

AN ORDINANCE 2006-01-05-47

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, 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 432.71 acres out of CB 4298 from "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development.

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 conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.

SECTION 4. This change of zoning district boundary is conditioned on the requirement that building density for this tract not exceed 1,560 dwelling units.

SECTION 5. 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 6. 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.

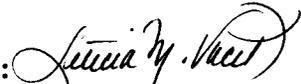
SECTION 7. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 15, 2006.

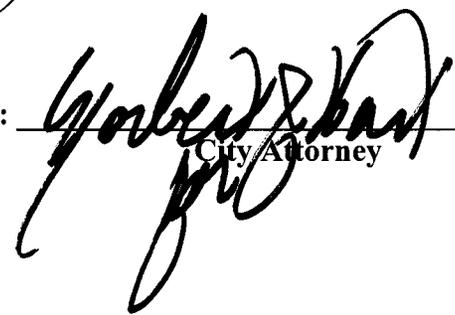
PASSED AND APPROVED this 5th day of January, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: Z-1.

Date: 01/05/06

Time: 03:46:24 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005235 CD (District 4): An Ordinance changing the zoning boundary from "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development District with a Conditional Use for density up to 4 units/acre and "RD" Rural Development on 455 acres out of CB 4298, the Southwest corner of Watson Road and State Highway 16 as requested by Brown, P. C., Applicant, for Presto Tierra, Ltd., Owner(s). Staff and Zoning Commission have recommended approval with the condition the development does not exceed a total of 1,560 dwelling units.

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		

FIELD NOTES

FOR

A 432.71 acre, or 18,848,886 square foot more or less, tract of land being a portion of that 314.189 acre tract recorded in Volume 9950, Pages 1763-1766 of the Official Public Records of Real Property, Bexar County, Texas, all of a 50.457 acre tract recorded in Volume 10384, Pages 107-109 of the Official Public Record of Real Property, Bexar County, Texas, all of a 99.0 acre tract recorded in Volume 10571, Pages 1809-1810 of the Official Public Records of Real Property, Bexar County Texas, all of an 84.129 acre tract recorded in Volume 7215, Page 86 of the Deed Records of Bexar County, Texas, and a portion of a 40 acre tract recorded in Volume 7233, Pages 705-707 of the Deed Records of Bexar County, Texas. Said 432.71 acre tract being more fully described as follows:

BEGINNING At a point in the south right of way line of Watson Road, a variable width right of way, a point in the south line of a 2.649 acre tract recorded in Volume 10297, Page 2015 of the Official Public Record of Real Property, Bexar County, Texas, crossing said 314.189 acre tract the following calls and distances:

S 34°07'24"W, a distance of 1726.98 feet to a point;

S 45°26'08"W, a distance of 204.08 feet to a point;

S 34°08'43"W, a distance of 575.45 feet to a point;

THENCE: Southwesterly, along the arc of a curve to the left, said curve having a radial bearing of S 55°51'17" E, a radius of 6829.65 feet, a central angle of 10°25'00", a chord bearing and distance of S 28°56'13" W, 1239.95 feet, for an arc length of 1241.66 feet to a point;

THENCE: S 14°29'45"W, a distance of 539.05 feet to a point;

THENCE: S 61°51'16"E, a distance of 250.00 feet to a point on the Medina River;

THENCE: Along and with the Medina river the following calls and distances:

S 59°13'17"W, a distance of 179.38 feet to a point;

S 33°54'40"W, a distance of 471.18 feet to a point;

S 09°10'33"E, a distance of 463.33 feet to a point;
S 08°58'13"E, a distance of 96.30 feet to a point;
S 17°04'03"W, a distance of 236.28 feet to a point;
S 78°19'36"W, a distance of 193.07 feet to a point;
S 24°31'46"W, a distance of 98.32 feet to a point;
S 12°49'50"E, a distance of 176.04 feet to a point;
S 77°14'35"W, a distance of 322.91 feet to a point;
N 42°54'30"W, a distance of 121.89 feet to a point;
S 75°05'24"W, a distance of 286.76 feet to a point;
S 22°48'36"W, a distance of 191.20 feet to a point;
S 32°35'09"E, a distance of 211.08 feet to a point;
S 88°13'05"E, a distance of 110.58 feet to a point;
S 40°25'27"E, a distance of 88.10 feet to a point;
S 01°52'27"W, a distance of 126.07 feet to a point;
S 68°16'28"W, a distance of 327.78 feet to a point;
N 47°47'17"W, a distance of 425.54 feet to a point;
N 32°23'56"W, a distance of 310.34 feet to a point;
N 20°29'02"W, a distance of 425.00 feet to a point;
N 18°56'18"E, a distance of 301.27 feet to a point;
N 61°57'46"W, a distance of 151.81 feet to a point;

