

**AN ORDINANCE 101322**

**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 14.68 acres out of NCB 19219 from "C-2" (ERZD) Commercial Edwards Recharge Zone District to "R-6" (ERZD) Residential Single-Family Edwards Recharge Zone District.

**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.** 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 30%.

**SECTION 4.** 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 5.** 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 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, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

**SECTION 7.** 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 8.** The Director of Planning 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.

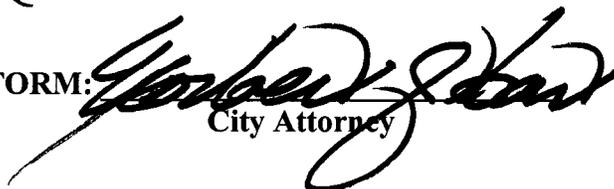
**SECTION 9.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 10.** This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective September 4, 2005.

**PASSED AND APPROVED** this 25<sup>th</sup> day of August, 2005.

ATTEST:   
City Clerk

  
M A Y O R  
PHIL HARDBERGER

APPROVED AS TO FORM:   
City Attorney

# Agenda Voting Results

**Name:** Z-21

**Date:** 08/25/05

**Time:** 04:20:06 PM

**Vote Type:** Multiple selection

**Description:** Z-21. ZONING CASE #Z2005154 (District 9): An Ordinance changing the zoning district boundary on 14.68 acres out of NCB 19219, from "C-2" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD Residential Single-Family Edwards Recharge Zone District, 1500 Block of Evans Road, as requested by KB Home Lone Star LP, a Texas Limited Partnership by KBSA, Inc., its General Partner, Applicant, for Oak Stone (San Antonio) PPI III Limited Liability Limited Partnership, A George Limited Liability Partnership, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
RÓLAND 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		



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

CIVIL ENGINEERS & SURVEYORS  
 MICHAEL W. CUDE, P.E., R.P.L.S.  
 PRESIDENT

Property Description  
 of

Zoning "B-2"  
 Page 1 of 2

14.68 acres of land in the City of San Antonio, N.C.B. 19219 out of a 168.87 acre tract of land designated as Tract "V" as described by Deed recorded in Volume 7398, Page 1738, Real Property Records of Bexar County, Texas out of the L.C. Grothaus Survey No. 12, Abstract No. 930, County Block 4936, Bexar County, Texas; said 14.68 acres of land being more particularly described as follows:

- Commencing : At a point on the Northwest Right of Way line of Evans Road being the Southwest corner of said 168.87 acre tract;
- Thence: With the Northerly Right of Way line of Evans Road, the following:
- S65°57'50"E (reference line), 818.78 feet to a point of curvature;
- 953.28 feet with the arc of a curve concave to the North, having a radius of 957.00 feet, a central angle of 57°04'23" and a chord bearing and distance of N85°29'59"E, 914.35 feet to the POINT OF BEGINNING of the herein described tract;
- Thence: N22°53'24"W, 896.83 feet leaving the curved Northerly Right of Way line of Evans Road to a point being the Northwest corner of the herein described tract;
- Thence: With the Northerly boundary of the herein described tract, the following:
- N85°05'00"E, 24.24 feet to a point for an angle;
- N86°25'25"E, 160.31 feet to a point for an angle;
- N79°12'57"E, 427.55 feet to a point for an angle;
- S87°33'48"E, 235.21 feet to a point for an angle;

S78°16'30"E, 270.65 feet to a point for an angle;

S62°35'33"E, 152.07 feet to a point for an angle;

S51°15'33"E, 85.38 feet to a point on the Northwest Right of Way line of Evans Road being the most Easterly corner of the herein described tract;

