

AN ORDINANCE 2007 - 01 - 18 - 0104

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 3.533 acres out of NCB 18218 from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a specific use permit for a bar.

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 as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 4. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. The bar use shall not exceed 2,000 square feet.

B. A Type "B" (15 foot) landscape buffer and privacy fence shall be erected adjacent to residential properties.

SECTION 5. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

SECTION 6. 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 50%.

SECTION 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. This Ordinance shall become effective on January 28, 2007.

PASSED AND APPROVED this 18th day of January 2007.



M A Y O R
PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



For City Attorney

Agenda Voting Results

Name: Z-14.

Date: 01/18/07

Time: 04:40:24 PM

Vote Type: Multiple selection

Description: ZONING CASE # Z2007020 S (District 9): An Ordinance changing the zoning district boundary from " R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD S" Commercial Edwards Recharge Zone District with a specific use permit for a bar on 3.533 acres out of NCB 18218, as requested by Kaufman & Associates, Inc., Applicant, for RAD Investments, Inc., Owner. Staff and Zoning Commission recommend Approval with conditions.

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		

Z2007020



FIELD NOTES
FOR

A 3.533 acre, or 153,910 square feet more or less, tract of land being out of that 20.03 acre tract conveyed to RAD Investments, Inc. described in Special Warranty Deed recorded in Volume 8656, Pages 1595-1602 of the Official Public Records of Bexar County, Texas, out of the WM. Brisbin Survey Number 89 ½, Abstract 54, County Block 4900 of Bexar County, Texas, in New City Block (N.C.B.) 18218 of Bexar County, Texas. Said 3.533 acre tract being more fully described as follows, with the bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

- BEGINNING:** At a found ½ inch iron rod with yellow cap marked "Pape-Dawson" at A south corner of a 12.46 acre tract surveyed previously, a northeast corner of said 20.03 acre tract on the north right-of-way line of the proposed extension of Stone Oak Parkway;
- THENCE:** Southwesterly along the arc of a curve to the left, over and across said 20.03 acre tract, said curve having a radial bearing of S 25°55'13" E, a radius of 1086.00 feet, a central angle of 35°03'08", a chord bearing and distance of S 46°33'13" W, 654.08 feet, for an arc length of 664.39 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;
- THENCE:** S 29°01'39" W, continuing over and across said 20.03 acre tract, a distance of 190.70 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson";
- THENCE:** N 60°57'18" W, departing said proposed right-of-way, continuing over and across said 20.03 acre tract, a distance of 156.98 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson" on the east line of a 101.3 acre tract recorded in Volume 8584, Pages 1091-1099 of the Official Public Records of Bexar County, Texas, the west line of said 20.03 acre tract;
- THENCE:** N 29°02'42" E, along and with the west line of said 20.03 acre tract, the east line of said 101.3 acre tract, a distance of 572.05 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson";

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas

EXHIBIT A

10 | info@pape-dawson.com

22007020

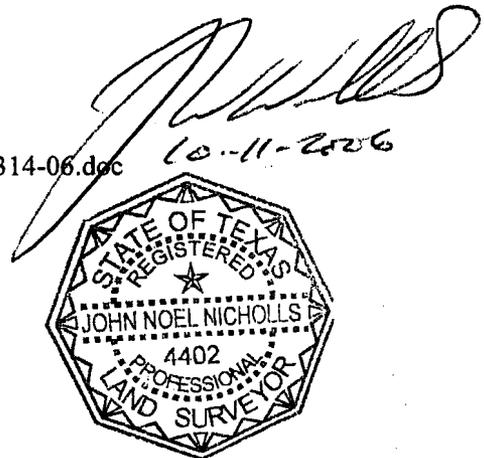
THENCE: N 08°17'53" W, continuing along and with the west line of said 20.03 acre tract, the east line of said 101.3 acre tract, a distance of 94.12 feet to a found ½ inch iron rod with yellow cap marked "Pape-Dawson" the southwest corner of the aforementioned 12.46 acre tract, the northeast corner of said 101.3 acre tract;