N 39°08'05"W, a distance of 158.28 feet to a point;

N 34°44'11"E, a distance of 145.36 feet to a point;

N 02°32'46"E, a distance of 340.55 feet to a point;

N 17°59'59"W, a distance of 108.46 feet to a point;

S 80°45'29"W, a distance of 133.24 feet to a point;

N 00°18'52"W, a distance of 3.73 feet to a point;

N 85°38'48"W, a distance of 212.95 feet to a point;

S 66°57'10"W, a distance of 582.98 feet to a point;

N 26°13'27"W, a distance of 313.00 feet to a point;

THENCE: N 00°02'32"W, along and with the west boundary line of said 84.29 acre tract and the east line of said 100.098 acre tract a distance of a distance of 23.57 feet to a point;

THENCE: N 00°02'32"E, along and with the west boundary line of said 84.29 acre tract and the east line of said 100.098 acre tract a distance of 4851.54 feet to a point, a point in the south right of way line of said Watson Road;

THENCE: S 81°03'02"E, along and with the south right of way line of said Watson Road a distance of 109.26 feet to a point;

THENCE: S 72°51'57"E, along and with the south right of way line of said Watson Road a distance of 216.55 feet to a point;

THENCE: S 00°03'33"E, departing said south right of way line of said Watson Road, along and with the west boundary line of said 84.29 acre tract and the west line of a 2.934 acre tract recorded Volume 9307, Pages 335-337 of the Official Public Records of Real Property of Bexar County, Texas a distance of 474.33 feet to a point, the southwest corner of said 2.934 acre tract;

- THENCE: S 00°07'55"E, along and with the west line of said 84.29 acre tract and the east line of a 15.0 acre tract recorded in Volume 7215, Pages 89-91 of the Deed Records of Bexar County, Texas a distance of 682.69 feet to a point;
- THENCE: S 87°13'51"E, along and with the north line of said 84.29 acre tract and the south line of said 15.0 acre tract a distance of 565.03 feet to a point;
- THENCE: N 00°01'47"E, along and with the east line of said 15.0 acre tract and a 99.00 acre tract recorded in Volume 10571, Pages 1809-1810 of the Official Public Records of Real Property of Bexar County, Texas a distance of 383.32 feet to a point;
- THENCE: S 80°59'59"E, along and with a north line of said 99.00 acre tract and the south line of a 3.0 acre tract recorded in Volume 4552, Page 881 of the Official Public Records of Real Property of Bexar County, Texas a distance of 299.44 feet to a point, a point in the south line of said State Highway 16;
- THENCE: N 00°33'25"E, along and with the south line of said Watson Road and the north line of said 99.00 acre tract a distance of 728.10 feet to a point;
- THENCE: S 81°38'54"E, along and with the south line of said Watson Road and the north line of said 99.00 acre tract a distance of 806.53 feet to a point, a northeast corner of said 99.00 acre tract and the northwest corner of a 40 acre tract recorded in Volume 7233, Pages 705-707 of the Deed Records of Bexar County, Texas;
- THENCE: S 78°47'58"E, along and with the south line of said Watson Road and the north line of said 40 acre tract a distance of 546.69 feet to a point;
- THENCE: S 00°07'31"W, departing said south line of said Watson Road, along and with an east line of said 40.0 acre tract and the west line of a 2.00 acre tract recorded in Volume 11107, Pages 7-8 recorded in the Official Public Records of Bexar County, Texas a distance of 298.89 feet to a point;
- THENCE: S 80°52'29"E, along and with a north line of said 40.0 acre tract and the south line of said 2.00 acre tract a distance of 295.19 feet to a point;

- THENCE: N 00°07'31"E, along and with a west line of said 40.0 acre tract and the east line of said 2.00 acre tract a distance of 298.89 feet to a point, a point in the south right of way line of said Watson Road;
- THENCE: S 80°50'30"E, along and with the south line of said Watson Road and a north line said 40.0 acre tract of a distance of 279.85 feet to a point;
- THENCE: S 80°48'34"E, along and with the south line of said Watson Road a distance of 1723.88 feet to a point;
- THENCE: S 76°10'33"E, along and with the south line of said Watson Road a distance of 252.47 feet to the POINT OF BEGINNING, containing 432.71 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.

