W, 325.28 feet to a found brass disc in concrete;
- Thence: Continuing with the Northwest line of said F.M. Road Loop 1604, the Southeast line of the 71.564 acre tract, S49°33'41"W, 401.12 feet to a found ½" iron pin;
- Thence: Continuing with the Northwest line of said F.M. Road Loop 1604, the Southeast line of the 71.564 acre tract, S52°51'26"W, 212.57 feet to a set ½" iron pin in the Northeast line of Lot 18, Block 1, as shown on a replat and subdivision plat establishing Loop 1604/Bandera Subdivision as shown on a plat recorded in Volume 9555, Page 89 of the Deed and Plat records of Bexar County, Texas, the most Easterly South corner of said 71.564 acre tract;
- Thence: With the Northeast line of said Lot 18, Block 1, a Southwest line of said 71.564 acre tract, N75°27'51"W, 44.24 feet to a found ½" iron pin;
- Thence: Continuing with said Northeast line of said Lot 18, Block 1, a Southwest line of said 71.564 acre tract, N42°59'06"W, 266.85 feet to a found ½" iron pin;
- Thence: Continuing with said Northeast line of said Lot 18, Block 1, a Southwest line of said 71.564 acre tract, N41°47'19"W, 102.12 feet to a found ½" iron pin;
- Thence: Continuing with said Northeast line of said Lot 18, Block 1, a Southwest line of said 71.564 acre tract, N52°43'40"W, 213.39 feet to a found ½" iron pin;
- Thence: Continuing with said Northeast line of said Lot 18, Block 1, a Southwest line of the 71.564 acre tract N79°39'11"W, 245.31 feet to a found ½" iron pin;

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Thence: With the Northwest line of said Lot 18, Block 1, a Southeast line of said 71.564 acre tract, S78°01'36"W, 338.63 feet to a found ½" iron pin;

Thence: Continuing with said Southeast line of said 71.564 acre tract, the said Northwest line of Lot 18, Block 1, the Northwest line of Lot 12, Block 1, as shown on a plat of the Home Depot – 1604/Bandera Subdivision recorded in Volume 9549, Page 28, of the Deed and Plat Records of Bexar County, Texas, S56°49'07"W, 167.48 feet to a set ½" iron pin with cap stamped MW Cude;

Thence: Continuing with said Southeast line of the 71.564 acre tract, the said Northwest line of Lot 12, Block 1, S46°25'34"W, 169.33 feet to a found ½" iron pin;

Thence: Continuing with said Southeast line of the 71.564 acre tract, the said Northwest line of Lot 12, Block 1, S46°20'10"W, 316.59 feet to a found ½" iron pin at the West corner of said Lot 12, Block 1, the North corner of Lot 8, Block 1 shown on the plat of the Davis/Albertsons Subdivision recorded in Page 9540, Page 177 of the Deed and Plat Records of Bexar County, Texas;

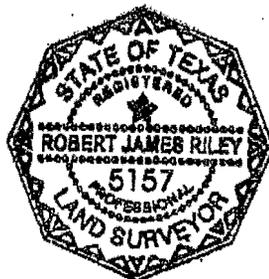
Thence: Continuing with said Southeast line of the 71.564 acre tract, the Northwest line of said Lot 8, Block 1 and Northwest line of Lot 7, Block 1 of said Davis/Albertsons Subdivision, S46°22'00"W, 748.00 feet to a set ½" iron pin with cap stamped MW Cude in the Northeast line of said Bandera Road;

Thence: With the Northeast line of Bandera Road, the Southwest line of the 71.564 acre tract, N44°07'46"W, 135.01 feet to the POINT OF BEGINNING having an area of 81.138 Acres of land.

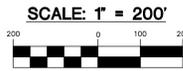
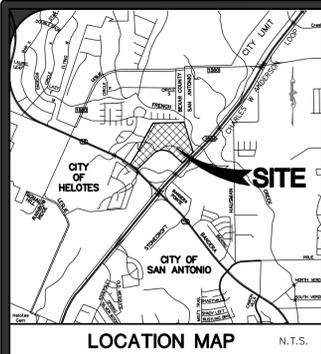
Notes: Bearings are based on the Texas State Plane Coordinate System, South Central Zone, NAD83

Reference is made to Rezoning Exhibit plat dated May 8, 2008 accompanying these field notes.

Job No. 231801
May 8, 2008
RR/mb



A handwritten signature in black ink, appearing to read "RJR", located to the right of the professional seal.



