

AN ORDINANCE 101015

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 CLASSIFICATION 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 classification of 74.595 acres out of NCB 17701 from C-2 ERZD Commercial Edwards Recharge Zone District and C-3 ERZD General Commercial Edwards Recharge Zone District to R-4 ERZD Residential Single-Family Edwards Recharge Zone 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 change of zoning classification is conditioned on the requirement that the impervious cover on the site shall not exceed 50%.

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.

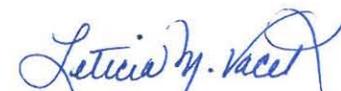
SECTION 8. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

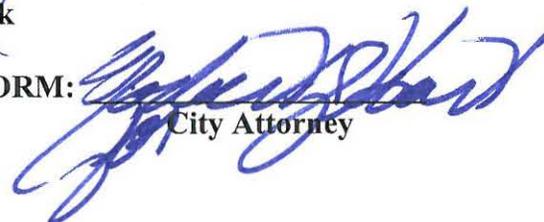
SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 10. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective June 19, 2005.

PASSED AND APPROVED this 9th day of June 2005.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 4.2P. Motion to approve with no more than 50% impervious cover

Date: 06/09/05

Time: 03:36:41 PM

Vote Type: Multiple selection

Description: ZONING CASE NUMBER Z2005092: The request of Kaufman & Associates, Inc., Applicant, for McMillin Texas Development LLC, Owner(s), for a change in zoning from "C-2" ERZD Commercial Edwards Recharge Zone District and "C-3" ERZD General Commercial Edwards Recharge Zone District to "R-4" ERZD Residential Single-Family Edwards Recharge Zone District on 74.595 acres out of NCB 17701, northwest of the intersection of Northwest Military Highway and North Loop 1604 West. Staff's recommendation was for denial. Zoning Commission's recommendation pending June 7, 2005 Zoning Commission meeting. (Council District 9)

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1			x	
SHEILA D. McNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8			x	
KEVIN WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		



M.W. CUDE ENGINEERS, L.L.C.
CIVIL ENGINEERS & SURVEYORS

Z2005092

Property Description
of

Zoning: R-4

Page 1 of 2

74.595 acres of land in the City of San Antonio, N.C.B. 17701 being the same Real Property designated as 74.64 acres of land as described by Deed recorded in Volume 10573, Pages 1006-1013 of the Official Public Records of Bexar County, Texas and out of the Collin C. McRae Survey No.391, Abstract No. 482, Bexar County, Texas; said 74.595 acres of land being more particularly described as follows:

Beginning: At a point on the East Right of Way line of N.W. Military Highway (F.M. 1535) being N27°56'08"W, 940.41 feet from the most Westerly corner of the cutback at the intersection of the North Right of Way line of Loop 1604; said point being the most Westerly Southwest corner of said 74.64 acre tract and the herein described tract;

Thence: N27°56'08"W (reference line), 1398.57 feet with the East Right of Way line of N.W. Military Highway (F.M. 1535) to a point being the Northwest corner of said 74.64 acre tract and the herein described tract;

Thence: With the Northerly boundary of said 74.64 acre tract, the following:

N62°05'33"E, 1299.45 feet leaving the East Right of Way line of N.W. Military Highway (F.M. 1535) to a point being the most Northerly corner of said 74.64 acre tract and the herein described tract;

S72°58'21"E, 1511.65 feet to a point for an angle;

Thence: S27°13'02"E, 837.18 feet with the Easterly boundary of said 74.64 acre tract to a point being the East corner of said 74.64 acre tract and the herein described tract;

Thence: With the Southerly boundary of said 74.64 acre tract, the following:

S62°46'58"W, 737.41 feet to a point of curvature;

686.73 feet with the arc of a curve, concave to the South, having a radius of 450.00 feet, a central angle of 87°26'15" and a chord bearing and distance of N73°34'19"W, 622.01 feet to a point of tangency;

S62°42'33"W, 1126.58 feet to a point for an angle;

EXHIBIT A

To Ordinance No. _____
Passed and Approved on
June 9, 2005

N72°36'48"W, 71.11 feet to the POINT OF BEGINNING containing
74.595 acres of land.

Note: Bearings used in this description are referenced to said 74.64 acre tract
described by Deed recorded in Volume 10573, Pages 1006-1013 of the
Official Public Records of Bexar County, Texas.\

Reference is made to exhibit plat dated February 25, 2005 accompanying
these field notes.

Job No. 211300
February 25, 2005
JGR/snm

CASE NO: Z2005092

Staff and Zoning Commission Recommendation - City Council

Date: June 09, 2005

Zoning Commission Meeting Date: June 07, 2005

Council District: 9

Ferguson Map: 515 B3

Applicant:

Owner:

Kaufman & Associates, Inc.

McMillin Texas Development LLC

Zoning Request:

From C-2 ERZD Commercial Edwards Recharge Zone District and C-3 ERZD General Commercial Edwards Recharge Zone District to R-4 ERZD Residential Single-Family Edwards Recharge Zone District

74.595 acres out of NCB 17701

Property Location:

Northwest of the intersection of Northwest Military Highway and North Loop 1604 West

Proposal:

To develop residential units

Neighborhood Association:

None

Neighborhood Plan:

None

TIA Statement:

This zoning request is a downzoning. A Traffic Impact Analysis (TIA) will be required at Master Development Plan (MDP), Planned Unit Development (PUD) and Plat level.

Staff Recommendation:

Approval.

The subject property is located north of the intersection of two major thoroughfares, Northwest Military Highway and North Loop 1604 West. The subject property is currently undeveloped. The surrounding properties are vacant and are zoned for commercial to the north and south, residential to the east, and quarry to the west. The subject property is adjacent to a large quarry with the typical noise, dust and other hazards associated with quarry operation. However, the quarry has reached its southernmost boundary and will expand only to the north, away from this property. In addition, the quarry is subject to zoning conditions safeguarding nearby residents from quarry operations. The quarry is located to the west and the north of the subject property. A strip of commercial zoned property separates the site from the quarry to the north. Currently there is an over abundance of commercially zoned property close to this intersection. This zoning change would reduce the northern boundary of the commercial node, thus starting a transition to residential development. It is unlikely that the light commercial property to the north will be developed as commercial. In the future, it is probable that this commercial property will be rezoned to residential.

Zoning Commission Recommendation:

Pending June 07, 2005 Zoning Commission Hearing

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	0
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005092

This case will be presented before Zoning Commission on June 7th, therefore Zoning Commission's recommendation is pending.

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

DEV. SERVICES

2005 MAY 26 A 8: 34

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, Julia I. Mireles, P.E., Karen Schubert, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2005092 (Presidio Heights)

Date: May 20, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 74.59-acre tract located on the city's northwest side. A change in zoning from "C-2 ERZD and C-3 ERZD" to "R-4 ERZD" is being requested by the owner, McMillin Texas Development, LLC, represented by Kaufman & Assoc. The change in zoning has been requested to allow for the construction of a single-family residential subdivision. The property is classified as Category 1.

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 9, located northeast of the N.W. Military and Loop 1604 intersection. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 ERZD and C-3 ERZD to R-4 ERZD and will allow for the construction of a single-family residential subdivision. The property is currently undeveloped.

2. Surrounding Land Uses:

Major quarry operations surround much of the property to the north and west. The remaining property that surrounds the site is currently undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on April 11, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Ms. Joan B. Falkenberg, P.G., was present during the site evaluation and observed no significant recharge features, although Edwards outcropping was visually apparent. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Dolomitic Member of the Edwards Aquifer. Identification of geologic units was partially obscured due to soil development and coverage by Cedar mulch.

The Dolomitic Member is known to be porous and relatively permeable. It is generally 110 to 130 feet thick. An inferred fault traverses across the eastern portion of the property, however no surface expression was observed in the field. According to the FEMA Flood Insurance Maps, no part of the subject site is located within a 100-year floodplain.

4. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

ENVIRONMENTAL CONCERNS

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

1. Geologic Concerns:

- A. An inferred fault traversing the property may have the potential to allow runoff to enter the subsurface.

2. Standard Pollution/Abatement Concerns:

- A. 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.
- B. 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

If the property is rezoned by the San Antonio City Council, then the following conditions shall apply to address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific

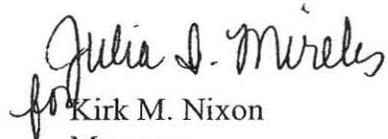
1. The impervious cover on the site shall not exceed 30%.
2. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 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) 704-7305 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) 704-1158 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.
3. All water pollution abatement structures shall be properly maintained and 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.
4. 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. Department of Agriculture, shall be used.

5. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 704-1158 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) 704-7305.

General

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. 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.
3. 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 the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
4. 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.
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.


for Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



Zoning Case Z2005092

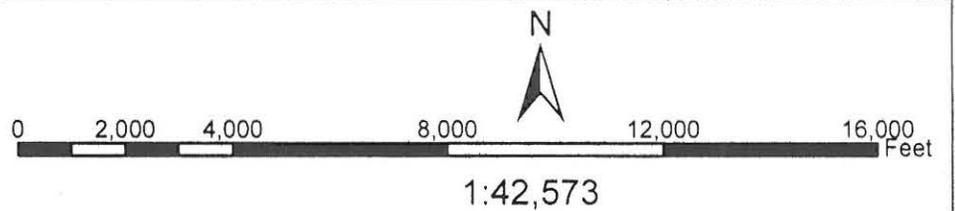
Figure 1

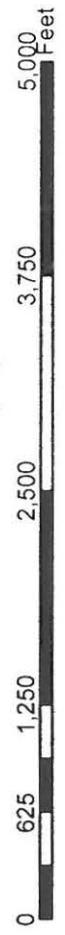
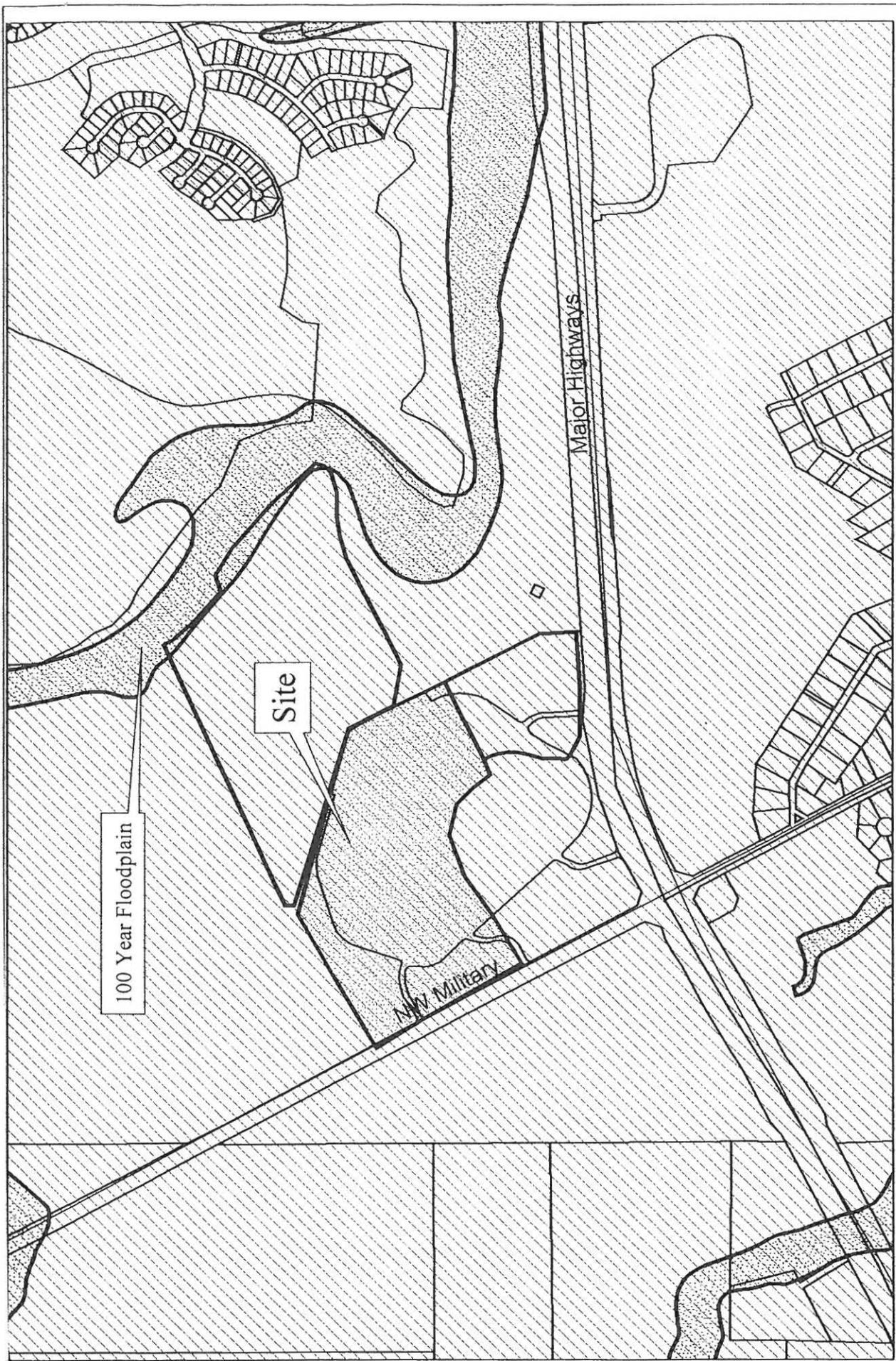
Presidio Heights

Map Page 515 B3

X = 2107282 Y=13767971

Map Prepared by Aquifer Protection and Evaluation KJS 5/16/2005





Zoning Case Z2005092 **Figure 2**
 Presidio Heights

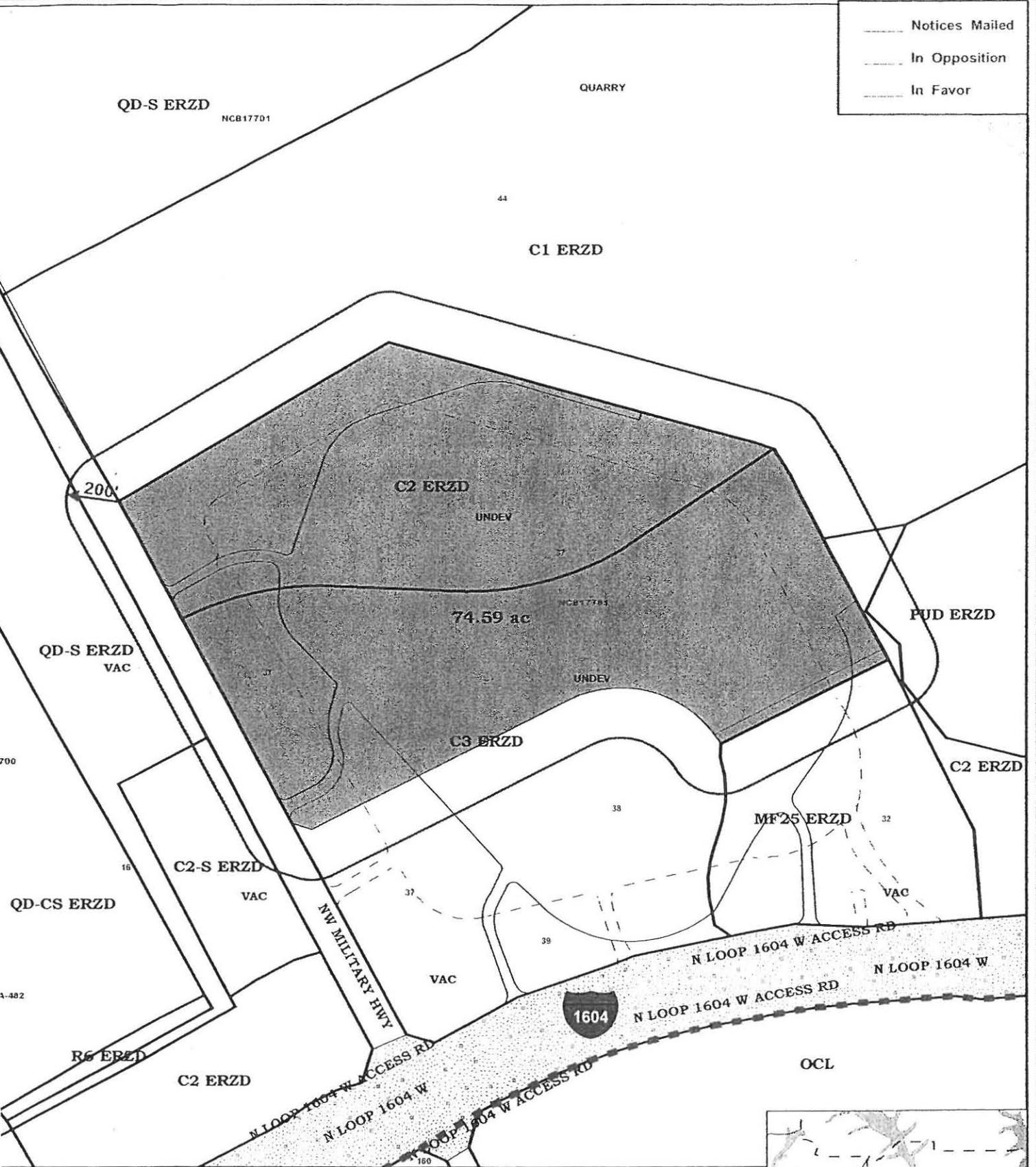
Map Page 515 B3

X = 2107282 Y = 13767971

Map Prepared by Aquifer Protection and Evaluation KJS 5/16/2005

1:13,326

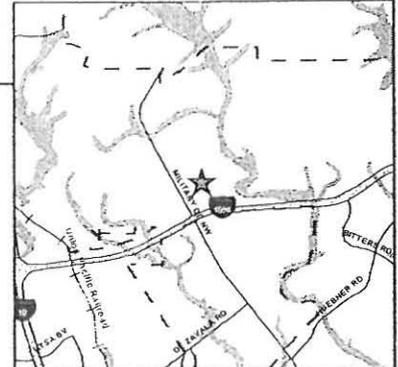
----- Notices Mailed
 ----- In Opposition
 ----- In Favor



ZONING CASE: Z2005-092
 City Council District NO. 9
 requested Zoning Change
 from: C-2 ERZD, C-3 ERZD To R-4 ERZD
 Date: June 7, 2005
 Scale: 1" = 500'

[Shaded Box] Subject Property
 [Circle] 200' Notification

C:\June_7_2005



AN ORDINANCE 101015

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 CLASSIFICATION OF CERTAIN PROPERTY.

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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**,

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PASSED AND APPROVED this 9th day of June 2005.

M A Y O R
EDWARD D. GARZA

ATTEST:
City Clerk

APPROVED AS TO FORM:
City Attorney

Affidavit of Publisher

PUBLIC NOTICE

AN ORDINANCE 101015

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: 74.595 acres out of NCB 17701, From C-2 ERZD Commercial Edwards Recharge Zone District and C-3, ERZD General Commercial Edwards Recharge Zone District to R-4 ERZD, Residential Single-Family Edwards Recharge Zone District. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
6/14

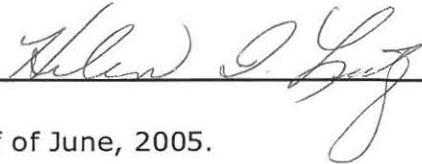
STATE OF TEXAS

COUNTY OF BEXAR

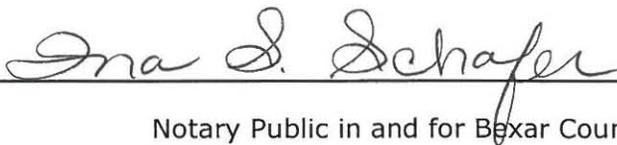
S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen I. I duly sworn, says on oath that she is Publisher of the Commercial Recorder, a news circulation in the City of San Antonio, in the State and County aforesaid, and that the hereto attached has been published in every issue of said newspaper on the following

06/14/2005.



Sworn to and subscribed before me this 14th day of of June, 2005.



Notary Public in and for Bexar County, Texas.