THENCE: N 87°33'44" E, departing the southeast line of said 101.3 acre tract, along and with the north line of said 20.03 acre tract, the south line of said 12.46 acre tract, a distance of 258.41 feet to a found ½ inch iron rod with yellow cap marked "Pape-Dawson";

THENCE: S 71°32'16" E, continuing along and with the north line of said 20.03 acre tract, the south line of said 12.46 acre tract, a distance of 189.66 feet to a found ½ inch iron rod with yellow cap marked "Pape-Dawson";

THENCE: S 32°04'47" E, continuing along and with the north line of said 20.03 acre tract, the south line of said 12.46 acre tract, a distance of 4.55 feet to the POINT OF BEGINNING and containing 3.533 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
JOB No.: 9314-06
DATE: October 10, 2006
DOC. ID.: N:\Survey06\6-9400\9314-06\WORD\FN-9314-06.doc



LEGEND

--- RETAINING WALL

CONCEPTUAL SITE PLAN

**SITE AREA
 PROPOSED IMPERVIOUS AREA**

**3.533 ACRES
 1.30 ACRES**

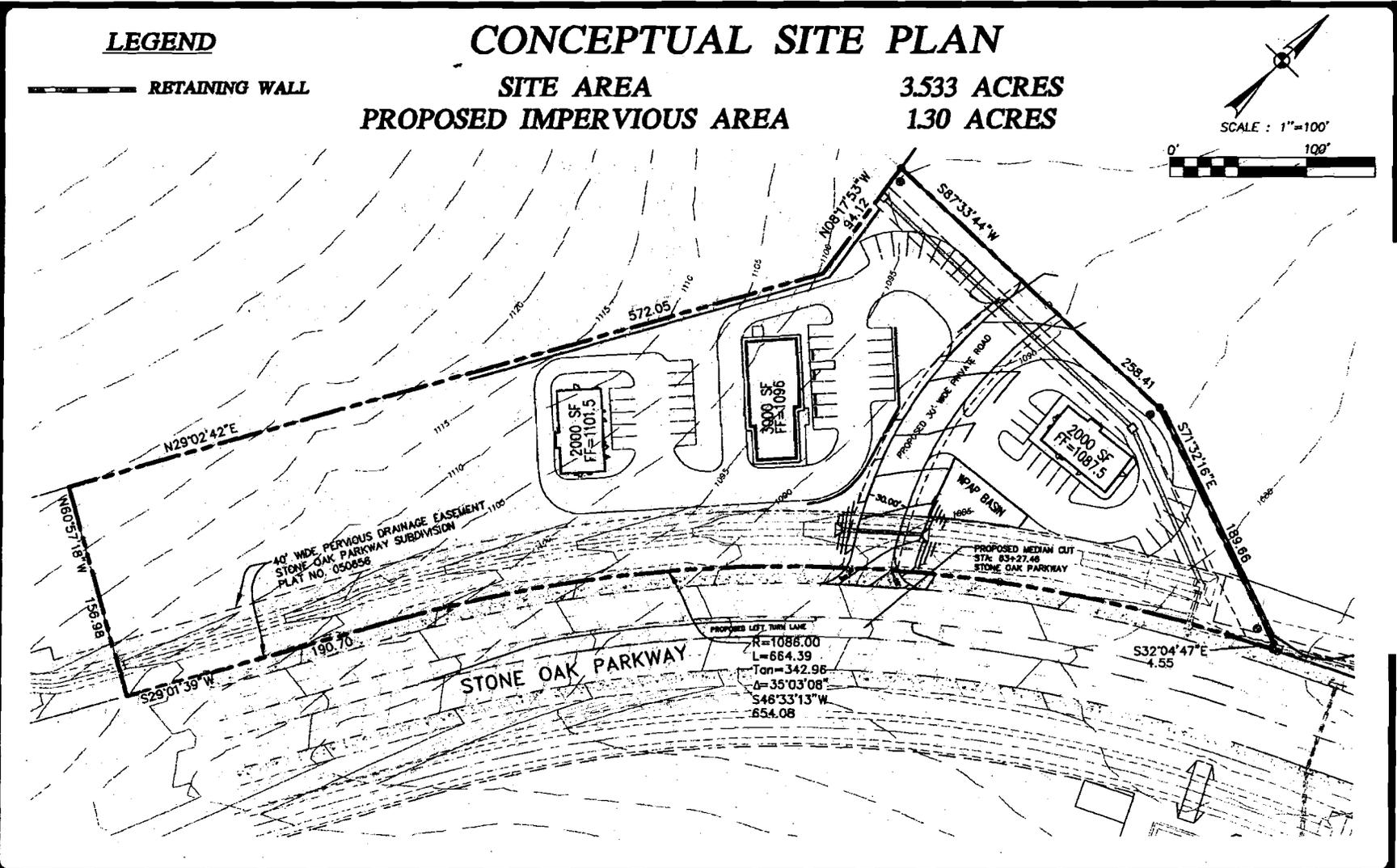
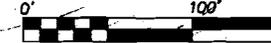
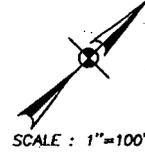


