

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY 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. Z99276

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

A 1.07 Acre Tract of land out of NCB 19217 being further described by field notes

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

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

1. All the land uses shall be in conformance with the table of permitted uses at the time the zoning is approved by City Council. Should the proposed use be listed as requiring special City Council approval, the owner/operator shall apply for re-zoning for that particular use. If the land use is listed as prohibited, that land use will not be permitted.
2. All stormwater run-off from the commercial site 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.
3. 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,
  - 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.
4. All stormwater pollution abatement structures shall be properly maintained and kept free of trash and debris.

5. 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.
6. 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.
7. 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.
8. 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.
9. The Aquifer Studies Division staff shall have the authority to inspect the site to ensure that the approved recommendations are 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 27<sup>th</sup> DAY OF January 20 00

ATTEST: *Arma S. Rodriguez*  
 City Clerk

APPROVED AS TO FORM: *[Signature]*  
 CITY ATTORNEY

*[Signature]*  
 MAYOR  
 Howard W. Peak

00-04





# M.W. CUDE ENGINEERS, L.L.C.

CIVIL ENGINEERS & SURVEYORS

MICHAEL W. CUDE, P.E., R.P.L.S.  
PRESIDENT

## Property Description of

1.07 Ac.  
Page 1 of 2

1.07 acres of land, Block 8, N.C.B. 19217, City of San Antonio, out of a 8.905 acre tract of land designated as Tract I and a 5.098 acre tract of land designated as Tract II as described by deed recorded in Volume 7663, Pages 827 and 878, Real Property Records of Bexar County, Texas being out of the Beaty, Seale and Forwood Survey No. 9, Abstract No. 112, County Block 4933, Bexar County, Texas; said 1.07 acres of land being more particularly described as follows:

Commencing: At a found ½" iron pin on the North Right of Way line of Stone Oak Parkway being 358.96 feet in a Easterly direction from the intersection of the East Right of Way line of Hardy Oak ; said iron pin being the most Southeast corner of said Tract II;

Thence: With the Easterly boundary of said Tract II, the following:

N18°46'22"W, 355.90 feet to a found ½" iron pin for an angle;

N09°08'56"W, 222.71 feet to a point, being the POINT OF BEGINNING of the herein described tract;

Thence: Leaving the east boundary of said Tract II, the following:

S80°51'04"W, 224.20 feet to a set iron pin for an angle;

N46°39'04"W, 401.88 feet to a point on the North boundary of said Tract I for an angle;

Thence: With the North boundary of said Tract I and Tract II and for the North boundary of the herein described tract, the following:

N46°48'40"E, 66.55 feet to a found ½" iron pin for an angle;

S46°39'04"E, 128.27 feet to a found ½" iron pin for an angle;

Page 2 of 2

S60°16'39"E, 277.40 feet to a found ½" iron pin for an angle, being the most Easterly corner of Tract I;

