

4M

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 35-304 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. Z2002047 C S

The rezoning and reclassification of property from "R-6 ERZD" Residential Single Family Edwards Recharge Zone District to "C-3 C S ERZD" Commercial Edwards Recharge Zone District with a Conditional Use and a Specific Use Authorization to allow for existing Warehousing and Printing Operations Distribution and Assembly Facility on the property listed as follows:

Lot 1, Block 1, NCB 34920

Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to:

1. If applicable, prior to the release of any building permits the owner/operator of any Category 2 property shall submit for approval an Aquifer Protection Plan to the Resource Protection & Compliance Department of the San Antonio Water System.
2. If applicable, the following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
 - 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 WPAP,
 - D. A copy of the approved WPAP.
3. The owner/applicant shall comply with the maintenance plan and schedule for permanent pollution abatement measures contained in the approved WPAP.
4. The maintenance of commercial vehicles and machinery used in the operations of the business shall not be conducted on site.
5. The land uses within the commercial zoned areas 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/operator shall apply for rezoning 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. All 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 shall remain in its natural condition.

7. 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 BMP) 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.

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 San Antonio Water System 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, 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 Resource Protection Division staff of the San Antonio Water System at (210) 704-7392.

11. All stormwater pollution abatement measures (structural and non-structural) shall be properly maintained and kept free of trash and debris.

12. 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 the construction project.

Based on the evaluation of the property, the information submitted by the applicant and the intended land use, staff recommends approval provided the owner/applicant agrees to abide by all recommendations contained in this statement.

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 -491.

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 25th DAY OF April 2002

MAYOR: [Signature]
EDWARD D. GARZA

ATTEST: [Signature]
City Clerk

APPROVED AS TO FORM: [Signature]
CITY ATTORNEY

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT - NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 4M

DATE: APR 25 2002

MOTION: Carpenter Oerez

ORDINANCE NUMBER: 95680

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: 22002047CS

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		✓	
JOHN H. SANDERS District 2		✓	
ANTONETTE "TONI" MOORHOUSE District 3		✓	
ENRIQUE "KIKE" MARTIN District 4		✓	
DAVID A. GARCIA District 5		<i>Absent</i>	
ENRIQUE M. BARRERA District 6		<i>Absent</i>	
JULIAN CASTRO District 7		✓	
BONNIE CONNER District 8		ABSENT	
CARROLL W. SCHUBERT District 9		<i>Absent</i>	
DAVID CARPENTER District 10		✓	
EDWARD D. GARZA Mayor		<i>Absent</i>	

Staff Recommendation: Denial as requested & approval of "C-2 C S ERZD" Commercial Edwards Recharge Zone District with City Council approval for a Conditional Use and a Specific Use Authorization to allow for existing Warehousing and Printing Operations Distribution and Assembly Facility

Zoning Commission Recommendation: Approval of "C-3 C S ERZD"

02-17

CASE NO: Z2002047 C S

Zoning Commission Meeting Date: April 02, 2002

Council District: 10

Ferguson Map: 518 B 7

Appeal: No

Applicant:

TCDFW Harcourt, L.P.

Owner

TCDFW Harcourt, L.P.

Zoning Request:

From "R-6 ERZD" Residential Single Family Edwards Recharge Zone District to "C-3 C S ERZD" Commercial Edwards Recharge Zone District with a Conditional Use and a Specific Use Authorization to allow for existing Warehousing and Printing Operations Distribution and Assembly Facility.

Lot 1/ Block 1/ NCB 34920

Property Location:

19500 Bulverde Road

Applicants Proposal:

To zone property consistent with its use.