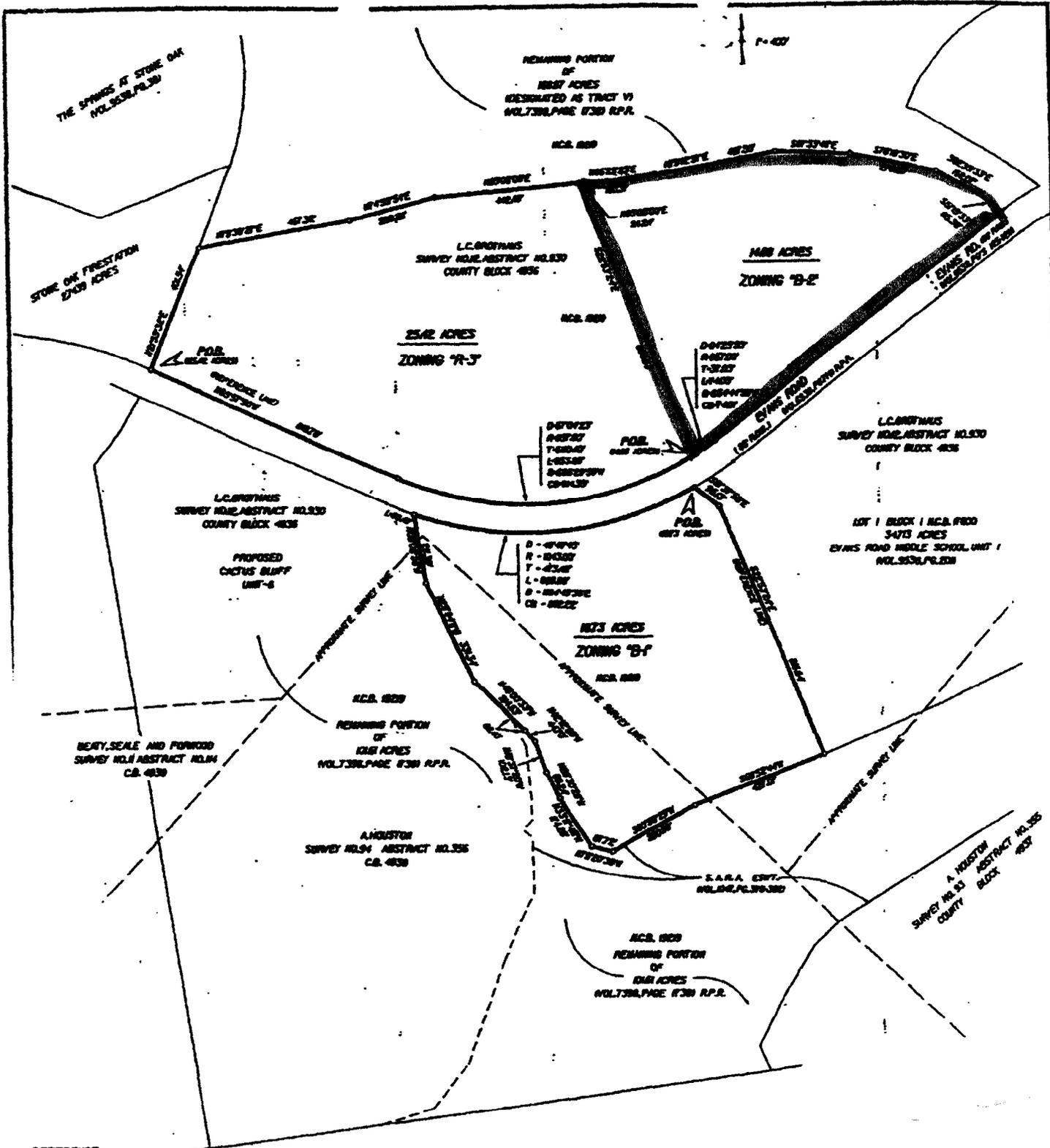
Thence: With the Northwest Right of Way line of Evans Road, the following:

S52°31'52"W, 1129.53 feet to a point of curvature;

74.03 feet with the arc of a curve concave to the Northwest, having a radius of 957.00 feet, a central angle of 04°25'55" and a chord bearing and distance of S54°44'50"W, 74.01 feet to the POINT OF BEGINNING, containing 14.68 acres of land.

Note: Bearings used in this description are referenced to said 168.87 acre tract designated as Tract "V" as described by Deed recorded in Volume 7398, Page 1738, Real Property Records of Bexar County, Texas.

Job No. 107659  
June 2, 1999  
JGR/lrv



REFERENCE:

168.07 ACRES (DESIGNATED AS TRACT VI)  
& 10.81 ACRES (DESIGNATED AS TRACT VII)  
VOL. 739, PAGE 1738 R.P.R.

# EXHIBIT OF

ZONING DESIGNATION FOR 25.42 ACRES, 1.68 ACRES AND 18.73 ACRES OF LAND IN THE CITY OF  
SAN ANTONIO, BEXAR COUNTY, TEXAS.



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

(210) 681-2951

10326 SANDRA RD.

SAN ANTONIO, TEXAS 78250

DATE: JUNE 2, 1999

JNR NO. 107659

# CASE NO: Z2005154

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from July 5, 2005 and July 19, 2005

**Date:** August 25, 2005

**Zoning Commission Meeting Date:** August 02, 2005

**Council District:** 9

**Ferguson Map:** 486 A6

**Applicant:**

KB Home Lone Star LP, a Texas Limited Partnership by  
KBSA, Inc., its General Partner

**Owner:**

Oak Stone (San Antonio) PPI III Limited Liability  
Limited Partnership, A George Limited Liability  
Partnership

**Zoning Request:** From "C-2 ERZD" Commercial Edwards Recharge Zone District to "R-6  
ERZD" Residential Single-Family Edwards Recharge Zone District

14.68 acres out of NCB 19219

**Property Location:** 1500 Block of Evans Road

Northwest side of Evans Road between U.S. Highway 281 and Stone Oak  
Parkway

**Proposal:** Single-family subdivision

**Neighborhood  
Association:** Stone Oak Property Owners Association

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required.

**Staff Recommendation:**

Approval

The subject property is undeveloped and located on the Evans Road a major thoroughfare. The request for "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District is a down zoning from the current "C-2 ERZD" Commercial Edwards Recharge Zone District. The subject property is adjacent to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to the north, west and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District north and across Evans Road to the southeast (Barbara Bush Middle School). Staff's recommendation of approval is based on the site evaluation of the property by the San Antonio Water System (SAWS).

**Edwards Recharge Zone District Summary**

1. SAWS recommends approval of the proposed land use.
2. The property is classified as a Category 1.
3. SAWS recommends that the impervious cover shall not exceed 30% on the site.

**Zoning Commission Recommendation:**

Approved with SAWS recommendations

**CASE MANAGER :** Pedro Vega 207-7980

**VOTE**

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

**Z2005154**

**ZONING CASE NO. Z2005154** – July 5, 2005

Applicant: KB Home Lone Star, L. P., a Texas Limited Partnership by KBSA, Inc., its General Partner

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “R-6” ERZD Residential Single Family Edwards Recharge Zone District.

Andy Guerrero, 3134 Renker, representing the applicant, stated they have been working with the neighborhood association and have been asked for additional information regard the proposed development therefore he would like to request a two-week continuance until July 19, 2005.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and Stone Oak Property Owners Association is in opposition.

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 Sherrill and seconded by Commissioner Robbins to recommend a continuance until July 19, 2005.

1. Property is located on 14.68 acres out of NCB 19219 at 1500 Block of Evans Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Sherrill, Avila, Stribling**

**NAYS: None**

**RECUSED: Dutmer**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2005154** – July 19, 2005

Applicant: KB Home Lone Star LP, A Texas Limited Partnership by KBSA, Inc.

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “R-6” ERZD Residential Single Family Edwards Recharge Zone District.

**Z2005154**

Andy Guerrero, 3134 Renker, representing the applicant, stated they have submitted their proposal to Stone Oak Neighborhood Association and is still under review. He stated they have not received a respond from Stone Oak therefore he would like to request a two week continuance.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and Stone Oak Property Owners Association is in opposition.

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 Stribling to recommend a continuance August 2, 2005.

1. Property is located on 14.68 acres out of NCB 19219 at 1500 Block of Evans Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Robbins, Rodriguez, Kissling, Farias, Dixson, McAden, Ayila, Stribling, Gray**

**NAYS: None**

### **THE MOTION CARRIED**

#### **ZONING CASE NO. Z2005154 – August 2, 2005**

Applicant: KB Home Lone Star LP, A Texas Limited Partnership by KBSA, Inc.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD Residential Single Family Edwards Recharge Zone District.

Andy Guerrero, 3134 Renker, representing the applicant, stated they are requesting this change in zoning to allow the property be developed as a single-family subdivision. He stated the property is just over 14 acres and would be used with the adjoining property, which is just over 25 acres, which is a total 40.07 acres in size. He stated this request would be a down zoning and is proposed at a density of 2.93 units per acre. He further stated he has received a letter from the neighborhood association expressing their support with restrictions.

**Z2005154**

Staff stated there were 10 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 McAden and seconded by Commissioner Dixson to recommend approval.

1. Property is located on 14.68 acres out of NCB 19219 at 1500 Block of Evans Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Dixson, Sherrill, McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.