DATE: October 25, 2005

JOB No.: 9198-05

DOC.ID: N:\Survey05\5-9200\9198-05\DOC\10-21-05-new zoningFN.doc

CASE NO: Z2005235 CD

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from October 18, 2005 and November 15, 2005

Date: January 05, 2006

Zoning Commission Meeting Date: December 06, 2005

Council District: 4

Ferguson Map: 714 F3 & F4

Applicant:

Brown, P. C.

Owner:

Presto Tierra, Ltd.

Zoning Request: From "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development

432.71 acres out of CB 4298

Property Location: Southwest corner of Watson Road and State Highway 16

Proposal: To develop as a mixed-use, mixed-intensity project

Neighborhood Association: None

Neighborhood Plan: The City South Community Plan

TIA Statement: Level-3 Traffic Impact Analysis has been submitted with recommendations for on-site and off-site improvements

Staff Recommendation:

Inconsistent. The request does not conform to the land use plan of The City South Community Plan.

Approval pending plan amendment. Staff supports change from "FR" to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development. Flex Districts are the preferred zoning districts for the City South (Southside Initiative) Community Plan area. The proposed project can be accomplished using the Flex Development Plan provisions and conservation subdivision provisions of the existing "RD".

Zoning Commission Recommendation:

Approval, not to exceed 1560 dwelling units

VOTE

FOR 11

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Richard Ramirez 207-5018

Neighborhood and Urban Design Division

Zoning Case Review

Zoning Case No.: Z2005235

Existing Zoning: FR, RD

Requested Zoning: RD, RDCD up to 4 single family du/ac

Registered Neighborhood Association(s):

None

Neighborhood/Community/Perimeter Plan:

City South (Southside Initiative) Community Plan

Future Land Use for the site:

Agriculture and Rural Living

Other Comments:

A Plan Amendment has been submitted and will be heard by Planning Commission on October 26.

Rural Living supports the principles of preserving rural residential character while retaining open space and scenic corridors. Residential uses are composed mainly of single-family dwellings on individual estate lots. Clustered subdivisions that increase residential densities, in an effort to preserve greater areas of open space and agricultural lands, are encouraged.

Agriculture uses provide primarily for the preservation of crop agriculture, ranching, and related agribusiness practices. Single-family residential units are permitted on agricultural and ranch lands. Limited commercial uses directly serving agriculture uses, such as farmers markets, nurseries, and bed and breakfasts, are permitted. Floodplain protection and buffer zones along creeks and rivers are instrumental in retaining the rural character.

A Plan Amendment has been submitted for Urban Living land use. Staff supports only an amendment from Agriculture to Rural Living Land Use. The Plan Amendment is scheduled for consideration by the Planning Commission on November 23.

Analysis:

Request conforms to Land Use Plan

Request does not conform to Land Use Plan

Staff Recommendation:

Supports

Recommends Denial

Alternate Recommendation

Staff supports change from FR to RD only pending approval of plan amendment change agriculture land use to rural living land use. A condition should be placed allowing the RD CD up to 4 single family dus/acre not to exceed 78.2 acres

Flex Districts are the preferred zoning districts for the City South (Southside Initiative) Community Plan area. The proposed project can be accomplished using the Flex Development Plan provisions and conservation subdivision provisions of the RD, RD CD & MI-1 zoning districts.

Reviewer: Zenon F. Solis

Title: Planner II

Date: 10/13/2005

Manager Review: Nina Nixon-Mendez

Date: 11/14/2005

Z2005235 CD

ZONING CASE NO. Z2005235 – October 18, 2005

Applicant: Brown, P. C.

Zoning Request: “FR” Farm and Ranch District, “RD” Rural Development District and “MI-1” Mixed Light Industrial District to “MPCD” Master Planned Community District.