KAMARY COMMONS M.P.C.D. #08-06-002 MASTER PLANNED COMMUNITY DISTRICT PLAN

DEVELOPER

KAMARY DEVELOPMENT, LTD.
CONTACT PERSON: RUDY GONZALEZ
811 E. CARLTON BANDERA ROAD
LAREDO, TEXAS 78040
TEL: 956-791-2265

CIVIL ENGINEER

M.W. CUDE ENGINEERS, L.L.C.
CONTACT PERSON: JOSHUA M. CUDE, P.E.
10325 BANDERA ROAD
SAN ANTONIO, TEXAS 78250
(210) 681-2951
FAX: (210) 523-7112
WWW.MWCUDE.COM
INFO@MWCUDE.COM

LEGAL DESCRIPTION

81.14 ACRES OUT OF THE PERRY DAVIS SURVEY NUMBER 267, ABSTRACT NUMBER 189 WITHIN COUNTY BLOCK 4528, NEW CITY BLOCK 14867 BEING PARTIALLY WITHIN THE CITY OF SAN ANTONIO AND PARTIALLY WITHIN THE CITY OF HELOTES, IN THE COUNTY OF BEXAR, TEXAS AND BEING COMPRISED OF ALL OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 11092, PAGE 0016 OF THE OFFICIAL RECORDS OF BEXAR COUNTY, TEXAS AND THE REMAINING PORTION OF THAT TRACT OF LAND DESCRIBED IN VOLUME 9181, PAGE 21 OF THE OFFICIAL RECORDS OF BEXAR COUNTY, TEXAS, EXCEPTING LOT 1, BLOCK 2 N.C.B. 14867 AS SHOWN ON PLAT OF FALCON PROFESSIONAL CENTER RECORDED IN VOLUME 9561, PAGE 112 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

NOTE:

- ORIGIN OF STATE PLANE COORDINATES NGS MARK MILLER PID AY0121
- THE PROPERTY IS ASSOCIATED WITH THE 111 ACRE TALMADGE TINSLEY POADP #201 & THE CEDAR SPRINGS (PROMENADE) #199
- A PORTION OF THE PROPERTY IS OVER THE EDWARDS AQUIFER RECHARGE ZONE.
- SIDEWALKS SHALL BE INSTALLED ACCORDING TO UDC STANDARDS SECTION 35-506(Q).
- ALL BICYCLE FACILITIES WILL BE DESIGNED AND CONSTRUCTED IN COMPLIANCE WITH THE TEXAS MUTCD AND AASHTO GUIDELINES FOR BICYCLE FACILITIES, INCLUDING CROSSWALK AND SIGNAGE REQUIREMENTS.
- ALL INTERIOR RIGHT OF WAYS WILL BE DESIGNATED AS PRIVATE.
- MINIMUM RESIDENTIAL LOT SIZE IS 4,000 SF.
- MIXED DESIGNATION INCLUDES OFFICE, RETAIL & RESIDENTIAL USES.
- FLOODPLAIN BUFFER ZONE (FBZ) REQUIRED FOR FLOODPLAIN WITHIN EDWARDS AQUIFER RECHARGE ZONE. FLOODPLAIN BUFFER ZONE IS INCLUDED AS OPEN SPACE IN CALCULATIONS BELOW.
- PARKS/OPEN SPACE AREAS ARE INTENDED FOR RECREATIONAL OR COMMUNITY USE AND MAY INCLUDE BUT NOT BE LIMITED TO LAWNS, PLANTING AREAS, BIKEWAYS, WALKWAYS, OR WOODED AREAS. SPACE DOES NOT INCLUDE DRIVEWAYS, PARKING LOTS OR OTHER SURFACES FOR MOTORVEHICULAR TRAFFIC.
- 60' FLOODPLAIN BUFFER ZONE REQUIRED BY SAWS FOR FLOODPLAIN OVER THE EDWARDS AQUIFER RECHARGE ZONE.
- JOGGING TRAILS OR WALKING TRAILS, OPEN PLAY AREAS, ATHLETIC COURTS, PLAYGROUNDS, AND PARK SPACES ARE SHOWN ON THE SITE PLAN AND SHALL TO CONFORM TO THE STANDARDS IN SECTION 35-503 OF THE UDC AND CREDITS ISSUED PER TABLE 503-4.

LEGEND:

	MPCD BOUNDARY LIMITS
	PHASE LIMITS
	EXIST. 100 YR FLOODPLAIN PER EFFECTIVE FIRM
	CITY LIMITS
	NOTIFICATION LIMITS
	JOGGING TRAIL
	RESIDENTIAL
	MIXED USE
	COMMERCIAL
	PRIVATE R.O.W.
	OPEN SPACE
	FLOODPLAIN BUFFER ZONE

LINE	LENGTH	BEARING
L2	44.24	N75°27'51"W
L3	169.33	S46°25'34"W
L4	167.48	S56°49'07"W
L5	213.39	N52°43'40"W
L6	102.12	N41°27'19"W

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	81.07	270.00	80.77	N47°30'06"E
C2	98.91	330.00	98.54	S47°31'01"W
C3	23.54	15.00	21.20	N83°57'45"E
C4	77.18	335.51	77.01	N86°36'26"W