Staff Recommendation:

Denial as requested and approval of "C-2 C S ERZD" Commercial Edwards Recharge Zone District with City Council approval for a Conditional Use and a Specific Use Authorization to allow for existing Warehousing and Printing Operations Distribution and Assembly Facility. The subject property was annexed in December of 2000 and is currently an existing Warehousing and Print Operations Distribution and Assembly facility that is presently zoned "R-6". The subject property is surrounded by vacant property and has residential zoning to the east and west and it has commercial zoning to the north and south. "C-2 C S ERZD" will permit the requested warehousing and printing operations distribution and assembly facility at this location.

Zoning Commission Recommendation:

Approval of "C-3 C S ERZD"

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2002047 CS

ZONING CASE NO. Z2002047 CS April 2, 2002

Applicant: TCDFW Hartcourt, L. P.

Zoning Request: "R-6" ERZD Residential Single Family Residence Edwards Recharge Zone District to "C-3" C S ERZD Commercial Edwards Recharge Zone District with City Council approval with a Conditional Use and a Specific Use Authorization to allow for existing Warehousing and Printing Operation Distribution and Assembly Facility.

Ken Gindy, 711 Navarro, #600, representing the applicant, stated they are proposing to zone the property to be consistent with its use.

Staff stated that there were 11 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 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 Clamp and seconded by Commissioner McAden to recommend approval of "C-3" C S ERZD.

1. Property is located on Lot 1, Block 1, NCB 34920 at 19500 Bulverde Road.
2. There were 11 notices mailed, 0 returned in opposition and 2 returned in favor.
3. Staff recommends denial as requested and approval of "C-2" C S ERZD.

AYES: Mehringer, Kissling, McGowan, Hophan, Clamp, McAden, Garza, Morell, Martinez

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Bruce A. Haby, Planner III, Aquifer Protection & Evaluation, File.

Subject: Zoning Case Z2002047.

Date: March 22, 2002

SUMMARY

A request for a change in zoning has been made for an approximate 77-acre tract located on the city's northeast side. A change in zoning from "R-6 ERZD" to "C-3 CS SUP ERZD, is being requested by the applicant's representative Mr. Kenneth Gindy. The change in zoning will allow the owner to continue their current operations. The area covered by the zoning request would be classified as Category 2 property.

LOCATION

The subject tract is located at 19500 Bulverde Road in City Council District 10 on the east side of Bulverde Road, approximately 1.5 miles north of Loop 1604. The entire 77-acre tract lies within the Edwards Aquifer Recharge Zone (Figure 1).

SITE ASSESSMENT

The Resource Protection Division of the San Antonio Water System conducted an investigation of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. According to the Flood Emergency Management Agency (FEMA) flood insurance rate map No. 48029C0281E and 48029CO145E, the 77-acre property is located outside the 100-Year Floodplain.

The owner/applicant of the 77-acre property has submitted a Water Pollution Abatement Plan (WPAP) to the Texas Natural Resource Conservation Commission (TNRCC). This WPAP addresses two phases of development. Phase I includes a 364,000 square foot operations building and 38,000 square foot interior mezzanine. The proposed Phase II is estimated to add an additional 559,000 square foot to the operations building. The Geologic Assessment submitted as part of the WPAP was consistent with field observations. There were three potential recharge features observed during the initial geologic assessment. Based on their findings none of the three features were assessed as significant. Under Sec. 34-910 of Aquifer Protection Ordinance No. 81491, a Letter of Certification

(Site Development Plan) was submitted to and approved by Resource Protection Division of SAWS. The Category 2 designation would limit the gross impervious cover on the 77-acre property to 65 percent or 50.05 acres. The total impervious cover indicated in the WPAP (Phase I and II) is estimated to be 36.19 acres or 47 percent. The stormwater runoff is directed to several vegetative filter strips and three sedimentation/filtration basins. The storm water abatement basins appear to be in compliance with TNRCC rules and regulations as of the date of this report.