Jelynn LeBlanc Burley, Asst. City Mgr., stated they have been working with the applicant regarding this zoning case and would like to request a continuance on this case to further discuss their proposal.

Ken Brown, 112 E. Pecan, stated in meeting with Mrs. Burley, Asst. City Mgr., they are agreeable with the continuance.

Staff stated there were 39 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 Avila and seconded by Commissioner Marshall to recommend a continuance until November 15, 2005.

1. Property is located on 532.59 acres out of CB 4298 at the southwest corner of Watson Road and State Highway 16.
2. There were 39 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005235 CD – November 15, 2005

Applicant: Brown, P.C.

Z2005235 CD

Zoning Request: "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and "RD" Rural Development.

Daniel Ortiz, 112 E. Pecan, representing the owner, stated that they would like to request a continuance until December 6, 2005 to allow them to work with City staff on the development agreement on the property.

OPPOSE

James Langford, 14420-3 Old Somerset Rd., representing 10 residents in the area, stated that only one resident received a notice regarding the rezoning. He stated that most of the residents in the area want to keep the area designated as Rural development type. He further stated that he does not know why anyone would want to live across a raceway that operates until 2:00 a.m. in the morning.

Virginia Nicolas, 107 King William, representing the Conservation Society, stated that the Conservation Society recommends density of the request to change the zoning for the 455-acre tract of and near Watson Road and State Highway 16. The integrity of the City South Plan should be maintained by using the Flexible Zoning option as a vehicle for producing development that is in keeping with the rural character of the area.

REBUTTAL

Daniel Ortiz, 112 E. Pecan, stated that they agree with the comments from the Conservation Society that the Flex zoning district should be used. He further stated that, that is why they amended their zoning application to reflect the "RD" development at the last meeting.

Staff stated there were 94 notices mailed out to the surrounding property owners, 2 returned in opposition and 3 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 Avila and seconded by Commissioner Rodriguez for a continuance until December 6, 2005.

Z2005235 CD

1. Property is located on 455 acres out of CB 4298 at the southwest corner of Watson Road and State Highway 16.
2. There were 94 notices mailed, 2 returned in opposition and 3 in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2005235 CD – December 6, 2005

Applicant: Brown, P.C.

Zoning Request: “FR” Farm and Ranch District and “RD” Rural Development District to “RD” (CD-density up to 4 units/acre) Rural Development with Conditional Use for density up to 4 units/acre and “RD” Rural Development.

Ken Brown, 112 E. Pecan, representing the owner, stated that they are requesting “RD C” for the 322 acres to allow for 4 units per acre. He further stated that the majority of the property is already zoned “RD” subdivision is going to be a conservation subdivision and the remainder 322 acres will be zoned “RD C” with 1560 units which equals to 4 units per acre. He asked for the Commission’s approval of the amended request and allows them to move forward to City Council.

OPPOSE

James Langford, 14420-3 Old Sommerset Road, stated that he is opposed to the rezoning request because he would like to see the property remain as it is. He further stated that they do not need any additional traffic on Watson Road. He noted that the San Antonio Conservation Society is also opposed to the change of zoning.

REBUTTAL

Brice Mozegamba, Pape-Dawson Eng., stated that they did do a Level 3, TIA on the property and the full site plan has not been developed yet.

Ken Brown, 112 E. Pecan, asked the Commission for their support to move this case forward to City Council for final approval.

Z2005235 CD

Staff stated there were 94 notices mailed out to the surrounding property owners, 3 returned in opposition and 4 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.

FINDING OF INCONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner McAden to find inconsistency with the neighborhood plan.

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

NAYS: None

THE MOTION CARRIED.

COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner McAden to recommend approval with the condition that the development not exceed 1560 units

1. Property is located on 455 acres out of CB 4298.
2. There were 94 notices mailed, 3 returned in opposition and 4 in favor.
3. Staff recommends approval pending plan amendment.

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

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

- - - Notices Mailed
 - - - In Opposition
 - - - In Favor



ZONING CASE: Z2005-235 CD

City Council District No. 4
 Requested Zoning Change
 From "FR", "RD" To "RD", "RD CD"
 Date: January 5, 2006
 Scale: 1" = 900'

■ Subject Property
 ○ 200' Notification



C:\Dec. 6. 2005