LAND USE TOTALS	
COMMERCIAL	24.74
MIXED USE	34.45
RESIDENTIAL	21.95
TOTAL DEVELOPMENT	81.14

PHASING BREAKDOWN					
PHASE	TOTAL AC.	LAND USE	# OF UNITS -S.F.	OPEN SPACE REQUIRED (AC.)	ROW (AC.)
II	9.20	COMMERCIAL		1.84	1.25
III	21.95	RESIDENTIAL	240 UNITS MAX	7.68	4.13
IV	3.61	COMMERCIAL		0.72	
V	2.02	COMMERCIAL		0.40	
VI	6.52	MIXED		1.63	
		RETAIL	40,000 SF MAX		
		OFFICE	40,000 SF MAX		
		MULTI-FAMILY	40,000 SF MAX (40 UNITS)		
VII	3.55	MIXED		0.89	
		RETAIL	70,000 SF MAX		
		OFFICE	70,000 SF MAX		
		MULTI-FAMILY	70,000 SF MAX (70 UNITS)		
VIII	11.06	MIXED		2.77	
		RETAIL	150,000 SF MAX		
		OFFICE	150,000 SF MAX		
		MULTI-FAMILY	150,000 SF MAX (150 UNITS)		
IX	0.96	COMMERCIAL		0.19	
X	7.06	MIXED		1.77	
		RETAIL	55,000 SF MAX		
		OFFICE	55,000 SF MAX		
		MULTI-FAMILY	55,000 SF MAX (55 UNITS)		
XI	6.26	MIXED		1.57	
		RETAIL	40,000 SF MAX		
		OFFICE	40,000 SF MAX		
		MULTI-FAMILY	40,000 SF MAX (40 UNITS)		
XII	7.43	COMMERCIAL		1.49	
TOTAL	81.14			21.24	5.38

* OPEN SPACE NOTED IN THIS CHART IS OUTSIDE OF FLOODPLAIN OPEN SPACE. TOTAL FLOODPLAIN ACREAGE = 19.24 AC
OPEN SPACE REQUIREMENTS ARE BASED ON PERCENTAGES OF 20% FOR COMMERCIAL AND 35% FOR RESIDENTIAL.
MIXED USE AREAS HAVE BEEN PRORATED BASED ON THE AMOUNT OF RESIDENTIAL AREA TO COMMERCIAL AREA TO GET A WEIGHTED REQUIREMENT PERCENTAGE.

PHASE VI MIX USE RATIO CALCULATION:
RESIDENTIAL: (40,000 SF / 120,000 SF) * .12
COMMERCIAL: [(40,000 SF + 40,000 SF) / 120,000 SF] * .13
TOTAL: 0.12 + 0.13 = 0.25

PHASE VII MIX USE RATIO CALCULATION:
RESIDENTIAL: (150,000 SF / 450,000 SF) * .12
COMMERCIAL: [(150,000 SF + 150,000 SF) / 450,000 SF] * .13
TOTAL: 0.12 + 0.13 = 0.25

PHASE VIII MIX USE RATIO CALCULATION:
RESIDENTIAL: (70,000 SF / 210,000 SF) * .12
COMMERCIAL: [(70,000 SF + 70,000 SF) / 210,000 SF] * .13
TOTAL: 0.12 + 0.13 = 0.25