As part of our investigation of the site staff has toured the Psychological Corporation's facility. The Psychological Corporation develops, publishes, distributes and evaluates tests and testing related products. A majority of the business operations can be classified as general office activities. However, other business operations also include the receiving, storage and distribution of testing related materials (paper products). This operation also includes a print shop for the on-site printing needs of the business. Mr. Joe Paprskar, with the Psychological Corp., indicated that the onsite printing activities represent only 2% - 5% of the total printing needs required for all business activities and there is future no plans to increase the onsite printing activities. The distribution operation of the business requires wooden pallets to be stored outside. The outside storage of wood pallets is not considered an environmental concern.

ENVIRONMENTAL CONCERNS

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

1. The proper storage, handling, and disposal of materials and supplies associated with the operation of the business.
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.

ENVIRONMENTAL RECOMMENDATIONS

The following are recommendations to address the environmental concerns raised by the construction of this commercial 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 submit a Letter of Certification (Aquifer Protection Plan) to the Resource Protection and Compliance Department of the San Antonio Water System.
2. The following shall be submitted to the Resource Protection Division of the San Antonio

Water System prior to the release of any building permits:

- 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.
3. The owner/applicant shall comply with the maintenance plan and schedule for permanent pollution abatement measures contained in the approved WPAP.
 4. The maintenance of commercial vehicles and machinery used in the operations of the business shall not be conducted on site.
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 6. All 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 shall remain in its natural condition.
 7. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner of the property shall utilize the Best Management Practices (BMP) 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 Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
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 9. The San Antonio Water System 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 Resource Protection Division of the San Antonio Water System at (210) 704-7392.
11. All stormwater pollution abatement measures (structural and non-structural) shall be properly maintained and kept free of trash and debris.
12. 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.

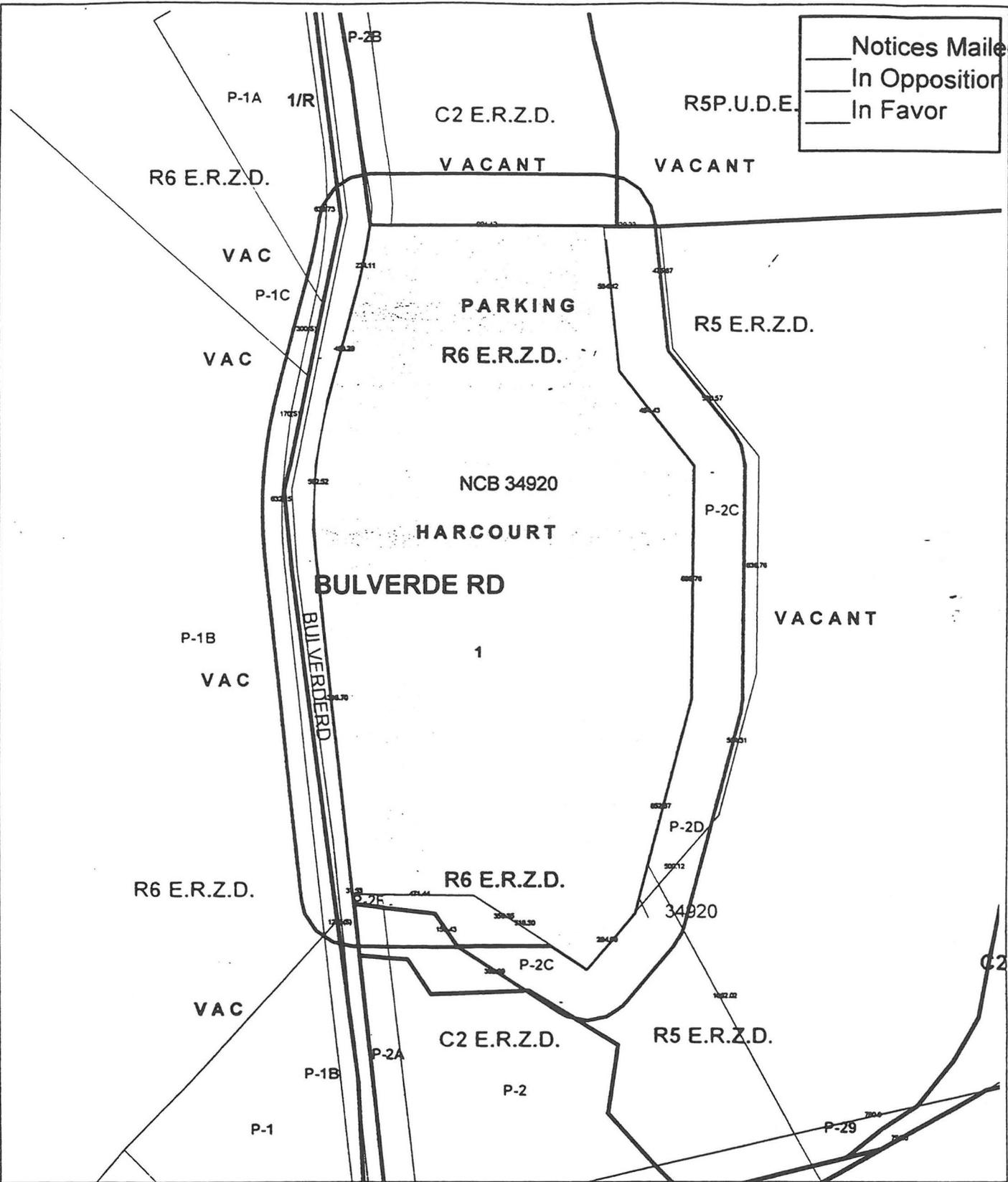
Based on the evaluation of the property, the information submitted by the applicant and the intended land use, staff recommends approval provided the owner/applicant agrees to abide by all recommendations contained in this document.