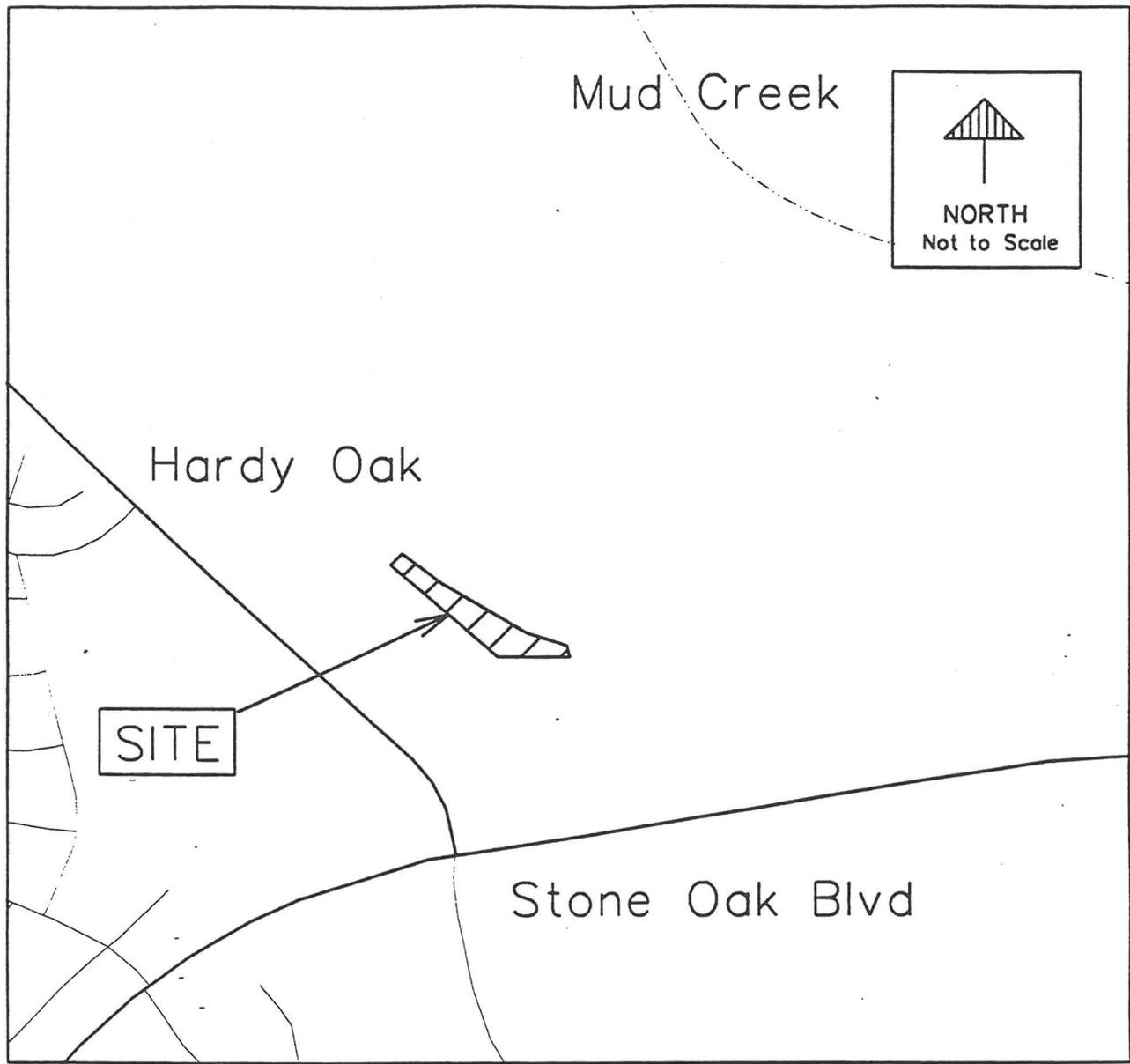
S79°24'28"E, 127.13 feet to a found ½" iron pin being the Northeast corner of Tract II and the herein described tract;

**Thence:** With the East boundary of Tract II and the herein described tract, S09°08'56"E, 37.29 feet to the POINT OF BEGINNING, containing 1.07 acres of land.

**Note:** Bearings used in this description are referenced to 8.905 and 5.098 acre tracts designated as Tract I and II as described by deed recorded in Volume 7663, Pages 827 and 878, Real Property Records of Bexar County, Texas.

Job No. 150004  
October 26, 1999  
SLV/slv





Hardy Oaks  
Zoning Case Z99276

Figure 2

91199

NOTICES MAILED  
 IN OPPOSITION  
 IN FAVOR

(582.323 Ac)

VACANT

19217

P-2

40.876 Ac

R-1

E.R.Z.D.

VACANT

VACANT

P-21

6.427 Ac

VACANT

60.005 Ac

E.R.Z.D.