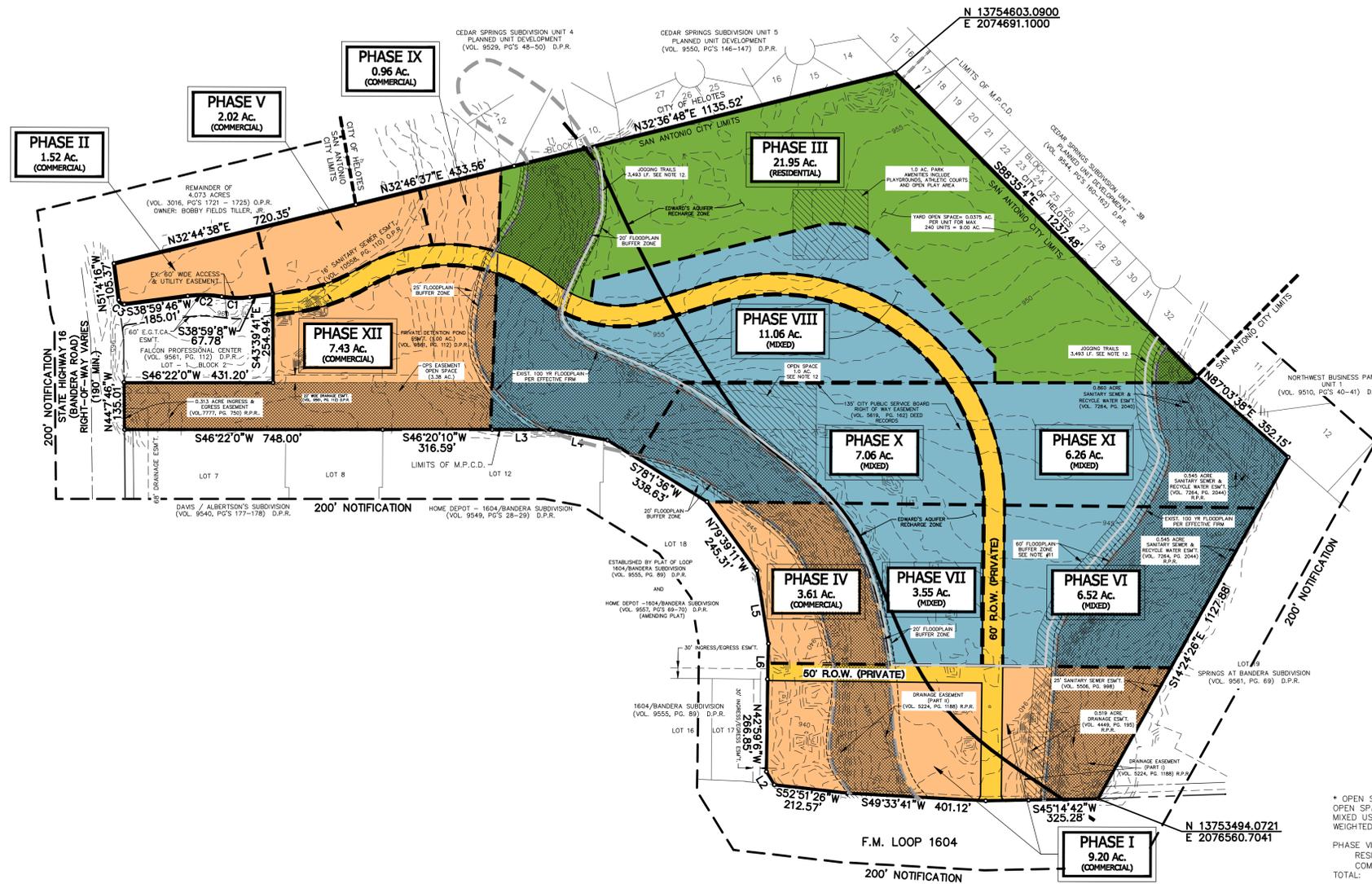
PHASE X MIX USE RATIO CALCULATION:
RESIDENTIAL: (55,000 SF / 165,000 SF) * .12
COMMERCIAL: [(55,000 SF + 55,000 SF) / 165,000 SF] * .13
TOTAL: 0.12 + 0.13 = 0.25

PHASE XI MIX USE RATIO CALCULATION:
RESIDENTIAL: (40,000 SF / 120,000 SF) * .12
COMMERCIAL: [(40,000 SF + 40,000 SF) / 120,000 SF] * .13
TOTAL: 0.12 + 0.13 = 0.25

PHASE XII MIX USE RATIO CALCULATION:
RESIDENTIAL: (40,000 SF / 120,000 SF) * .12
COMMERCIAL: [(40,000 SF + 40,000 SF) / 120,000 SF] * .13
TOTAL: 0.12 + 0.13 = 0.25

TOTAL OPEN SPACE REQUIREMENT: 21.24 AC
RESIDENTIAL USE = 21.95 AC * 0.35 = 7.68 AC
COMMERCIAL USE = 24.74 AC * 0.20 = 4.95 AC
MIXED USE = 34.45 AC * 0.25 = 8.61 AC

TOTAL OPEN SPACE PROVIDED = 21.55 AC
OPEN SPACE PROVIDED IN FLOODPLAIN (MAX. 20% MAY BE FLOODPLAIN) = (19.24 * 20%) / 2 = 1.924 AC
OPEN SPACE PROVIDED C/S EASEMENT = 3.38 AC
PHASE III YARD SPACE = 9.00 AC
PARK SPACE PROVIDED = 1.00 AC
PARK FACILITY CREDITS = 5.25 AC
PHASE X OPEN SPACE = 1.00 AC



DRAINAGE NOTE:

THE VARIABLE WIDTH DRAINAGE RIGHT-OF-WAYS AND EASEMENTS WERE DELINEATED TO CONTAIN THE BOUNDARIES OF THE 100-YEAR FLOOD ZONE ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN ACCORDANCE WITH FIRM PANEL 48029C 0241F DATED JANUARY 4, 2002 (REVISED TO REFLECT LOMR EFFECTIVE JUNE 19, 2008) AND THE HIGHER OF THE 25-YEAR ULTIMATE DEVELOPMENT PLUS REQUIRED FREEBOARD OR THE 100-YEAR ULTIMATE DEVELOPMENT CONDITION WATER SURFACE ELEVATION. CONSTRUCTION WITHIN THESE EASEMENTS IS PROHIBITED WITHOUT PRIOR WRITTEN APPROVAL OF THE BEXAR COUNTY FLOODPLAIN ADMINISTRATOR. BEXAR COUNTY PUBLIC WORKS SHALL HAVE ACCESS TO THESE DRAINAGE EASEMENTS AS NECESSARY.

