

AN ORDINANCE 2007-01-04-004.5

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 29.83 acres out of NCB 17727 from “R-6 ERZD” Residential Single-Family Edwards Recharge Zone District to “C-2 ERZD” Commercial Edwards Recharge Zone District on 13.194 acres, “O-2 ERZD” Office Edwards Recharge Zone District on 13.689 acres and “O-1 ERZD” Office Edwards Recharge Zone District on 2.74 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. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The floodplain buffer zone shall increase from the required 60 feet by adding an additional 60 feet in width for a total of 120 feet. This is a 0% impervious cover area.
- B. The total impervious cover for the 1.68 acre tract and the 5.48 acre tract, both delineated in the attached exhibit as the two tracts nearest the flood plain buffer shall not exceed 15%.
- C. The total impervious cover for the entire site that is the subject of Zoning Case Z2005289 shall not exceed 55%.

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 55%.

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 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 on January 14, 2007.

PASSED AND APPROVED this 4th day of January, 2007.

ATTEST:


City Clerk


M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: Z-33 CM Hall Motion to approve 55.1% impervious cover

Date: 01/04/07

Time: 04:35:06 PM

Vote Type: Multiple selection

Description:

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	
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8			x	
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: Z-33. CM Hall Motion to reconsider

Date: 01/04/07

Time: 04:16:06 PM

Vote Type: Multiple selection

Description:

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	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: Z-33

Date: 01/04/07

Time: 03:43:53 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005289 (Districts 9 and 10): An Ordinance changing the zoning district boundary from "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres all on 29.83 acres out of NCB 17727, 3500 Block to the 3600 Block of North Loop 1604 East as requested by Earl & Associates, Applicant, for The Sitterle Corporation, Owner. Staff and Zoning Commission recommend Approval.

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	
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8			x	
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

72005289

C-2 ZONING AREA

METES AND BOUNDS DESCRIPTION
13.194 ACRES, BEXAR COUNTY, TEXAS

part of 21.90 acre tract

Being 13.194 acres of land situated in the George Voss Survey No. 340 ½, Abstract 788, County Block 4955, Bexar County, Texas, and being part of a 370.599 acre tract described in instrument recorded in Volume 5211, Page 2081 of the Official Public Records of Real Property of Bexar County, Texas. Said 13.194 acres being more particularly described by metes and bounds as follows:

Beginning at the intersection of the north right of way line of Loop 1604 and the southwest cutback line of Emerald Forest Drive, Emerald Forest Unit 1, P.U.D. in the City of San Antonio, Bexar County, Texas, recorded in Volume 9526, Page 177-182, of the Deed and Plat Records of Bexar County, Texas;

THENCE with the north right of way line of said Loop 1604, the following three courses:

South 85 degrees 11 minutes 00 seconds West for a distance of 156.22 feet;
South 87 degrees 07 minutes 46 seconds West for a distance of 376.94 feet;
North 85 degrees 58 minutes 01 seconds West for a distance of 124.87 feet;

THENCE North 01 degrees 23 minutes 14 seconds East for a distance of 976.34 feet;
THENCE North 37 degrees 03 minutes 54 seconds West for a distance of 341.57 feet to a corner of the San Antonio River Authority Easement described in instrument recorded in Volume 7913, Page 835 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE with said Easement, North 26 degrees 29 minutes 33 seconds East for a distance of 137.44 feet to a point on the northeast line of a 135 feet wide electric easement described in instrument recorded in Volume 5463, Page 615 of the Deed Records of Bexar County, Texas;

THENCE the northeast line of said 135 feet wide electric easement, South 36 degrees 36 minutes 45 seconds East for a distance of 1052.19 feet;

THENCE North 85 degrees 12 minutes 03 seconds East for a distance of 183.64 feet to a point on a curve on the west right of way line of Emerald Forest Drive;

THENCE with the west right of way line of Emerald Forest Drive the following four courses:

Southeasterly, along the arc of a curve to the left having a radius of 1643.00 feet, a central angle of 02 degrees 02 minutes 35 seconds, an arc length of 58.59 feet, being subtended by a chord of South 11 degrees 48 minutes 54 seconds East for a distance of 58.58 feet to a Point of Tangency;

South 12 degrees 50 minutes 12 seconds East for a distance of 283.57 feet to a Point of Curvature of a curve to the right;

Exhibit A

Z200528

Along a curve to the right having a radius of 138.00 feet, a central angle of 64 degrees 35 minutes 11 seconds, an arc length of 155.56 feet, being subtended by a chord of South 19 degrees 27 minutes 23 seconds West for a distance of 147.45 feet;

South 51 degrees 44 minutes 59 seconds West for a distance of 74.84 feet to the Point of Beginning, containing 13.194 acres of land.

This document is not a representation of a legal boundary survey.

Prepared by: Brown Surveying Company

Date: November 17, 2005

Job No.: 05153-C

O-2 ZONING AREA

METES AND BOUNDS DESCRIPTION 7.3570 ACRES, BEXAR COUNTY, TEXAS

Being 7.3570 acres of land situated in the George Voss Survey No. 340 ½, Abstract 788, County Block 4955, Bexar County, Texas, and being part of a 21.90 acre tract described in instrument recorded in Volume 11139, Page 2355 of the Official Public Records of Real Property of Bexar County, Texas. Said 7.3570 acres being more particularly described by metes and bounds as follows:

Commencing at the intersection of the north right of way line of Loop 1604 and the southwest cutback line of Emerald Forest Drive, Emerald Forest Unit 1, P.U.D. in the City of San Antonio, Bexar County, Texas, recorded in Volume 9526, Page 177-182, of the Deed and Plat Records of Bexar County, Texas;

THENCE with the westerly right of way line of said Emerald Forest Drive, the following four courses:

North 51 degrees 44 minutes 59 seconds East for a distance of 74.84 feet to a Point of Curvature of a curve to the left;

With the arc of said curve, having a radius of 138.00 feet, a central angle of 64 degrees 35 minutes 11 seconds, an arc length of 155.56 feet, being subtended by a chord of North 19 degrees 27 minutes 24 seconds East for a distance of 147.45 feet to a Point of Tangency;

North 12 degrees 50 minutes 12 seconds West for a distance of 283.57 feet to a Point of Curvature of a curve to the right;

With the arc of said curve, having a radius of 1643.00 feet, a central angle of 02 degrees 02 minutes 35 seconds, an arc length of 58.59 feet, being subtended by a chord of North 11 degrees 48 minutes 54 seconds West for a distance of 58.58 feet to the Point of Beginning of this tract;

THENCE South 85 degrees 12 minutes 03 seconds West for a distance of 183.64 feet to a point on the northeasterly line of a 135 feet wide electric easement described in instrument recorded in Volume 5463, Page 615 of the Deed Records of Bexar County, Texas;

THENCE with the northeasterly line of said 135 feet wide easement, North 36 degrees 36 minutes 45 seconds West for a distance of 979.30 feet to a point;

THENCE departing said 135 feet wide electric easement the following five courses:

North 26 degrees 29 minutes 33 seconds East for a distance of 97.06 feet;
South 60 degrees 26 minutes 15 seconds East for a distance of 150.16 feet;
South 81 degrees 12 minutes 10 seconds East for a distance of 225.21 feet;
South 62 degrees 17 minutes 06 seconds East for a distance of 287.95 feet;
South 80 degrees 43 minutes 14 seconds East for a distance of 107.42 feet to a point on the west right of way line of said Emerald Forest Drive;

THENCE with the west right of way line of Emerald Forest Drive, the following five courses;

South 05 degrees 07 minutes 15 seconds West for a distance of 109.20 feet;
South 36 degrees 05 minutes 05 seconds West for a distance of 58.31 feet;
South 05 degrees 07 minutes 15 seconds West for a distance of 100.00 feet;
South 25 degrees 50 minutes 34 seconds East for a distance of 77.96 feet;
Along a curve to the left having a radius of 1643.00 feet, a central angle of 09 degrees 33 minutes 16 seconds, an arc length of 273.98 feet, being subtended by a chord of South 06 degrees 00 minutes 58 seconds East for a distance of 273.66 feet to the Point of Beginning, containing 7.3570 acres of land.

This document is not a representation of a legal boundary survey.

Prepared by: Brown Surveying Company
Date: January 16, 2006
Job No.: 05153-F

O-2 ZONING AREA

**METES AND BOUNDS DESCRIPTION
6.5383 ACRES, BEXAR COUNTY, TEXAS**

Being 6.5383 acres of land situated in the George Voss Survey No. 340 ½, Abstract 788, County Block 4955, Bexar County, Texas, and being part of a 7.93 acre tract described in instrument recorded in Volume 11139, Page 2355 of the Official Public Records of Real Property of Bexar County, Texas. Said 6.5383 acres being more particularly described by metes and bounds as follows:

Beginning at the intersection of the north right of way line of Loop 1604 and the southeast cutback line of Emerald Forest Drive, Emerald Forest Unit 1, P.U.D. in the City of San Antonio, Bexar County, Texas, recorded in Volume 9526, Page 177-182, of the Deed and Plat Records of Bexar County, Texas, said point being the south corner of said 7.93 acre tract and the south corner of this tract;

THENCE with the east right of way line of said Emerald Forest Drive, as follows:

North 69 degrees 39 minutes 30 seconds West for a distance of 165.08 feet to the Point of Curvature of a curve to the right;

Along the arc of a curve to the right having a radius of 166.00 feet, a central angle 56 degrees 49 minutes 18 seconds, and an arc length of 164.63 feet, being subtended by a chord of North 41 degrees 14 minutes 51 seconds West for a distance of 157.96 feet to a point;

North 12 degrees 50 minutes 18 seconds West for a distance of 273.86 feet to a Point of Curvature of a curve to the right;

Along the arc of a curve to the right having a radius of 1557.00 feet, a central angle of 12 degrees 19 minutes 52 seconds, and an arc length of 335.10 feet, being subtended by a chord of North 06 degrees 40 minutes 16 seconds West for a distance of 334.45 feet to a point;

North 36 degrees 05 minutes 05 seconds East for a distance of 43.73 feet to a point;

North 05 degrees 07 minutes 15 seconds East for a distance of 100.00 feet to a point;

North 25 degrees 50 minutes 34 seconds West for a distance of 58.31 feet to a point;

North 05 degrees 07 minutes 15 seconds East for a distance of 115.20 feet to a point;

THENCE departing said right of way line, North 84 degrees 50 minutes 40 seconds East for a distance of 264.02 feet to a point;

THENCE South 00 degrees 34 minutes 46 seconds East for a distance of 605.38 feet to a point;

THENCE North 85 degrees 12 minutes 03 seconds East for a distance of 65.18 feet to a point on the east line of said 7.93 acre tract;

THENCE with the east line of the 7.93 acre tract, South 00 degrees 34 minutes 46 seconds East for a distance of 501.37 feet to the Point of Beginning, containing 6.5383 acres of land.

This document is not a representation of a legal boundary survey.

Prepared by: Brown Surveying Company
Date: January 16, 2006
Job No.: 05153-E

O-1 ZONING AREA

**METES AND BOUNDS DESCRIPTION
1.3518 ACRES, BEXAR COUNTY, TEXAS**

Being 1.3518 acres of land situated in the George Voss Survey No. 340 ½, Abstract 788, County Block 4955, Bexar County, Texas, and being part of a 21.90 acre tract described in instrument recorded in Volume 11139, Page 2355 of the Official Public Records of Real Property of Bexar County, Texas. Said 1.3518 acres being more particularly described by metes and bounds as follows:

Beginning at a point on the west right of way line of Emerald Forest Drive, Emerald Forest Unit 1, P.U.D. in the City of San Antonio, Bexar County, Texas, recorded in Volume 9526, Page 177-182, of the Deed and Plat Records of Bexar County, Texas at the northeast corner of said 21.90 acre tract for the northeast corner of this tract;

THENCE with the west right of way line of Emerald Forest Drive, South 05 degrees 07 minutes 15 seconds West for a distance of 65.17 feet to a point;

THENCE departing Emerald Forest Drive, North 80 degrees 43 minutes 14 seconds West for a distance of 107.42 feet to a point;

THENCE North 62 degrees 17 minutes 06 seconds West for a distance of 287.95 feet to a point;

THENCE North 81 degrees 12 minutes 10 seconds West for a distance of 225.21 feet to a point;

THENCE North 60 degrees 26 minutes 15 seconds West for a distance of 150.16 feet to a point;

THENCE South 26 degrees 29 minutes 33 seconds West for a distance of 97.06 feet to a point on the northeasterly line of a 135 feet wide electric easement described in instrument recorded in Volume 5463, Page 615 of the Deed Records of Bexar County, Texas

THENCE with the northeasterly line of said 135 feet wide easement, North 36 degrees 36 minutes 45 seconds West for a distance of 72.88 feet to a point on the San Antonio River Authority Easement described in instrument recorded in Volume 7913, Page 835 of the Official Public Records of Real Property of Bexar County, Texas

THENCE departing said 135 feet wide electric easement and following said San Antonio River Authority Easement the following five courses:

North 26 degrees 29 minutes 33 seconds East for a distance of 132.67 feet to a point;
South 60 degrees 26 minutes 15 seconds East for a distance of 206.83 feet to a point;
South 81 degrees 12 minutes 10 seconds East for a distance of 224.13 feet to a point;
South 62 degrees 17 minutes 06 seconds East for a distance of 288.23 feet to a point;
South 80 degrees 43 minutes 14 seconds East for a distance of 92.15 feet to the Point of Beginning, containing 1.3518 acres of land.

This document is not a representation of a legal boundary survey.

Prepared by: Brown Surveying Company
Date: January 16, 2006
Job No.: 05153-G

O-1 ZONING AREA

**METES AND BOUNDS DESCRIPTION
1.3900 ACRES, BEXAR COUNTY, TEXAS**

Being a 65.00 feet wide strip of land containing 1.3900 acres situated in the George Voss Survey No. 340 ½, Abstract 788, County Block 4955, Bexar County, Texas, and being part of a 7.93 acre tract described in instrument recorded in Volume 11139, Page 2355 of the Official Public Records of Real Property of Bexar County, Texas. Said 1.3900 acres being more particularly described by metes and bounds as follows:

Commencing at the intersection of the north right of way line of Loop 1604 and the southeast cutback line of Emerald Forest Drive, Emerald Forest Unit 1, P.U.D. in the City of San Antonio, Bexar County, Texas, recorded in Volume 9526, Page 177-182, of the Deed and Plat Records of Bexar County, Texas, said point being the south corner of said 7.93 acre tract;

THENCE with the east line of the 7.93 acre tract, North 00 degrees 34 minutes 46 seconds West for a distance of 501.37 feet to the Point of Beginning;

THENCE South 85 degrees 12 minutes 03 seconds West for a distance of 65.18 feet to a point;

THENCE North 00 degrees 34 minutes 46 seconds West for a distance of 605.38 feet to a point;

THENCE South 84 degrees 50 minutes 40 seconds West for a distance of 264.02 feet to a point on the east right of way of said Emerald forest Drive;

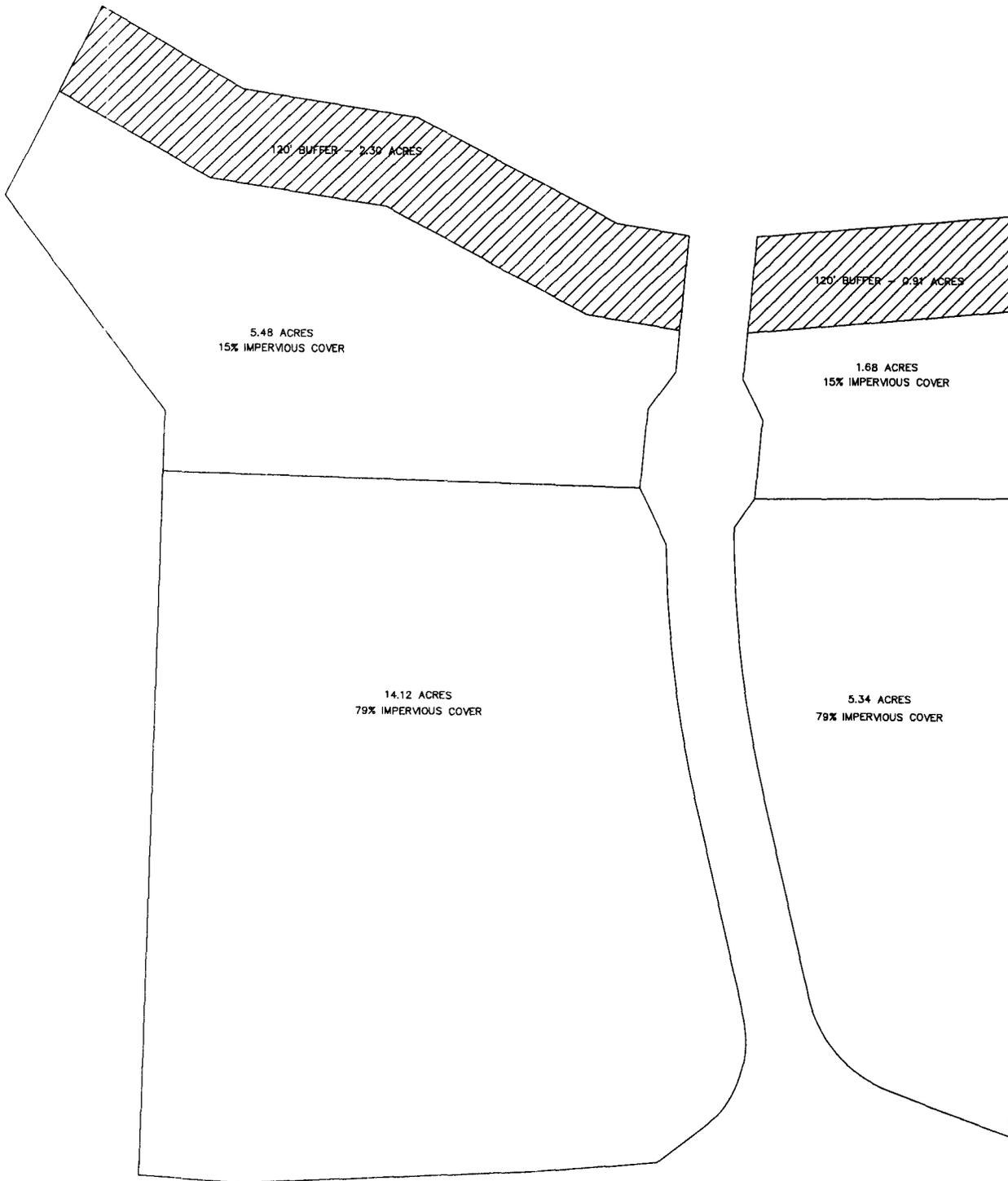
THENCE with the east right of way line of Emerald forest Drive, North 05 degrees 07 minutes 15 seconds East for a distance of 66.06 feet to a point, the northwest corner of said 7.93 acre tract;

THENCE with the north line of the 7.93 acres, North 84 degrees 50 minutes 40 seconds East for a distance of 322.64 feet to a point, the northeast corner of said 7.93 acres and the northeast corner of this tract;

THENCE with the east line of the 7.93 acres, South 00 degrees 34 minutes 46 seconds East for a distance of 671.00 feet to the Point of Beginning, containing 1.3900 acres of land.

This document is not a representation of a legal boundary survey.

Prepared by: Brown Surveying Company
Date: January 16, 2006
Job No.: 05153-D



Z2005289
Section 3.
Impervious Cover Exhibit

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 29.83 acres out of NCB 17727, TO WIT: From "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-1 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, "C-2 ERZD" Office Edwards Recharge Zone District on 16.639 acres and "O-1 ERZD" Office Edwards Recharge Zone District on provided all conditions imposed by the City Council are adhered to. **THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00.**
1/10

Affidavit of Publisher

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

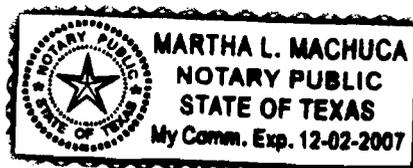
Before me, the undersigned authority, on this day personally appeared Helen I. L. by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a general circulation in the City of San Antonio, in the State and County aforesaid, and Ordinance 2007-01-04-0045 here to attached has been published in every issue newspaper on the following days, to wit:

01/10/2007.

Helen I. Lutz

Sworn to and subscribed before me this 10th day of of January, 2007.

Martha L. Machuca



SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEV. SERVICES

To: Zoning Commission Members

2006 JAN 11 P 2:31

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

Subject: Amended Zoning Case Z2005289 (Emerald Forest)

Date: January 11, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 29.83 - acre tract located on the city's north side. A change in zoning from "**R-6**" ERZD to "**C-2**" ERZD and "**O-2**" ERZD and "**O-1**" ERZD is being requested by the applicant, Andrew Johnston. The change in zoning has been requested to allow an office park development. The property is classified as Category 2 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 9 and 10, at the intersection of Loop 1604 and Emerald Forest Drive, near the Emerald Forest Subdivision. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from "**R-6**" ERZD to "**C-2**" ERZD and "**O-2**" ERZD and "**O-1**" ERZD and will allow for the construction of an office park. Currently the site is undeveloped and is covered in native vegetation. A power-line easement is located through the western portion of the property.

2. Surrounding Land Uses:

Emerald Forest Subdivision and East Elm Creek is north of the property. Loop 1604 bounds the southern boundary. An undeveloped lot lies to the west of the property and a church lies east of the property.

3. Water Pollution Abatement Plan:

The Emerald Forest Water Pollution Abatement Plan (WPAP) was approved by the Texas Commission on Environmental Quality (TCEQ) on July 26, 1993. No sensitive recharge features are located within this area of The Emerald Forest WPAP.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a field observation on December 1, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Greg James, P.G., was present during the site evaluation and observed no sensitive recharge features on the site. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine and Leached and Collapsed Members of the Edwards Aquifer. Onsite verification was not possible due to heavy weathering of bedrock and float rock.

According to the Hydrogeologic Map of Bexar County a fault located in the northwest corner of the property separates the Leached and Collapsed Member from the Cyclic and Marine Member. This could not be verified onsite due to coverage by vegetation and alluvium and therefore must be considered an inferred fault.

The majority of the property is underlain by the Cyclic and Marine Member, which is characterized by extensive lateral porosity of both fabric and non-fabric makeup. The Leached and Collapsed Member, located northwest of the inferred fault, is characterized as being non-fabric and very permeable.

Several closed depressions were observed, but appeared to be a result of animal burrowing. It was not possible to determine if there was any karst influence on the development of these features due to the thick soil profile.

One abandoned well is located on the site and there is potential for contamination of the Edwards Aquifer via the well.

ENVIRONMENTAL CONCERNS

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

Site Specific Concerns

1. A portion of the property lies within East Elm Creek floodplain, along the northern portion, where recharge may occur.
2. One abandoned well is located on the site and there is potential for contamination of the Edwards Aquifer via the well.

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 impervious cover shall not exceed 30% on the site.
2. East Elm Creek lies to the north of the property and is within the 100 – year floodplain. A floodplain buffer shall be provided along the northern portion of the property as required in Ordinance No. 81491, Section 34-913.
3. The abandoned wells, 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.
4. The land use within the zoned area shall be in conformance with the table of permitted uses at the time the rezoning is approved. Should a proposed use be listed as requiring City Council approval, the owner shall apply for rezoning 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.
5. 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.
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, Texas Department of Agriculture, U.S.D.A, shall be used.

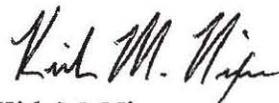
7. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, 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.
8. 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. Development within the floodplain must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the floodplain preservation area(s).
2. 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.
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. 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 of SAWS.
6. 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.
7. 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.



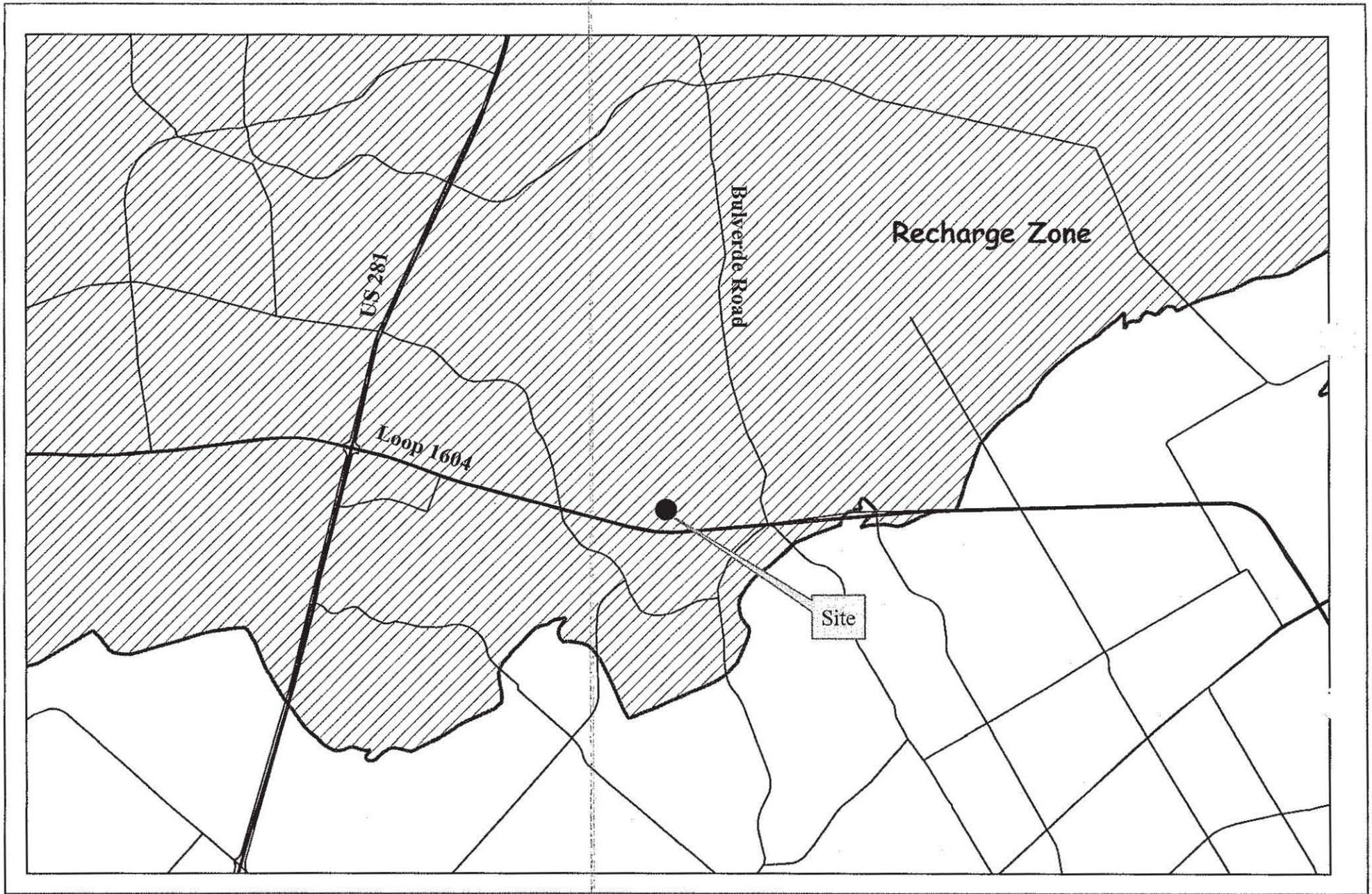
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



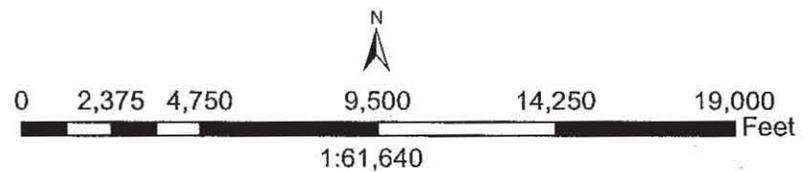
Zoning Case No. Z2005289 Figure 1

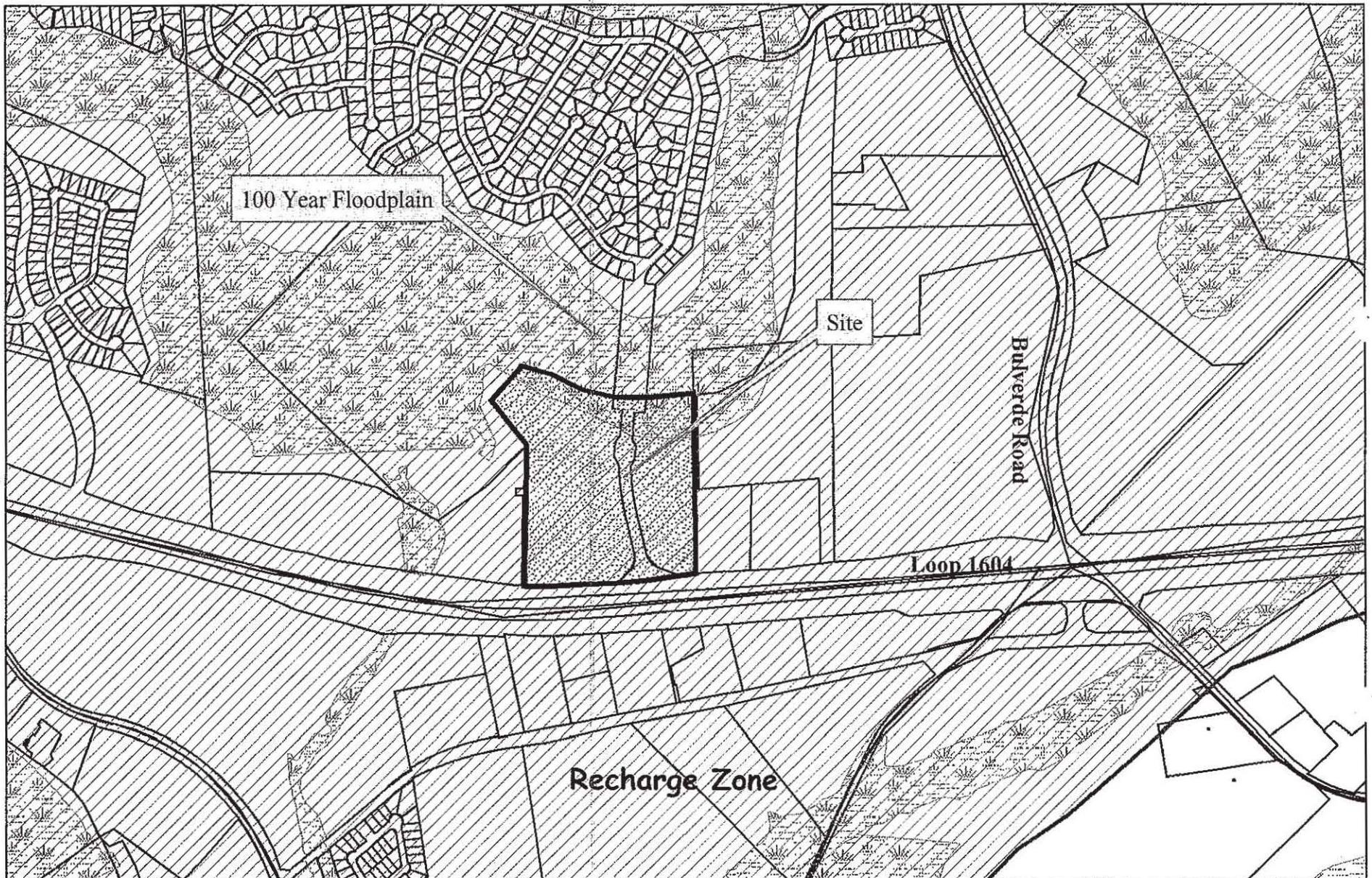
Emerald Forest Tract

Map Page 518 A3

X=2149525 Y=13767212

Map Prepared by Aquifer Protection and Evaluation MJB 11/29/2005





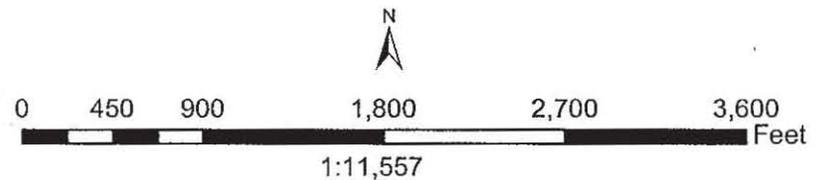
Zoning Case No. Z2005289 Figure 2

Emerald Forest

Map Page 518 A3

X=2149525 Y=13767212

Map Prepared by Aquifer Protection and Evaluation MJB 11/29/2005



Z2005289

ZONING CASE NO. Z2005289 – January 17, 2006

Applicant: Andrew L. Johnston

Zoning Request: “R-6” ERZD Residential Single-Family Edwards Recharge Zone District to “C-2” ERZD Commercial Edwards Recharge Zone District on 13.194 acres, “O-2” ERZD Office Edwards Recharge Zone District on 13.689 acres and “O-1” ERZD Office Edwards Recharge Zone District on 2.95 acres.

Andy Johnston, 119 N. Mantin Lane, applicant, stated the purpose of this zoning change to develop office and commercial uses. He stated he has been in contact with the surrounding neighbors who are in support of this request. He further stated they have agreed to provide greenbelts on both side of the property, fencing, night lighting and limiting the construction to a two-story height facility. He also stated SAWS has recommended a 30% impervious cover however their request to Council would be for 60% impervious cover.

Staff stated there were 9 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and Emerald Forest Homeowners Association is in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Robbins and seconded by Commissioner Marshall to recommend approval with SAWS recommendation of 30% impervious cover.

1. Property is located on 29.83 acres out of CB 4955 at 3500 to 3600 Block of North Loop 1604 East.
2. There were 9 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

Z2005289

THE MOTION CARRIED

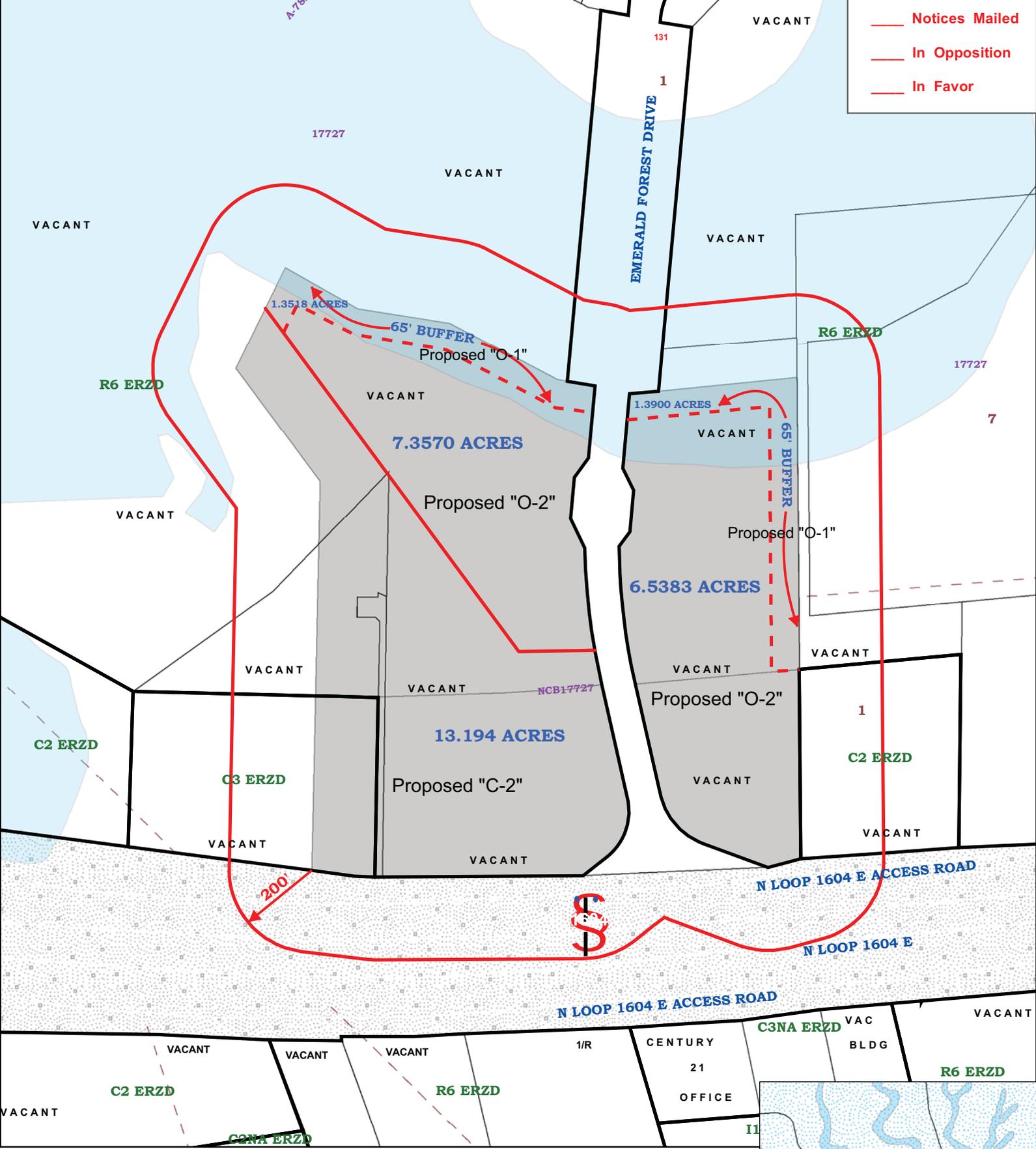
RESULTS OF COUNCIL HEARING August 17, 2006

City Council granted a continuance until September 7, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

— Notices Mailed
— In Opposition
— In Favor



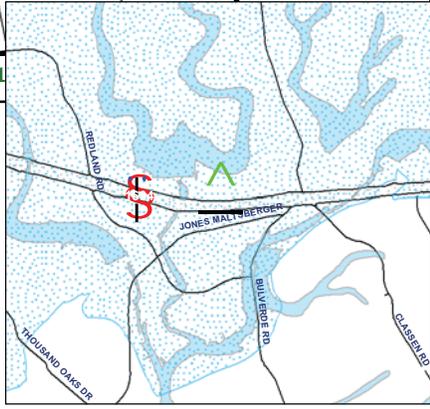
ZONING CASE: Z2005-289

City Council District No. 9&10
 Requested Zoning Change
 From "R-6 ERZD" To "O-2 ERZD", "C-2 ERZD" and "O-1 ERZD"
 Date: September 21, 2006
 Scale: 1" = 300'

Subject Property
 200' Notification



C:\Dec_6_2005





CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-33
Council Meeting Date: 1/4/2007
RFCA Tracking No: R-900

DEPARTMENT: Development Services

DEPARTMENT HEAD:

COUNCIL DISTRICT(S) IMPACTED:
Council District 9, Council District 10

SUBJECT:
Zoning Case Z2005289

SUMMARY:
From "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres

BACKGROUND INFORMATION:
City Council continuance from August 17, 2006

Zoning Commission Meeting Date: January 17, 2006

Applicant: Earl & Associates

Owner: The Sitterle Corporation

Property Location: 3500 to 3600 Block of North Loop 1604 East

Intersection of North Loop 1604 and Emerald Forest Drive

29.83 acres out of NCB 17727

Proposal: Office and Commercial Use

Neighborhood Association: Emerald Forest Home Owners Association (within 200 feet)

Neighborhood Plan: None

Traffic Impact Analysis: A Level-I Traffic Impact Analysis has been submitted. The 29.83-acres are currently zoned R-6 Single Family Residential use. The current R-6 zoning would have generated approximately 1,686 daily vehicle trips. The property is proposed to be zoned O-2 and C-2 and developed into 250,000 square feet of professional offices, and 29,500 square feet retail. The proposed development is projected to generate 4,019 daily vehicle trips. Typical development on property zoned O-2 and C-2 of this size could generate 7,690 average daily vehicle trips, an

increase of 6,004 vehicle trips per day over current zoning. If the proposed site were to be developed differently from the proposed development, a revised Level-2 TIA would be required at platting/building permits.

Access to the site is proposed to be limited to one entrance from the westbound Loop 1604 frontage road, and a driveway off of Emerald Forest to east and west tracts. Part of Emerald Forest is public ROW, and a portion private belonging to the HOA (previously in Bexar County). Use of the private portions of this roadway for this development would require the developer to obtain rights of use from the HOA. Without access rights on the private road, the exact location of the public versus private sections of road will be required at platting/building permits to locate entrances to the office and retail complex. This may result in modifications to the existing median to keep development traffic from the private road.

The TIA Division recommends support of re-zoning.

ISSUE:

None

ALTERNATIVES:

Staff does not have an alternate recommendation.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff Recommendation: Approval

Zoning Commission Recommendation: Approval with SAWS Recommendations and Site Specific Conditions

The subject property is currently vacant and located on both sides of Emerald Forest Drive where it intersects with North Loop 1604 East. The surrounding properties are vacant. The property to the north is zoned for residential uses and the properties fronting on 1604 are zoned for commercial uses. There is a utility easement and a San Antonio River Authority Flood Control Dam located to the west.

The subject property was annexed in 2000 and zoned Temporary "R-1" Residential Single-Family. The zoning was converted to "R-6" Residential Single-Family with the adoption of the 2001 Unified Development Code (UDC). A zoning case was initiated for this property in 2000. The original request was for a "C-2" District on both sides of Emerald Forest. Staff recommended denial of the request and approval of "C-2" on the west side and "O-1" on the east side. The applicant withdrew the case in April of 2001.

A zoning change to "O-2" Office District and "C-2" Commercial District would be appropriate at this site. The proposed districts would serve as a transition of "C-2" to "O-2" to "O-1" to "R-6" from the highway to the residential districts. Furthermore, "O-2" districts provide for a wide variety of office and accessory retail uses. A 65 foot buffer of either "C-1", "O-1", or "NC" is required between the requested "O-2". "C-2" and "O-2" districts are appropriate along major thoroughfares and would provide an effective buffer to the residential district.

ATTACHMENT(S):

File Description	File Name
Zoning Map	Z2005-289.pdf
Zoning Commission Minutes	Z2005289.pdf
SAWS	4466_001.pdf
Ordinance/Supplemental Documents	200701040045.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director (Interim) Development Services

APPROVED FOR COUNCIL CONSIDERATION:

Jelynn Burley Deputy City Manager