P-2B

6.478 Ac

P-2B

VACANT

P-24

VACANT

B-2

VACANT

HARDY OAK

P-23

5.096 Ac

P-19

VACANT

1.773 Ac

P-15

1.159 Ac

B-2

VACANT

VACANT

E.R.Z.D.

B-2

p.482

# ZONING CASE Z99276

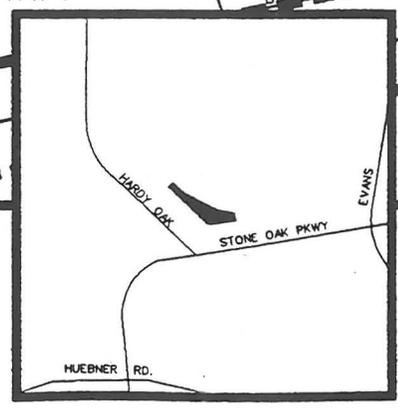
CITY COUNCIL DISTRICT NO: 9

REQUESTED ZONING CHANGE

FROM "R-1" ERZD TO "B-2" ERZD

DATE JAN. 27, 2000

SCALE 1" = 200'



NORTH

DEPARTMENT OF PLANNING  
 SAN ANTONIO, TEXAS

Fri Jan 14 11:26:31 2000 \\GIS\GISDATA\DEPARTMENT\PLANNING\CASES\Z99276\PLAN.qcf j:\ZCASE\99\CASES\Z99276\p.rtf

# CASE NO: Z99276

**Date:** December 21, 1999

**Council District:** 9

**Appeal:**

**Applicant:**

Hardy Oaks, LTD

**Owner:**

Michael Espensen

**Zoning Request**

From "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District

**Property Location:**

A 1.07 Acre Tract of land out of NCB 19217 being further described by field notes

Hardy Oaks and Stone Oak Parkway

Property is located 300 feet northeast of Hardy Oak Blvd and 575 feet north of Stone Oak Parkway, having a length of 800 feet and a width of 125 feet.

**Applicants Proposal:**

To zone additional land to be used with land fronting on Hardy Oaks and Stone oak Parkway

**Staff Recommendation:**

Approval. The property is near the intersection of Stone Oak Parkway and Hardy Oak Blvd., an 86 foot secondary arterial R.O.W. street. The request is to be used with the property fronting onto Stone Oak Parkway and Hardy Oak Blvd. The property to the south is zoned "B-2". The property to the northeast is zoned "R-1", which is undeveloped.

**Zoning Commission Recommendation:**

Approval

**VOTE**

**FOR** 7

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

Z99276

ZONING CASE NO. Z99276

Applicant: Hardy Oaks, Ltd.

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

Julie Rogers, SAWS, stated based on the environmental assessment of the property and the proposed land use, staff recommends approval of the requested zoning provided the applicant/owner agrees to abide by the recommendations.

The applicant was not available to present the zoning case.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 returned in favor plus 1 returned in favor from the neighborhood association.

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 Plummer and seconded by Commissioner Clamp to recommend approval as long as they abide by SAWS recommendations for the following reasons:

1. Property is located on a 1.07 acre tract of land out of NCB 19217 being further described by field notes at Hardy Oaks and Stone Oak Parkway.
2. There were 16 notices mailed, 0 returned in opposition and 4 returned in favor.
3. Staff recommends approval.

AYES: Sanchez, Mayor, Mehringer, Emerson, Clamp, Anderson, Plummer

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

RECEIVED

99 DEC -6 PM 2: 21

**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, Julie Rogers, Planner III, Aquifer Studies Division, File

**Subject:** Zoning Case Z99276 (Hardy Oaks)

DEPT. OF PLANNING  
LAND DEVELOPMENT  
SERVICES DIVISION

**Date:** December 7, 1999

**SUMMARY**

A request for a change in zoning has been made for an approximate 1.007 acre tract located on the city's north side. A change in zoning from "P-1 R-1 ERZD" to "B-2 ERZD", is being requested by Hardy Oaks Ltd. on behalf of the applicant, Michael Espensen. The change in zoning will correct an error made during the original zoning of the property during the Stone Oak annexation.