OWNER
RUDY GONZALEZ
KAMARY DEVELOPMENT, INC.

ENGINEER
JOSHUA M. CUDE, P.E.

KAMARY COMMONS
MASTER PLANNED COMMUNITY DISTRICT

M.P.C.D. #08-06-002



M.W. CUDE ENGINEERS, L.L.C.
10325 BANDERA ROAD
SAN ANTONIO, TEXAS 78250
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FAX 210.523.7112
WWW.MWCUDE.COM

REVISIONS

- REVISED 8/20/08 PER REVIEW COMMENTS
- REVISED 9/3 PER PARKS AND STORMWATER COMMENTS
- REVISIONS PER 10/15 MEETING WITH CITY STAFF

DATE
06/26/08

PROJECT NO.
231801

DRAWN BY:
JM

CHECKED BY:
JMC

P9

SHEET
1 of 1

SAN ANTONIO WATER SYSTEM DEVELOPMENT SERVICES
Interdepartment Correspondence Sheet RECEIVED

2008 JUL 30 PM 1:18

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, Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008188 (Kamary Commons/Mixed Use Development)

Date: July 28, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 81.138-acre tract located on the city's northwest side. A change in zoning from **R-6, R-6 ERZD and C-3, C-3 ERZD to MPCD (Master Planned Community District)** is being requested by the applicant, Kamary Development., by Mr. Rudy Gonzalez. The change in zoning has been requested to allow a mixed use development that will include commercial, multi-family, and residential. The property is classified as Category 1 property.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 8, near the intersection of Loop 1604 and Bandera Road. A total of 48.228 acres of the property lies within the Edwards Aquifer Recharge Zone. The remaining 32.91 acres is not located on the recharge zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from R-6, C-3, R-6 ERZD, and C-3 ERZD to MPCD (Master Planned Community District) and will allow for the construction of a mixed – use development. Currently the site is covered in native vegetation and undeveloped with one abandoned house on a small portion of the site.

2. Surrounding Land Uses:

The City of Helotes is located to the north and west of the proposed development. The Bandera Trail Commercial/Retail Development is located to the south and east of the proposed development.

3. Water Pollution Abatement Plan:

The Kamary Commons Mixed Use Development Water Pollution Abatement Plan (WPAP) was approved for grading activities only by the Texas Commission on Environmental Quality (TCEQ) on February 19, 2008. Another WPAP will have to be submitted and approved by TCEQ prior to the commencement of construction. According to the geologic assessment in the WPAP, there are no naturally occurring, sensitive geologic features located on the site.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on June 12, 2008, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

- A. The subject site was observed as a single lot, partially cleared for low level agricultural use, approximately 81.183 acres in area. No structures were observed on the site, other than a single family residential structure and associated outbuildings located at the southwestern end of the parent parcel. A domestic water well was observed adjacent to the residential structure.

No significant exposure of bedrock was observed throughout the property. The subject site was observed to have a very thick soil cover, several feet in thickness, resulting in significant vegetative cover. Additionally, significant amounts of imported fill material, consisting of soil and construction and demolition debris, has been placed along the southern and eastern portion of the site.

The site appeared to slope slightly to the east and southeast. Stormwater occurring on the subject site would drain to the east and southeast towards French Creek.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the northern portion of the subject site is underlain by the Cyclic and Marine Member of the Person Formation of the Edwards Aquifer. The southern portion of the subject site was determined to be underlain by the Upper Confining Unit, Undivided. This could not be confirmed by visual observation due to a thick soil cover and imported fill material.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick. This could not be confirmed due to lack of exposed bedrock within the subject site.

The Undivided Upper Confining Unit is characterized by the presence of massively bedded

gray to light tan limestone with relatively low porosity and permeability. This unit is considered to be the upper confining member of the Edwards Aquifer and tends to prevent subsurface migration of fluids.

- C. The subject site was observed to be covered with significant soil cover, several feet thick, and significant amounts of imported fill material. No sensitive geologic features, such as sinkholes, caves, creeks, or faults were observed on the subject site. However, a single residential water well was observed adjacent to the residential structure on the southwestern portion of the subject site.

ENVIRONMENTAL CONCERNS

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

Site Specific Concerns

1. An abandoned septic system was observed on the site, acting as a potential source of contamination.
2. A well was observed on the site and appears to be abandoned. There is potential for contamination of the Edwards Aquifer via the wells.
3. MPCD Zoning allows for certain industrial land uses that are not allowed over the recharge zone. According to the applicant the land use will be commercial, residential, and mixed use excluding industrial.

