

AN ORDINANCE **88274**

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO CITY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-3007 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z98104

The rezoning and reclassification of property from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District and "B-3" ERZD Business Edwards Recharge Zone District listed below as follows:

Temp. "R-1" ERZD to "B-2" ERZD
32.76 acres out of NCB'S 17600, 18217 and 18218

Temp. "R-1" ERZD to "B-3" ERZD
114.6 acres out of NCB'S 17600, 18217 and 18218
U. S. 281 North

Provided that the following recommendations of' the Aquifer Studies Office are incorporated herein and attached hereto for all purposes.

The Aquifer Studies Office recommendations arc as follows

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall obtain a Letter of Certification from the Watershed Protection and Management Department of the San Antonio Water System.
2. Prior to the release of any building permits for additional developments, the following shall be submitted to the Aquifer Studies Division of the San Antonio Water System:
 - A. A 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 letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan,
 - D. A copy of the approved Water Pollution Abatement Plan.
3. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about best management practices of 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 recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
 4. All unplatted properties containing any portion of the 100-year floodplain, shall have in accordance with Chapter 34, Article VI, Division 6, Section 34-913, a buffer zone adjacent to and outside the 100-year floodplain. The buffer zone shall consist of a no build zone and should be left in its natural condition.
 5. The land uses within the commercial 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 special 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 prohibited, that land use will not be permitted on that site.
 6. The owner/operator shall request a determination on whether the proposed development is a “substantial alteration” as defined in Ordinance No. 81491. If the proposed development is determined to be a “substantial alteration”, the property shall be developed in compliance with Ordinance No.81491 as a Category 2 property.
 7. All stormwater run-off from the commercial sites shall be directed to a stormwater abatement system which shall be approved by the Aquifer Studies Division of the San Antonio Water System prior to the release of building permits.
 8. 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.
 9. The City of San Antonio shall inspect all future construction of services laterals and sewer mains for proper construction according to State and City Regulations and Code.

10. If any solutions openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210)490-3096 and the Aquifer Studies Division of the San Antonio Water System at (210)704-7392.

2. The Aquifer Studies 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.

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 - 1024.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance is not severable.

PASSED AND APPROVED THIS 13th DAY OF August 19 78

ATTEST: Norma S. Rodriguez
City Clerk

HSR
MAYOR
Howard W. Peak

APPROVED AS TO FORM: [Signature]
CITY ATTORNEY

98-29

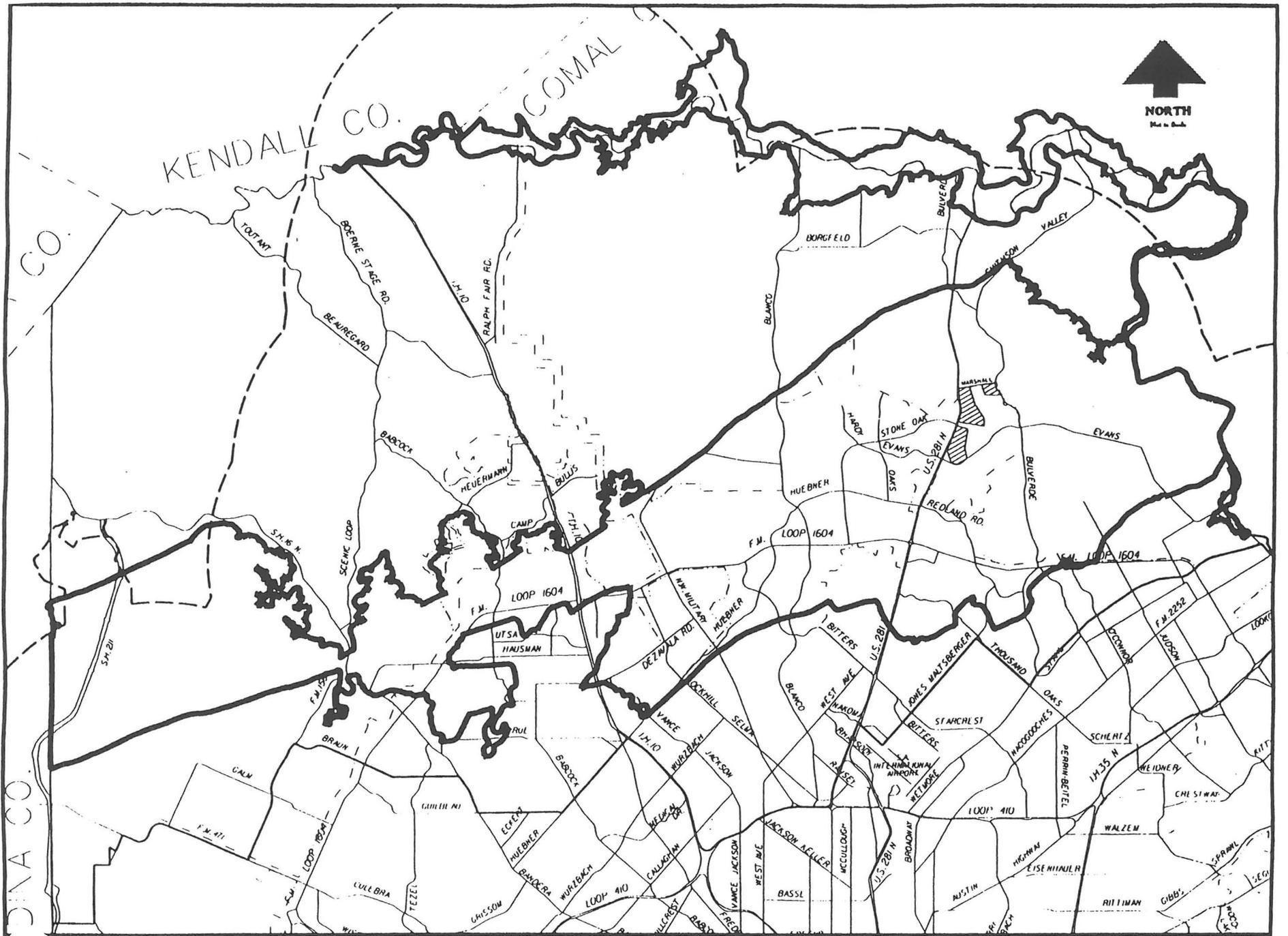
MEETING OF THE CITY COUNCIL

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & MANAGEMENT ANALYSIS
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS - FRANCES GONZALES
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA
YOUTH INITIATIVES

AGENDA ITEM NUMBER: 4D
 DATE: AUG 13 1998
 MOTION: Banning
 ORDINANCE NUMBER: 88274
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: 798104
 TRAVEL AUTHORIZATION: _____

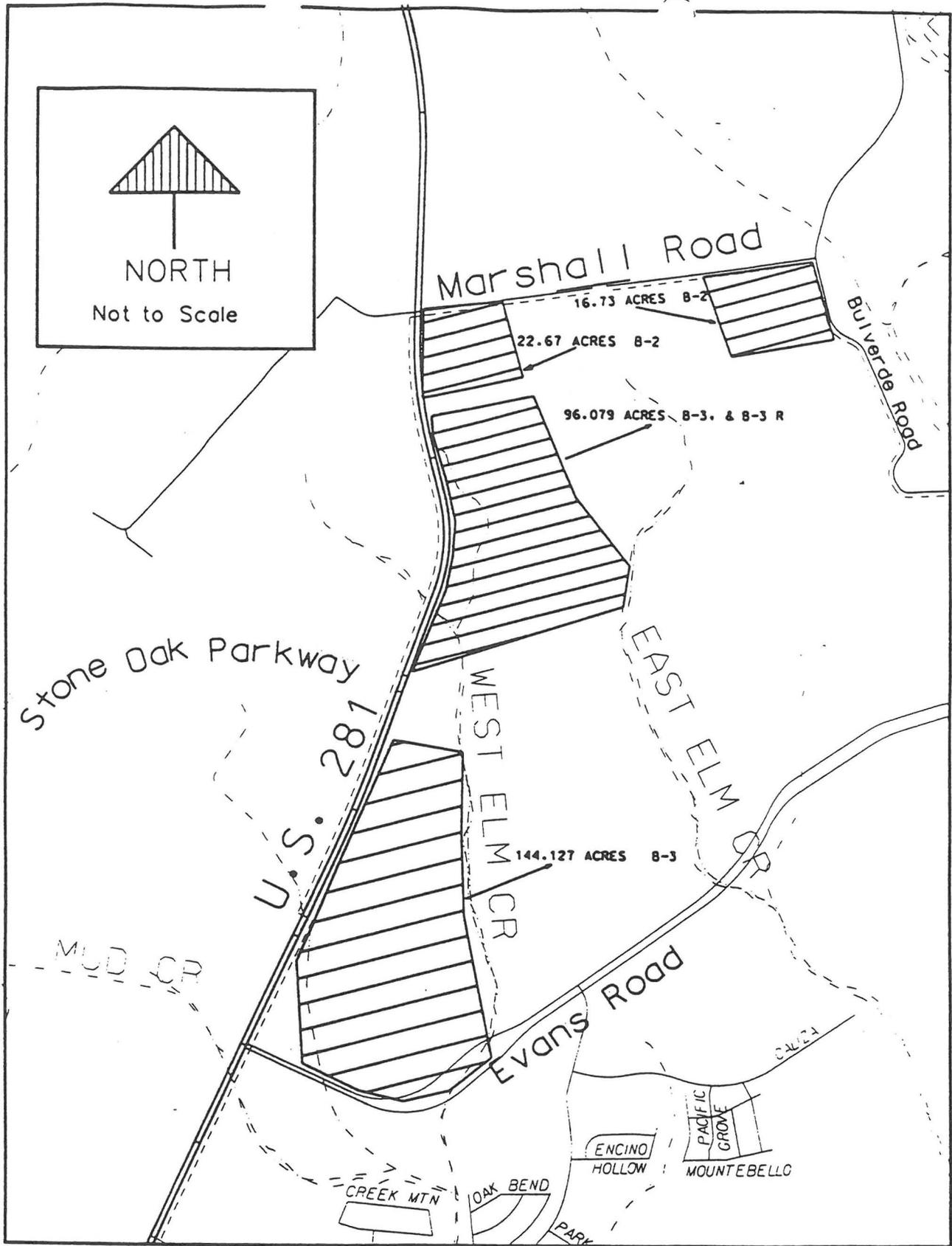
NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		<i>Absent</i>	
MARIO SALAS District 2		<i>Absent</i>	
DEBRA GUERRERO District 3		✓	
RAUL PRADO District 4		✓	
RICK VASQUEZ District 5		✓	
JOSE MENENDEZ District 6		✓	
ED GARZA District 7		<i>Absent</i>	
ROBERT MARBUT District 8		✓	
TIM BANNWOLF District 9		✓	
JEFF S. WEBSTER District 10		✓	
HOWARD W. PEAK Mayor		<i>Absent</i>	

NC



- SUBJECT SITE

EVANS ROAD & MARSHALL ROAD
 FILE No. 98104
 Figure 1

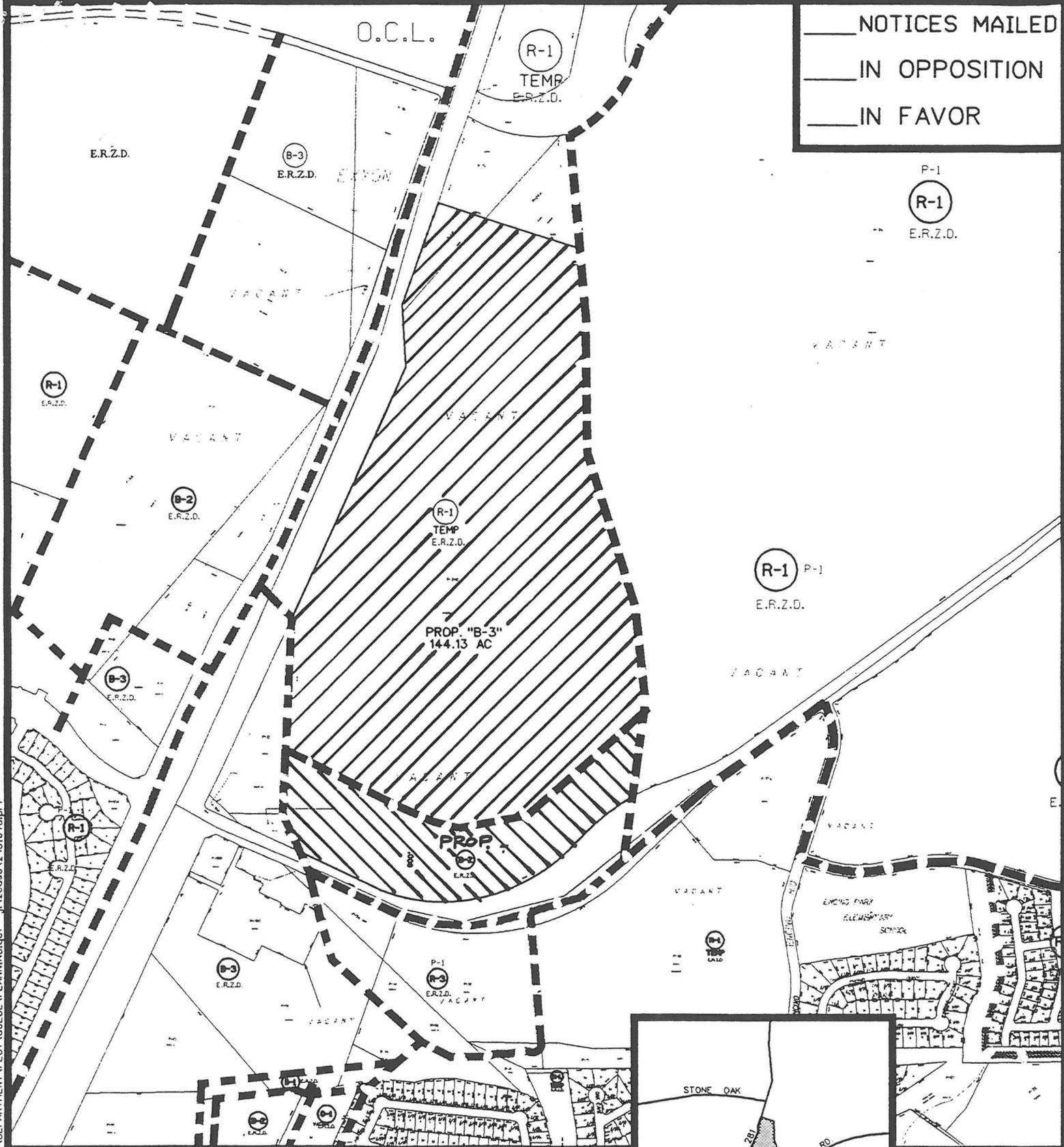


EVANS ROAD & MARSHALL ROAD

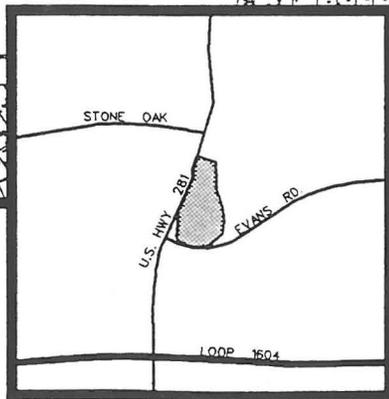
Z98104

Figure 2

_____ NOTICES MAILED
 _____ IN OPPOSITION
 _____ IN FAVOR



ZONING CASE Z98104
 CITY COUNCIL DISTRICT NO: 9
 REQUESTED ZONING CHANGE
 FROM TEMP "R-1" EZRD TO "B-2" ERZD
 DATE AUG. 13, 1998 "B-3" ERZD
 SCALE 1' = 800'



DEPARTMENT OF PLANNING
 SAN ANTONIO, TEXAS

Thu Aug 06 13:23:39 1998 \\GIS\DATA\DEPARTMENT\PILOT\VIEW\PLANNING\qcf_jl\zcase\z98104a.prf



FIELD NOTES
FOR

A 114.6 acre, or 4,991,386 square feet, tract of land out of a called 1036 acre tract of land identified as Tract 1 and described in Special Warranty Deed in Volume 6057, Page 1701-1748 of the Official Public Records of Real Property for Bexar County Texas, out of the Wm. Brisbin Survey No. 89 ½, Abstract 54, County Block 4900, the Wm. Brisbin Survey No. 396½, Abstract 55, County Block 4923, now in New City Blocks (N.C.B.) 18218, 17600 and 18217 of the City of San Antonio of Bexar County, Texas. Said 114.6 acres being further described by metes and bounds as follows:

COMMENCING: At a found ½" iron rod with yellow cap marked "Pape-Dawson" at the north angle point of the cutback of the intersection of the north right-of-way line of Evans Road, a variable width right-of-way dedicated in the Encino Park Unit 21 Subdivision described in instrument recorded in Volume 9512, Page 18-21 of the Deed and Plat Records of Bexar County, and U.S. Highway 281, a variable width right-of-way, and the point of beginning for the description of the said 1036 acre tract;

THENCE: N 25°01'17" E, along said right-of-way line of U.S. Highway 281, a distance of 965.33 feet to a point for the westernmost southwest corner and the POINT OF BEGINNING of the herein described 114.6 acre tract of land;

THENCE: Along and with the east right-of-way line of U.S. Highway 281, the east line of an 8.906 acre dedication described in instrument recorded in Volume 4941, Page 975-981 of the Official Public Records of Bexar County the following calls and distances:

N 25°01'17" E, a distance of 1,578.87 feet with the east right-of-way line of U.S. Highway 281 to a found ½" iron rod with yellow cap marked "Pape-Dawson" for an angle point;

N 23°39'03" E, a distance of 360.40 feet with the east right-of-way line of U.S. Highway 281 to a found ½" iron rod with yellow cap marked "Pape-Dawson" for an angle point;

N 00°52'02" E, a distance of 378.31 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" for an angle point;

THENCE: Continuing along and with the east right-of-way line of U.S. Highway 281 and the east line of that 25.867 acre tract described in instrument recorded in Volume 5043, Page 292 of the Deed Records of Bexar County the following calls and distances:

N 19°16'57" E, a distance of 199.95 feet with the east right-of-way to a found ½" iron rod with yellow cap marked "Pape-Dawson" for an angle point;

N 21°00'03" E, a distance of 400.18 feet with the east right-of-way to a found ½" iron rod with yellow cap marked "Pape-Dawson" at an angle point;

THENCE: N 17°33'51" E, a distance of 105.67 feet, to a found ½" iron rod with yellow cap marked "Pape-Dawson" at the southwest corner of a 9.660 acre tract described Volume 3365, Pages 650-655 of the Official Public Records of Real Property,

THENCE: S 72°26'09" E, with the south line of said 9.660 acre tract a distance of 624.15 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" for an angle point;

THENCE: S 87°18'05" E, with the south line of said 9.660 acre tract a distance of 146.06 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" on the west line of a 745.5 acre tract described in Volume 6777, Pages 469-489 of the Official Public Records for Bexar County, for an angle point and the northeast corner of this tract;

THENCE: Along and with the west line of the said 745.5 acre tract the following calls and distances:

S 05°36'31" E, a distance of 519.75 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson";

S 01°41'05" E, a distance of 1020.44 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson";

S 18°06'14" E, a distance of 547.08 feet with the line of the 640.5 acre tract to a found ½" iron rod with yellow cap marked "Pape-Dawson";

S 15°56'43" E, a distance of 436.81 feet with the line of the 640.5 acre tract, to a found ½" iron rod with yellow cap marked "Pape-Dawson";

S 06°34'55" E, a distance of 261.73 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson";

S 04°45'49" E, a distance of 54.67 feet with the line of the 640.5 acre tract to a point for an angle point also being the southeast corner of this tract;

THENCE: Along the south line of this 114.6 acre tract the following calls and distances:

S 64°21'45" W, a distance of 372.01 feet to a point of curvature;

Southwesterly, with a curve to the left, having a radius of 1724.00 feet, a central angle of 14°38'01", a chord bearing and distance of S 52°07'38" W, 439.13 feet, and an arc length of 440.32 feet to a point of tangency;

S 44°48'37" W, a distance of 199.05 feet to a point of curvature;

Southwesterly and westerly, with a curve to the right having a radius of 476.00 feet, a central angle of 70°12'35", a chord bearing and distance of S 79°54'54" W, 547.47 feet, and an arc length of 583.29 feet to a point of tangency;

N 64°58'49" W, a distance of 799.02 feet to an angle point;

N 13°09'54" W, a distance of 528.41 feet to the POINT OF BEGINNING and containing 114.6 acres in the City of San Antonio, Bexar County, Texas.

"THIS DOCUMENT IS NOT A LEGAL SURVEY."

Prepared by: Pape-Dawson Engineers, Inc.
Job No: 4218-01
Date: July 29, 1998
Doc Id: 4218\01\WORD\FIELD NOTES\980729A1



FIELD NOTES
FOR

A 32.76 acre, or 1,426,910 square feet, tract of land out of a called 1036 acre tract of land identified as Tract 1 and described in Special Warranty Deed in Volume 6057, Page 1701-1748 of the Official Public Records of Real Property for Bexar County Texas, out of the A. Houston Survey No. 93, Abstract 355, County Block 4937, the Wm. Brisbin Survey No. 396½, Abstract 55, County Block 4923, now in New City Blocks (N.C.B.) 18218, 17600 and 18217 of the City of San Antonio of Bexar County, Texas. Said 32.76 acres being further described by metes and bounds as follows:

COMMENCING: At a found ½" iron rod with yellow cap marked "Pape-Dawson" at the south angle point of the cutback of the intersection of the north right-of-way line of Evans Road, a variable width right-of-way dedicated in the Encino Park Unit 21 Subdivision described in instrument recorded in Volume 9512, Page 18-21 of the Deed and Plat Records of Bexar County, and U.S. Highway 281, a variable width right-of-way, and the point of beginning for the description of the said 1036 acre tract;

THENCE: S 64°58'49" W, a distance of 609.75 feet along the north right-of-way line of Evans Road to a point for the southwest corner of this tract and also being the POINT OF BEGINNING of the herein described 32.76 acre tract of land;

THENCE: Along the east line of an 11.173 acre tract of land being the west line of this tract the following calls and distances:

N 19°27'32" W, a distance of 219.52 feet to an angle point;

N 06°09'29" E, a distance of 402.52 feet to an angle point;

N 13°09'54" W, a distance of 79.47 feet to a point for the northwest corner of this 32.76 acre tract;

THENCE: Along the north line of this 32.76 acre tract parallel to and 600 feet north of the Evans Road right-of-way line the following calls and distances:

S 64°58'49" E, a distance of 799.02 feet to a point of curvature;

Northeasterly, with a curve to the left, having a radius of 476.00 feet, a central angle of 70°12'35", a chord bearing and distance of N 79°54'54" E, 547.47 feet, and an arc length of 583.29 feet to a point of tangency;

N 44°48'37" E, a distance of 199.05 feet to a point of curvature;

Northeasterly, with a curve to the right, having a radius of 1724.00 feet, a central angle of 14°38'01", a chord bearing and distance of N 52°07'38" E, 439.13 feet, and an arc length of 440.32 feet to a point of tangency;

N 64°21'45" E, a distance of 372.01 feet to an angle point for the east line of this tract, also being the west line of a 745.5 acre tract described in Volume 6777, Pages 469-489 of the Official Public Records of Bexar County, Texas;

THENCE: Along and with the west line of said 745.5 acre tract the following calls and distances:

S 04°45'49" E, a distance of 306.58 feet with the line of a 640.5 acre tract to a found ½" iron rod with yellow cap marked "Pape-Dawson";

S 08°31'51" W, a distance of 376.28 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" at the southwest corner of the 640.5 acre tract, a point on curve of a non-tangent curve the north right-of-way line of the aforementioned Evans Road;

THENCE: Along and with the north right-of-way line of Evans Road the following calls and distances:

Southwesterly, with a curve to the left, and the right-of-way of Evans Road, said curve having a radial bearing of S 30°33'22" E, a radius of 1124.00 feet, a central angle of 14°38'01", a chord bearing and distance of S 52°07'38" W, 286.30 feet, and an arc length of 287.08 feet to a found ½" iron rod at a point of tangency;

S 44°48'37" W, a distance of 199.06 feet to a found ½" iron rod at a point of curvature;

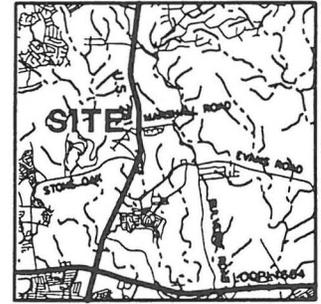
Southwesterly, westerly, and northwesterly, with a curve to the right and the road right-of-way, said curve having a radius of 1076.00 feet, a central angle of 70°12'34", a chord bearing and distance of S 79°54'54" W, 1237.56 feet, and an arc length of 1318.52 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;

FIELD NOTES
32.76 Acre Tract
Page 3 of 3

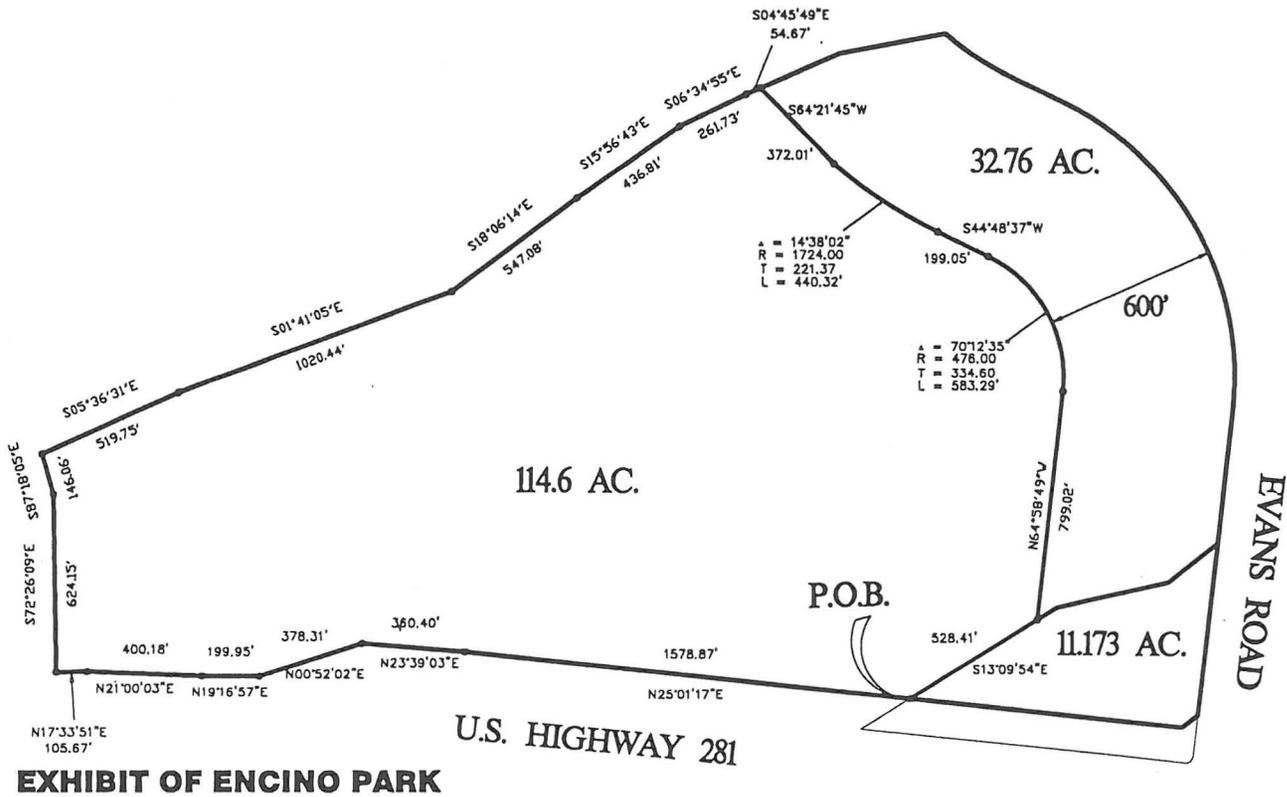
N 64°58'49" W, a distance of 465.96 feet with the right-of-way of Evans Road to the POINT OF BEGINNING and containing 32.76 acres of land in the City of San Antonio, Bexar County, Texas.

"THIS DOCUMENT IS NOT A LEGAL SURVEY."

Prepared by: Pape-Dawson Engineers, Inc.
Job No: 4218-01
Date: July 29, 1998
Doc Id: 4218\01\WORD\FIELD NOTES\980729A2



LOCATION MAP
N.T.S.



L:\4218\00\DESIGN\EXHIBIT\EX980729.DWG

PAPE-DAWSON **pd** **ENGINEERS**
CML & ENVIRONMENTAL

JANUARY, 1998

Zoning Case No.: Z98104

Date: June 16,1998
July 21, 1998

Council District: 9

Appeal: No

Applicant: Andrew C. Guerrero

Owner: The Arden Group, Inc.

Zoning Request: Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District, "B-3" ERZD Business Edwards Recharge Zone District.

Property Location:

Temp. "R-1" ERZD to "B-2" ERZD
32.76 acres out of NCB's 17600, 18217, and 18218

Temp. "R-1" ERZD to "B-3" ERZD
114.6 acres out of NCB's 17600, 18217, and 18218
U.S. 281 North

Properties are located on the east side of U. S. 281 North, between Evans Road and Marshall Road.

Staff Recommendation:

Approval. The property has frontage on Hwy 281 North and Evans Road, both are primary arterials, generally the staff encourages business zoning at major street intersections. The request zoning would be appropriate.

Zoning Commission Recommendation:

Approval

VOTE:
FOR 8
AGAINST 2
ABSTAIN 0

Applicants Proposal:

Mixed commercial development

Case History and Discussion:

1. Properties front onto U. S. 281 North, a major highway serving this area and Marshall Road, a residential collector street.
2. Subject property as well as the surrounding area is for the most part vacant.
3. The area to the west of property across U. S. 281 North is outside the city limits of San Antonio.

Z98104

ZONING CASE NO. Z98104 - June 16, 1998

Applicant: Andrew C. Guerrero

Zoning Request: Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District, "B-3" ERZD Business Edwards Recharge Zone District and "B-3R" ERZD Restrictive Business Edwards Recharge Zone District.

Andrew C. Guerrero, 8000 I.H. 10 West, made a request to postpone the case indefinitely.

Rudy Farwagi, SAWS, stated SAWS staff recommends approval of the intended use as long as the applicant agrees to abide by all recommendations presented in the case.

Staff stated there were 25 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned 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 Thuss and seconded by Commissioner Earl to recommend an indefinite postponement for the following reasons:

1. Property is located on the east side of U.S. 281 North, between Evans Road and Marshall Road.
2. There were 25 notices mailed, 0 returned in opposition and 0 returned in favor.
3. Staff recommends denial as requested and approval of "B-3" on the east side of U.S. 281 North, between Evans Road and Stone Oak Boulevard; "R-3" on the east side of U.S. 281 North, between Stone Oak Boulevard and Marshall Road; "R-3" on a 50.4 acre tract fronting on Evans Road and "R-1" on the 16.73 acre tract at the intersection of Marshall Road and Bulverde Road.

AYES: Carpenter, Earl, Williams, Thuss, Hophan, Sanchez, Falcone, Candia, Galloway

NAYS: None

ABSTAIN: Emerson

THE MOTION CARRIED

Z98104

ZONING CASE NO. Z98104 -July 21, 1998

Applicant: Andrew C. Guerrero

Zoning Request: Temp. "R-1" ERZD to "B-2" ERZD, and "B-3" ERZD

Kirk Nixon, SAWS, stated staff recommends approval of the intended use as long as the applicant agrees to abide by all the recommendations.

Andy C. Guerrero, 8000 I.H. 10 West, stated he would like to request a 90 day continuance until October 20, 1998 on the portion to the north and the remaining 144 acres be heard for consideration. This request will allow the owner to continue dialog with the neighborhood. He further stated there are no specific plans at the time for the property in question and will meet with Councilman Bannwolf on Wednesday, July 22, 1998.

Staff stated there were 26 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned 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 Thuss and seconded by Commissioner Earl to recommend the southern portion which is 144 acres be zoned as follows, 114.6 acres be zoned "B-3" and 32.76 acres abutting Evans Road be zoned "B-2" and the remaining portion of the property will be a continuance until October 20, 1998 for the following reasons:

1. Property is located on 16.73 acre tract out of NCB 18218 and a 22.67 acre tract out of NCB 18218, 11.28 acre tract out of NCB 18218 and a 144.13 acre tract out of NCB 18217 and NCB 18218, 84.80 acre tract out of NCB 18217 and NCB 18218 on U.S. 281 North.
2. There were 26 notices mailed, 1 returned in opposition and 0 returned in favor.
3. Staff recommends denial as requested and approval of "B-3" on the east side of U.S. 281 North, between Evans Road and Stone Oak Boulevard; "R-3" on the east side of U.S. 281 North, between Stone Oak Boulevard and Marshall Road; "R-3" on a 50.4 acre tract fronting on Evans Road and "R-1" on the 16.73 acre tract at the intersection of Marshall Road and Bulverde Road.

AYES: Carpenter, Earl, Williams, Thuss, Hophan, Sanchez, Anderson, Galloway

NAYS: Emerson, Falcone

THE MOTION CARRIED.

RESULTS OF NOTICES FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartmental Correspondence Sheet

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Aquifer Studies Division, San Antonio Water System

Copies To: Rebecca Quintanilla Cedillo, Vice President of Planning, San Antonio Water System, Scott R. Halty, Director, Watershed Protection and Management Department, Rudy Farwagi, Planner III, Aquifer Studies Division, File

Subject: Zoning Case Z98104 (East side of U.S. 281 between Evans Road and Marshall Road).

Date: May 18, 1998

SUMMARY

A request for a change in zoning has been made for an approximate 279.6-acre tract located on the city's northeast side. A change in zoning from "Temporary R-1 ERZD" to "B-2 ERZD", "B-3R ERZD", and "B-3 ERZD", is being requested by Andrew Guerrero on behalf of the owner, The Arden Group Inc. The change in zoning will allow the area to be developed as retail shopping centers with mixed business uses. The area covered by the zoning request has been determined to be a Category 1 property.

LOCATION

The subject tract is located in City Council District 9 on the east side of U.S. Highway 281 between Marshall Road and Evans Road. The entire 279.6-acre subject area lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE ASSESSMENT

The Aquifer Studies Division of the San Antonio Water System conducted an investigation of the referenced property to evaluate the existing geologic and environmental conditions. A copy of the geologic assessment that was prepared for the Water Pollution Abatement Plan (WPAP) was used as reference in the preparation of this report. The property is undeveloped and covered with live oak trees, juniper ash trees, heavy brush, and natural grasses. Four (4) areas of trash and debris (roofing materials, carpet, lumber, furniture, and automobile tires) were found. The site displays moderate to high topographic relief, and the general direction of drainage is to the south towards the drainage systems of West Elm Creek and East Elm Creek. West Elm Creek flows across the southwestern portion of the 96.079-acre tract (Figure 2), and along the eastern boundary of the 144.127-acre tract (Figure 2). East Elm Creek flows along a small portion of the eastern boundary of the 96.079-acre tract (Figure 2).

Several exposures of the Edwards Group that exhibited solution features and fractures were observed on the site. The observed features were filled with soil thus limiting infiltration to the subsurface. The area is covered with a soil layer that varies to approximately 18 inches. There were no potential recharge features discovered on the site. A few geologic features rated as moderate to high significance on the geologic assessment were observed offsite approximately 2,000 feet east of the 144.127-acre tract. However, drainage from the subject property will not flow to the noted features. Assessment of the property by staff is in general agreement with the geologic assessment included in the WPAP.

ENVIRONMENTAL CONCERNS

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

1. The presence of trash and debris on the site.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas which are then carried off in the first flush of stormwater run-off.
3. 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.
4. The proper construction of the sewer mains and service laterals in order to prevent wastewater from entering the subsurface.

ENVIRONMENTAL RECOMMENDATIONS

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

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall obtain a Letter of Certification from the Watershed Protection and Management Department of the San Antonio Water System.
2. Prior to the release of any building permits for additional developments, the following shall be submitted to the Aquifer Studies Division of the San Antonio Water System:
 - A. A Water Pollution Abatement Plan shall be submitted for each particular development/use within the area being considered for re-zoning,

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SERVICES DIVISION

Commission Members

Z98104

Page 3

- B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan,
 - D. A copy of the approved Water Pollution Abatement Plan.
3. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about best management practices of 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 recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
 4. All unplatted properties containing any portion of the 100-year floodplain, shall have in accordance with Chapter 34, Article VI, Division 6, Section 34-913, a buffer zone adjacent to and outside the 100-year floodplain . The buffer zone shall consist of a no-build zone and should be left in its natural condition.
 5. ~~The land uses within the commercial 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 special 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 prohibited, that land use will not be permitted on that site.~~
The owner/operator shall request a determination on whether the proposed development is a "substantial alteration" as defined in Ordinance No. 81491. If the proposed development is determined to be a "substantial alteration", the property shall be developed in compliance with Ordinance No. 81491 as a Category 2 property.
 6. All stormwater run-off from the commercial sites shall be directed to a stormwater abatement system which shall be approved by the Aquifer Studies Division of the San Antonio Water System prior to the release of building permits.
 7. 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.

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Z98104

Page 4

9. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
10. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Studies Division of the San Antonio Water System at (210) 704-7392.
11. The Aquifer Studies Division staff shall have the authority to inspect the site to insure that the approved recommendations are being strictly adhered to during and after construction of the project.

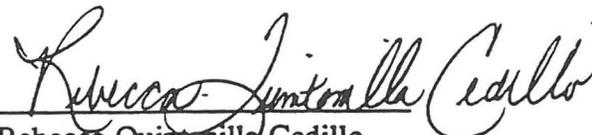
Based on the environmental assessment of the property, and the proposed land use, staff recommends approval of the intended use as long as the applicant agrees to abide by all recommendations presented in this document.

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Kirk M. Nixon
Manager, Aquifer Studies


Scott R. Halty
Director, Watershed Protection & Management

APPROVED:


Rebecca Quintanilla Cedillo
Vice President, Planning

KMN:RFF

Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day
Helen I. Lutz, who being by me duly sworn, says on oath
of the Commercial Recorder, a newspaper of general circ
San Antonio, in the State and County aforesaid, and that t
Ordinance #88274 hereto attached has been published in
newspaper on the following days, to-wit: August 20, 1998.

PUBLIC NOTICE
AN ORDINANCE 88274
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 32.76 ACRES OUT OF NCBs 18217 AND 18218 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT; TO "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT; AND 114.6 ACRES OUT OF NCBs 17600, 18217, AND 18218 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT; U.S. 281 NORTH; PROVIDED THAT THE TEN (10) RECOMMENDATIONS OF THE AQUIFER STUDIES OFFICE ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
8/20

Helen I. Lutz

Sworn to and subscribed before me this 20th day of August, 1998.

Estella M. Vasquez
_____ Notary Public in and for Bexar County, Texas