**LOCATION**

The subject tract is located in City Council District 9 on the northeast corner of Stone Oak Parkway and Hardy Oak. The 1.007 acre subject area lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE ASSESSMENT**

An investigation was made by the San Antonio Water System, Aquifer Studies Division to assess the geologic conditions that exist at this site and to observe any environmental concerns. In addition, a copy of the geologic assessment, which was prepared for a Water Pollution Abatement Plan (WPAP), was used to compare field observations and the location of features on the site. The property is currently undeveloped and is covered with trees, brush and natural grasses. There were no outcrops of the Edwards Group found on the site and no potential recharge features were observed.

A Water Pollution Abatement Plan (WPAP) has been submitted to the Texas Natural Resource Conservation Commission (TNRCC) for review and approval of an eleven lot commercial subdivision. The WPAP was approved by the TNRCC in their letter dated August 13, 1999. The property displays low topographic relief. The general direction of the drainage flows to the west towards Mud Creek. The site is bordered on the east by residential development and on the north, south and west by undeveloped land.

**ENVIRONMENTAL CONCERNS**

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

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DEPT. OF PLANNING  
LAND DEVELOPMENT  
SERVICES DIVISION

1. 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.
2. Improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
3. The proper construction of the sewer mains and service laterals to prevent wastewater from entering the subsurface.

### ENVIRONMENTAL RECOMMENDATIONS

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

1. All land uses shall be in conformance with the table of permitted uses at the time the zoning is approved by City Council. Should the proposed use be listed as requiring special City Council approval, the owner/operator shall apply for re-zoning for that particular use. If the land use is listed as prohibited, that land use will not be permitted.
2. All stormwater run-off from the commercial site 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.
3. 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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  - 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.
4. All stormwater pollution abatement structures shall be properly maintained and kept free of trash and debris.
5. 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

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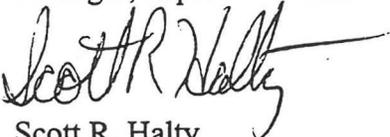
DEPT. OF PLANNING  
LAND DEVELOPMENT  
SERVICES DIVISION

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.

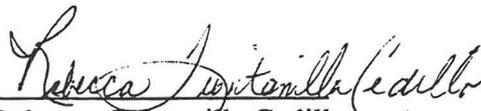
6. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
7. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
8. 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.
9. 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.

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 made in this document.

  
Kirk M. Nixon  
Manager, Aquifer Studies

  
Scott R. Halty  
Director, Watershed Protection & Management

APPROVED:

  
Rebecca Quintanilla Cedillo  
Vice President, Planning

KMN:JPR

# Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

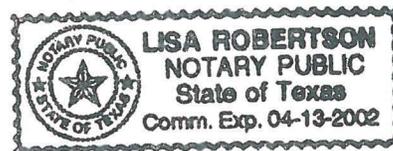
Before me, the undersigned authority, on this day personally Helen I. Lutz, who being by me duly sworn, says on oath that she is of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Public Notice, City Clerk, An Ordinance 91199, hereto attached has been published in every issue of said newspaper on the following days, to-wit: February 1, 2000.



Sworn to and subscribed before me this 1st day of February, 2000.



Notary Public in and for Bexar County, Texas



## PUBLIC NOTICE

### AN ORDINANCE 91199

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY RECLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.07-ACRE TRACT OF LAND OUT OF NCB 19217 FROM "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT; PROVIDED THAT THE NINE (9) RECOMMENDATIONS OF THE AQUIFER STUDIES OFFICE ARE ADHERED TO "THE PENALTY FOR VIOLATION IS A FINE NOT EXCEED \$1,000.00".

2/1