EXHIBIT B

JOB NO. 6438-03
 DATE NOVEMBER 2006
 DESIGNER BC
 CHECKED OR DRAWN BC
 SHEET 1 OF 1

CAPITAL FORESIGHT
3.533 ACRE SITE CONCEPT PLAN
ZONING EXHIBIT

PAPE-DAWSON ENGINEERS

565 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.373.8000
 FAX: 210.376.0010

REVISIONS:

PUBLIC NOTICE

**AN ORDINANCE
2007-01-18-0104**

**AMENDING CHAPTER 35
OF THE CITY CODE THAT
CONSTITUTES THE COM-
PREHENSIVE ZONING ORDI-
NANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE**

**CLASSIFICATION AND RE-
ZONING OF CERTAIN PROP-
ERTY DESCRIBED HEREIN
AS: 3.533 acres out of NCB
18218; TO WIT: From "R-8"
ERZD Residential Single-
Family Edwards Recharge
Zone District to "C-3" ERZD
General Commercial Edwards
Recharge Zone District provid-
ed all conditions imposed by
the City Council are adhered to.
"THE PENALTY FOR VIOLA-
TION IS A FINE NOT TO
EXCEED \$1,000.00".
1/25**

Affidavit of Publisher

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

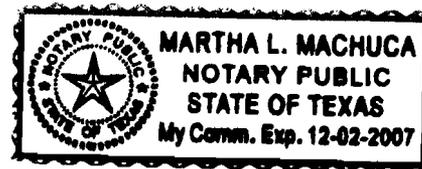
Before me, the undersigned authority, on this day personally appeared Helen I. by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, general circulation in the City of San Antonio, in the State and County aforesaid, an Ordinance 2007-01-18-0104 here to attached has been published in every issue newspaper on the following days, to wit:

01/25/2007.

Helen I. Lopez

Sworn to and subscribed before me this 25th day of January, 2007.

Martha L. Machuca



MEETING OF THE CITY COUNCIL

2007-01-18-0104

AGENDA ITEM NUMBER: Z-14
 DATE: JAN 18 2007
 MOTION: Wolff / Peely
 ORDINANCE NUMBER: approve w/conditions
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: Z 2007020 S
 TRAVEL AUTHORIZATION: 0-9

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & PERFORMANCE ASSESSMENT
BUILDING INSPECTIONS
HOUSE NUMBERING
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
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
YOUTH INITIATIVES
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
ENVIRONMENTAL SERVICES
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

ROGER O. VELAZQUEZ District 1			
SHEILA D. MONEIL District 2			
ROLAND GUTIERREZ District 3			
RICHARD PEREZ District 4			
PAT VERASQUE District 5			✓
DELICIA HERRERA District 6			
ELENA GUZMAN District 7			✓
ART A. HALL District 8			✓
KEVIN A. WOOD District 9			
CHRISTOPHER "CHIP" HAASS District 10			
PHILIP HENNINGER Mayor			

Just Out.