Kirk M. Nixon
Manager, Resource Protection Division

APPROVED:


Scott R. Halty
Director, Resource Protection & Compliance

KMN:BAH



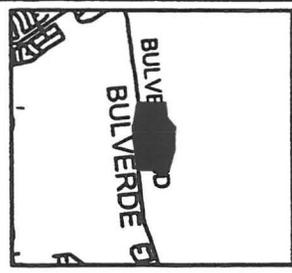
_____ Notices Mailed
 _____ In Opposition
 _____ In Favor

ZONING CASE: Z2002-047 C S

City Council District NO. 10
 Requested Zoning Change
 From: "R-6" To: "L-1"
 Date: APR. 25, 2002
 Scale: 1" = 500'

■ Subject Property
 ○ 200' Notification

J:APR_2_2002



T-2

Affidavit of Publisher

STATE OF TEXAS,

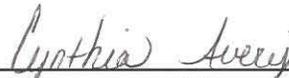
COUNTY OF BEXAR

CITY OF SAN ANTONIO

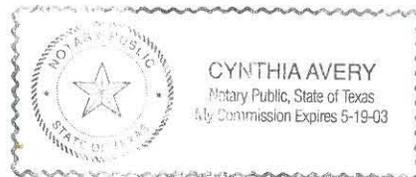
Before me, the undersigned authority, on this day personally appeared Daryle Eaton, who being by me duly sworn, says on oath that he is the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio City Clerk - Public Notice - Ordinance 95680 hereto attached has been published in every issue of said newspaper on the following days, to-wit: May 1, 2002.



Sworn to and subscribed before me this 1st day of May, 2002.



Notary Public in and for Bexar County, Texas



PUBLIC NOTICE

AN ORDINANCE 95680

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: Lot 1, Block 1, NCB 34920, From "R-6 ERZD" Residential Single Family Edwards Recharge Zone District to "C-3 C S ERZD" Commercial Edwards Recharge Zone District with a Conditional Use and a Specific Use Authorization to allow for existing Warehousing and Printing Operations Distribution and Assembly Facility provided that the recommendations of the Aquifer Studies Office are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".
5/1