General Concerns

1. 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.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

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

Site Specific Recommendations

1. The applicant agrees not to exceed 50% impervious cover for the recharge zone portion (48.228 acres) of the overall 81.831 acres.

2. The SAWS recommendation of 50% maximum impervious cover is based on the existing R-6 and C-3 zoning of the subject property. R-6 is commonly used by San Antonio as a default zoning for annexed properties that do not have a developed land use at the time of annexation. The subject property is currently a Category 1, determined by SAWS and as such, under the Water Quality Ordinance No. 81491, would be entitled to 100% impervious cover. Given that the property did not require zoning prior to annexation and using Ordinance No. 81491 as a guide, SAWS worked with the applicant to achieve an impervious cover recommendation that addresses water quality protection.
3. Land uses that require an industrial designation, per the permitted use table shall not be allowed on the project site.
4. The abandoned septic systems, along with any additional septic system that may be located on the site must be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446.
5. The abandoned well, along with any additional wells that may be located on the site must be properly plugged according to the City Code Chapter 34, Division 2 Section 574 by a registered well driller.
6. A floodplain buffer shall be provided along the eastern and southern portions of the property as required in Ordinance No. 81491, Section 34-913.
7. The land uses within the 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 special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
8. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan 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. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
9. 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, Texas Department of Agriculture, U.S.D.A, shall be used.
10. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the

site. If any significant geologic features such as, but not limited to, 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 Resource Protection Division of the San Antonio Water System at (210) 233-3526.

11. If any sensitive geologic features such as, but not limited to, 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 Resource Protection Division of the San Antonio Water System at (210) 233-3526.

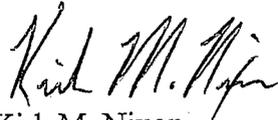
General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (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 Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. 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.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - C. If the basin fails to drain properly, the owner will notify the Construction Section of the

Resource Compliance Division at (210) 233-3564 prior to any discharge of water.

- D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. 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 site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



Kirk M. Nixon

Manager

Resource Protection Division

APPROVED:

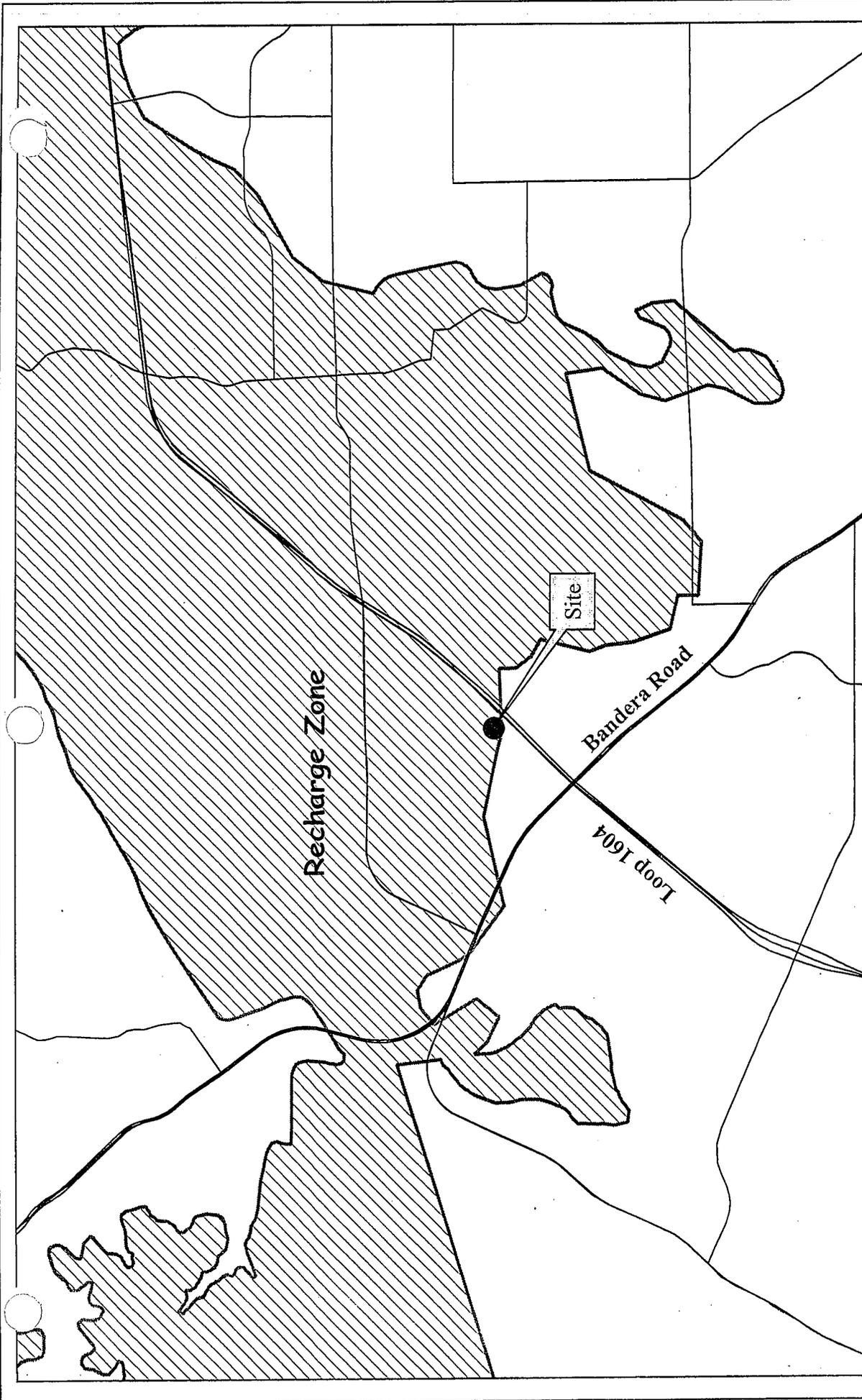


Scott R. Halty

Director,

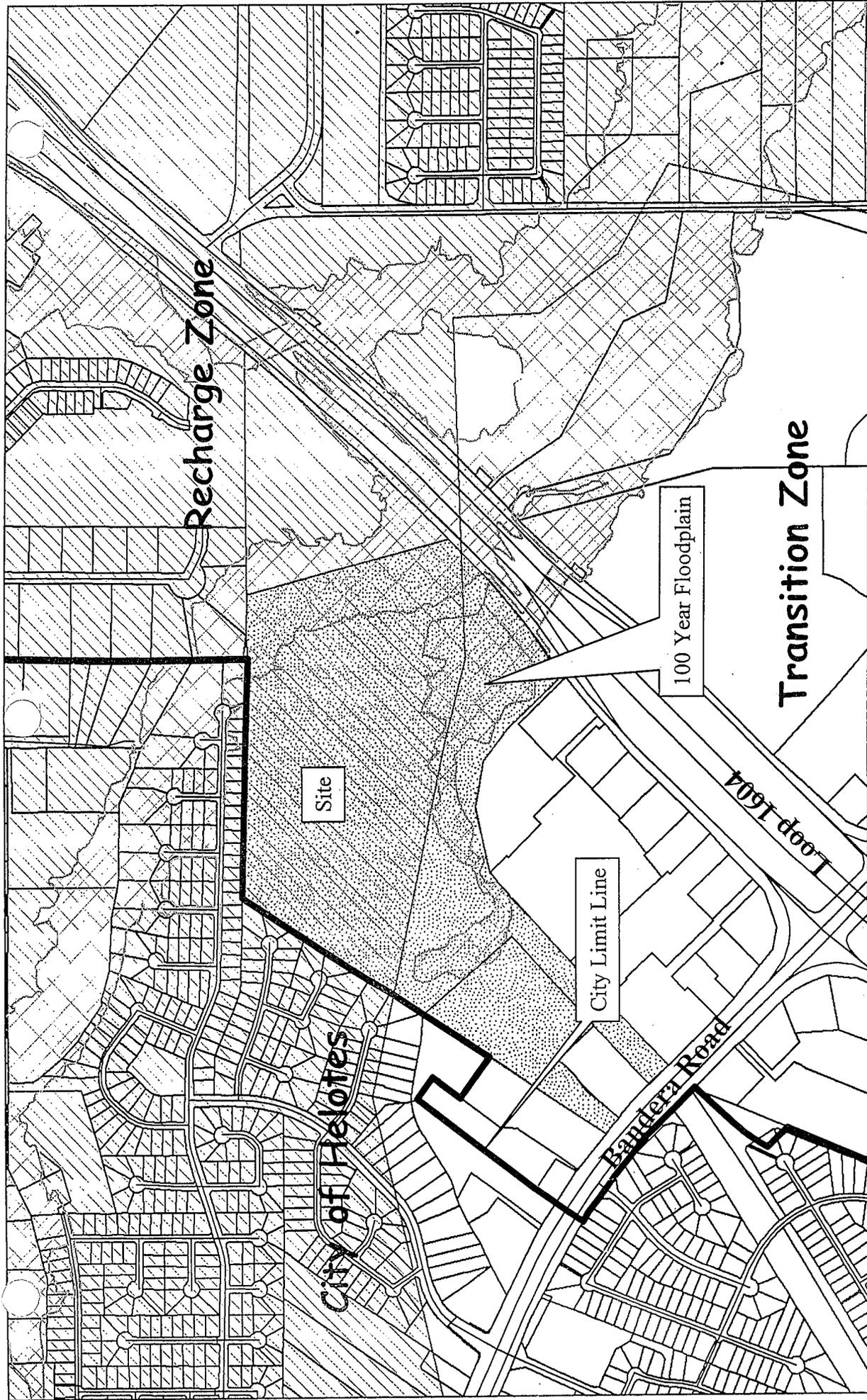
Resource Protection & Compliance Department

KMN:MJB



1:45,988

Zoning Case No. Z2008188 Figure 1
Master Planned Community (Kamary Commons)
Map Page 547 A1
X=2074780 Y=13751555
Map Prepared by Aquifer Protection and Evaluation MJB 7/18/2008



Zoning Case No. Z2008188 Figure 2

Master Planned Community

Map Page 547 A1

X=2074780 Y=13751555

Map Prepared by Aquifer Protection and Evaluation MJB 6/11/2008



1:8,650



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-3
Council Meeting Date: 12/4/2008
RFCA Tracking No: R-4184

DEPARTMENT: Planning & Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 8

SUBJECT:
Zoning Case Z2008188 ERZD

SUMMARY:

From "C-3" General Commercial District; "R-6" Residential Single-Family District; "C-3" ERZD General Commercial Edwards Recharge Zone District and "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "MPCD ERZD" Master Planned Community Edwards Recharge Zone District and "MPCD" Master Planned Community District.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: November 4, 2008.

Applicant: Rudy Gonzalez

Owner: Kamary Development, Ltd. and Dominion Building Systems Inc.

Property Location: 9100 Block of North Loop 1604 West

81.138 acres out of NCB 14867

On the north side of Bandera Road between North Loop 1604 West to the east and FM 1560 North to the west.

Proposal: To allow a mixed use development

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Level 3 Traffic Impact Analysis will be required.

ISSUE:

A portion of this property is located within the Edwards Aquifer Recharge Zone.

ALTERNATIVES:

A denial of this zoning request will result in the subject property retaining the current zoning classifications, and prohibiting the proposed mixed use development.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (10-0) recommend approval.

The subject property consists of undeveloped land with frontage on North Loop 1604 West as well as ingress/egress on Bandera Road. The property is adjacent to C-3 zoning to the west and southwest, MF-25 zoning to the east and property to the northwest is located outside the city limits of San Antonio (Helotes). The surrounding land uses consist of a commercial retail center to the southwest and apartments to the east. The city of Helotes is situated to the northwest. The property directly to the west, which is located at 12002 Bandera Road was the subject of a rezoning case (Z2004166) in which the applicant was granted a zoning change from R-6 Residential Single-Family District to C-3 General Commercial District.

The project site, consisting of about 81.14 acres, was annexed in February 1971 and December 1997 and rezoned to "R-1" Single-Family Residence District and "B-3" Business District in the years immediately following. The adoption of the 2001 Unified Development Code resulted in the existing zoning districts being converted to "R-6" Single-Family District and "C-3" General Commercial District.

Master Planned Community Districts are preferable when properties identified in a rezoning application are intended for mixed uses and consist of large acreages. This district promotes master planned communities that typically guarantee a comprehensive development that promotes compatibility and inner-connectivity within a mixed use project, traits that may be unavailable when lands are rezoned and developed independent of each other.

The purpose of the proposed rezone to MPCD is to develop a master planned community with a variety of residential (about 21.95 acres) and commercial (about 25 acres) uses. Mixed uses are proposed on an additional 34 acres. About 21 acres has been identified by the applicant as open space within the plan. Parks and designated open space are required in the MPCD on a percentage basis.

The applicant has submitted the required MPCD site plan with the zoning application. As the site plan is a component of the MPCD zoning district, the Council must consider and take action on the site plan and language that reflects a mandatory adherence to the site plan must be contained in the zoning ordinance. The minimum requirements of a site plan are that proposed land uses, including single and multi-family residential uses, office uses and commercial uses must be identified on the plan by location, type, density and size. The applicant's site plan has been reviewed by various agencies and departments and meets this standard. Should an applicant request an amendment to an approved MPCD site plan, they may do so administratively if the city determines the amendment is a minor one. Should the amendment be a major one, the criteria being listed in Section 35-345(e)(2) of the Unified Development Code, the proposed amendment must be returned to the Zoning Commission and City Council for a recommendation and an approval.

SAWS Summary

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the property as a Category

property.

3. The impervious cover shall not exceed 50% on the recharge zone portion (48.228 acres) of the overall 81 acres.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008-188 (2).pdf
Zoning Commission Minutes	Z2008188 ERZD.pdf
Site Plan	Z2008188 ERZD_Site Plan.pdf
SAWS Report	SAWS Report Z2008188 ERZD.pdf
Voting Results	
Ordinance/Supplemental Documents	200812041117.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager