

AN ORDINANCE 2006 - 01 - 12 - 68

**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 23.686 acres out of NCB 14861 from "C-2 ERZD" Commercial Edwards Recharge Zone District to PUD "RM-4 ERZD" Planned Unit Development Residential Mixed 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.

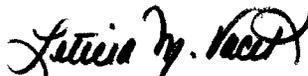
**SECTION 8.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 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 January 22, 2006.

**PASSED AND APPROVED** this 12<sup>th</sup> day of January, 2006.

  
M A Y O R  
PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

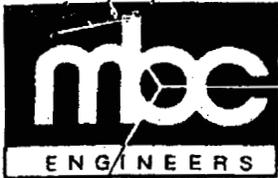


Exhibit "A"

CINA • BOSE • COPELAND & ASSOCIATES, INC  
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232  
(210) 545-1122 FAX (210) 545-9302  
www.mbcengineers.com

**Z2005260**

**METES AND BOUNDS  
DESCRIPTION OF**

A 23.686 ACRE (1,031,788 SQUARE FEET) TRACT OF LAND BEING THE REMAINDER OF THAT CALLED 24.272 ACRE TRACT AS RECORDED IN VOLUME 7337, PAGE 1396 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, SITUATED IN THE ANSELMO PRU SURVEY NO. 20, ABSTRACT NO. 574, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

**BEGINNING:** At a found 1/2" iron rod in the north right-of-way line of Babcock Road (right-of-way varies), (Deed Reference: Volume 9174, Page 368) said iron rod also marks the west line of that called 110.00 acre tract as recorded in Volume 1741, Page 155, of the Official Public Records of Real Property of Bexar County, Texas and at the southeast corner of this tract;

**THENCE:** The following courses and distances along the north and east right-of-way line of said Babcock Road as follows:

S 88°59'30" W, 90.16 feet to a found 1/2" iron rod and cap "PD" at the point of a non-tangent curve to the right;

29.57 feet, along and with said curve to the right, having a radius of 657.00 feet, a central angle of 02°34'43", a chord bearing and distance of N 89°47'18" W, 29.57 feet, to a found 1/2" iron rod and cap "PD" at the point of reverse curvature of a curve to the left;

672.55 feet, along and with the said curve to the left, having a radius of 10,043.00 feet, a central angle of 03°50'13", a chord bearing and distance of S 89°34'57" W, 672.40 feet to a found 1/2" iron rod and cap "PD" at a non-tangent point of a curve to the right;

P:\0975\28979-24 acre babcock\Letters\23.686 Ac.doc

ROBERT A. COPELAND, P.E.

DAVID L. ALLEN, F

EXHIBIT A

BLED SOE, III, P.E.

To Ordinance No. \_\_\_\_\_  
Passed and Approved on  
January 12, 2006

Z2005260

422.91 feet, along and with said curve to the right, having a radius of 276.06 feet, a central angle of  $87^{\circ}46'27''$ , a chord bearing and distance of  $N 18^{\circ}04'43'' W$ , 382.75 feet to a found 1/2" iron rod at the point of non-tangency of herein described curve;

$N 25^{\circ}53'20'' E$ , 937.15 feet to a found 1/2" iron rod;

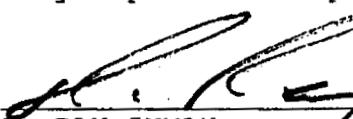
$N 36^{\circ}15'43'' W$ , 112.70 feet to a found 1/2" iron rod at the southwest corner of that called 2 acre tract as recorded in Volume 1337, Page 540, of the Official Public Records of Real Property of Bexar County, Texas;

THENCE:  $N 59^{\circ}30'03'' E$ , 278.69 feet, leaving the east right-of-way line of said Babcock Road, to a found 1/2" iron rod;

THENCE:  $N 68^{\circ}32'36'' E$ , 322.17 feet to a set 1/2" iron rod and cap "MBC" at the southeast corner of said 2 acre tract and in the west line of said 110.00 acre tract;

THENCE:  $S 01^{\circ}02'59'' E$ , 1,550.97 feet, along and with the west line of said 110.00 acre tract to the **POINT OF BEGINNING** of this 23.686 acre tract.

I, I. Ray Inman, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground by the firm of Macina, Bose, Copeland and Assoc., Inc., of which a survey map has been prepared.

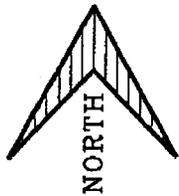
  
I. RAY INMAN  
REGISTERED PROFESSIONAL LAND SURVEYOR



28979-0975  
September 16, 2004  
IRI/BCG/mns

P:\0975\28979-24 acre babcock\Letters\23.686 Ac.doc





SCALE: 1" = 200'

# Z2005260

2 ACRE TRACT  
(VOLUME 1337, PAGE 540)

8.4 ACRE TRACT  
(VOLUME 1337, PAGE 540)

23.686 ACRES  
ANSELMO PRU SURVEY No. 20  
ABSTRACT No. 574

REMAINDER OF THAT CALLED  
110.00 ACRE TRACT  
(VOLUME 1741, PAGE 155)

EDGE OF PAVEMENT

D= 87° 46' 27"  
R= 276.06'  
L= 422.91'  
T= 265.54'  
CB= N18° 04' 43"W  
C= 382.75'

D= 03° 50' 13"  
R= 10043.00'  
L= 672.55'  
T= 336.40'  
CB= S89° 34' 57"W  
C= 672.40'

D= 02° 34' 43"  
R= 657.00'  
L= 29.57'  
T= 14.79'  
CB= N89° 47' 18"W  
C= 29.57'

S01° 02' 59" E 1550.97'

POINT OF BEGINNING

EXISTING CURB

BABCOCK ROAD  
(PUBLIC RIGHT OF WAY VARIES)

SPRING RAIN ROAD

S88° 59' 30"W  
90.16'

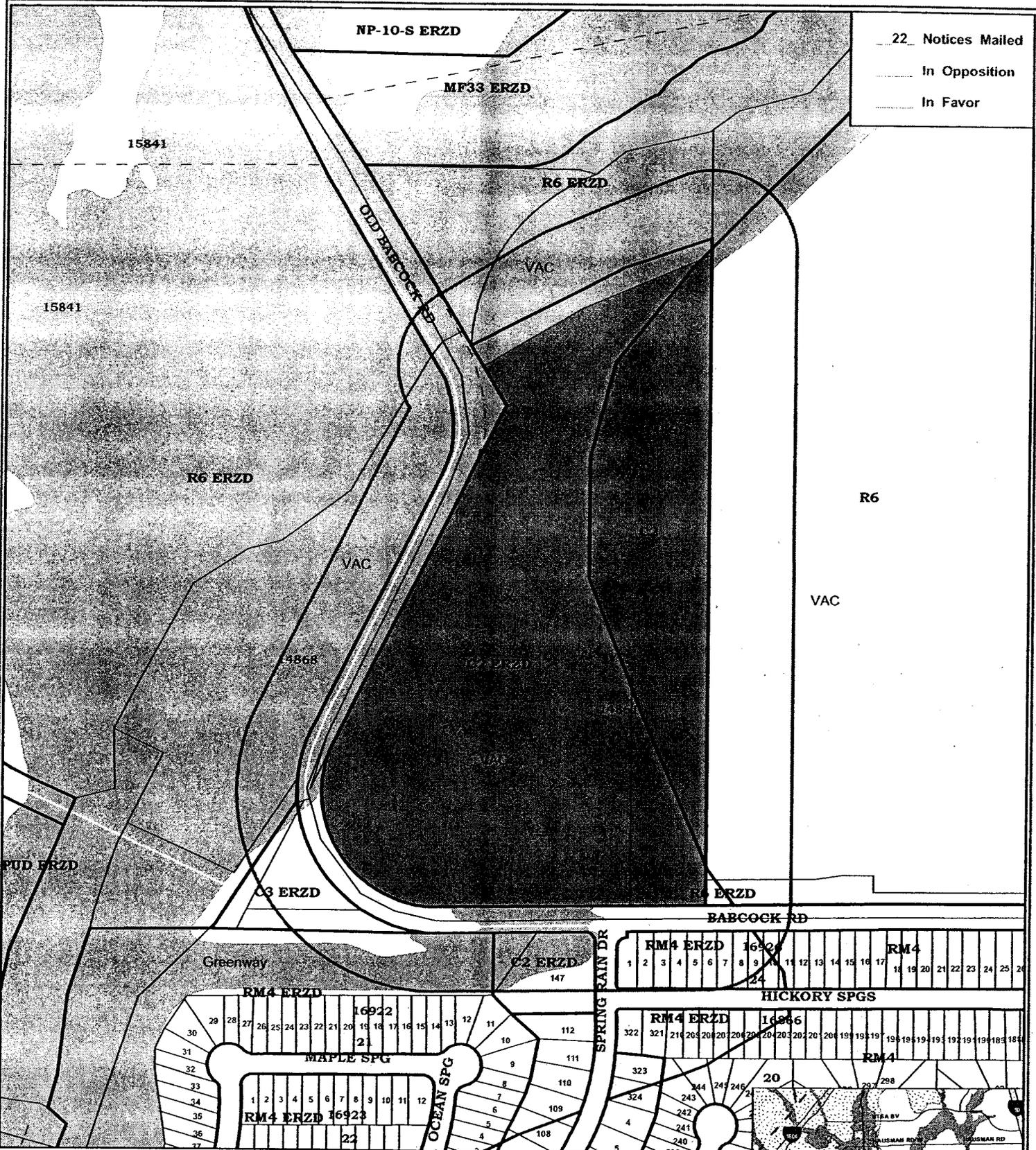


1035 Central Parkway North  
San Antonio, Texas 78232  
(210) 545-1122  
FAX (210) 545-9302

## ZONING SKETCH OF

A 23.686 ACRE (1,031,788 SQUARE FEET) TRACT OF LAND BEING THE  
REMAINDER OF THAT CALLED 24.272 ACRE TRACT AS RECORDED IN VOLUME  
7337, PAGE 1396 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF  
BEXAR COUNTY, TEXAS. SITUATED IN THE ANSELMO PRU SURVEY NO. 20,  
ABSTRACT NO. 574, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

DESIGN R. A. L.  
DRAWN P. A. E.  
CHECKED \_\_\_\_\_  
DATE SEPT. 2005  
JOB NO. 1-9254  
SHT. 1 of 1



22 Notices Mailed  
 In Opposition  
 In Favor

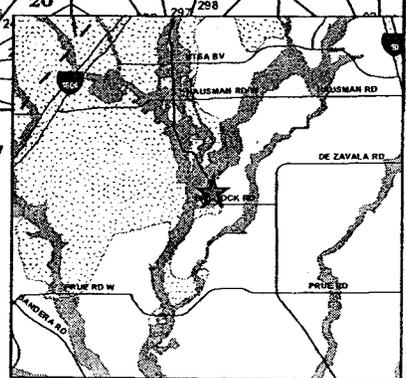
# ZONING CASE: Z2005-260

City Council District No. 8  
 Requested Zoning Change  
 From "C-2", "C-2 ERZD" To PUD "RM-4", PUD "RM-4 ERZD"  
 Date: January 12, 2006  
 Scale: 1" = 300'

Subject Property  
 200' Notification



C:Nov\_1\_2005



# CASE NO: Z2005260

## Staff and Zoning Commission Recommendation - City Council

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**Date:** January 12, 2006

**Zoning Commission Meeting Date:** December 06, 2005

**Council District:** 8

**Ferguson Map:** 547 F-1

**Applicant:**

**Owner:**

Brown, P. C. Attorneys at Law

ITAMIC, Inc.

**Zoning Request:** From "C-2 ERZD" Commercial Edwards Recharge Zone District to PUD "RM-4 ERZD" Planned Unit Development Residential Mixed Edwards Recharge Zone District

23.686 acres out of NCB 14861

**Property Location:** 12161 Babcock Road

The Intersection of Babcock Road and Old Babcock Road

**Proposal:** To develop a planned unit family residential development

**Neighborhood Association:** Babcock North Neighborhood Association (within 200 feet) and Oxbow Neighborhood Association (within 200 feet)

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required, but may be required at the building permit or plat stage.

**Staff Recommendation:**

Approval

The subject property is currently vacant and located at the intersection of Babcock Road and Old Babcock Road. The surrounding properties to the west, north, and east are undeveloped residential properties. The area to the south contains developed single-family and multi-family dwellings. The property to the west is located in the floodplain and serves as drainage.

The property was previously zoned Temporary "R-1" Single-Family Residential District and was rezoned to "B-2" Business District in January of 1975. The "B-2" Business District was later converted to "C-2" Commercial District when the 2001 Unified Development Code (UDC) was adopted.

The change in zoning from a commercial district to a residential district would be a down-zoning. The "RM-4" Residential Mixed District would be a compatible use with the surrounding land uses.

The property appears to be partially outside of the ERZD Edwards Recharge Zone District, however, SAWS has determined that the entire property is within the ERZD. They are able to make this determination based on 35-332 of the Unified Development Code (UDC).

**SAWS Summary:**

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

# CASE NO: Z2005260

## Staff and Zoning Commission Recommendation - City Council

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**Zoning Commission Recommendation:**

Approval with site specific and general SAWS recommendations

**CASE MANAGER :** Robin Stover 207-7945

**VOTE**

<b>FOR</b>	11
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

Z2005260

**ZONING CASE NO. Z2005260** – December 6, 2005

Applicant: Brown, P.C.

Zoning Request” “C-2” ERZD Commercial Edwards Recharge Zone District to PUD  
“RM-4” ERZD Planned Unit Development Residential Mixed  
Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated that they propose to develop a planned unit family residential development on 125 lots at 5.5 units per acre. He further stated that they did contact the neighborhood association and did not receive a response. He stated that they do concur with staff’s recommendation and SAWS recommendation.

Staff stated there were 22 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 returned in favor and no response from the Babcock North Neighborhood Association and Oxbow 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 Stribling and seconded by Commissioner McAden to recommend approval and with SAWS conditions:

SAWS recommendations:

1. SAWS recommends approval of the proposed land use.
  2. The property is classified as a Category 2 property.
  3. SAWS recommends that the impervious cover on the site shall not exceed 30%.
- 
1. Property is located on 23.686 acres out of NCB 14861 at 12161 Babcock Road.
  2. There were 22 notices mailed, 1 returned in opposition and 3 in favor.
  3. Staff recommends approval.

**Z2005260**

**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.**

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

DEV. SERVICES

2005 NOV 22 P 4: 12

**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, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

**Subject:** Zoning Case Z2005260 (Abdo-Babcock Tract)

**Date:** December 6, 2005

**SUMMARY**

A request for a change in zoning has been made for an approximate 23.686-acre tract located on the city's northwest side. A change in zoning from **C-2 ERZD** to **RM-4 PUD ERZD** is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a single-family residential development. The property is classified as Category 2 property.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

**LOCATION**

The subject property is located in City Council District 8, on Babcock Road, west of De Zavala Road.

**SITE EVALUATION**

1. Development Description:

The proposed change is from **C-2 ERZD** to **RM-4 PUD ERZD** and will allow for the construction of a single-family residential development. The site is an undeveloped site that is covered in a dense mixture of native vegetation. There are numerous small building footprints where structures once stood, one abandoned barn, and an abandoned water storage tank. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

2. Surrounding Land Uses:

An undeveloped lot is east and north of the property. Babcock Road and Leon Creek bound the western boundary. Babcock Road and a residential development is south of the property.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

4. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted a field observation on November 3, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Gregory James, P.G., was present during the site evaluation and observed no sensitive recharge features on the site. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Undivided Upper Confining Unit of the Edwards Aquifer. Some *Ilymatogyra Arietina* (fossils) were present in creek beds, indicating the presence of Del Rio Clay upstream. In addition, some outcropping of Del Rio Clay was found just off the project site. The Del Rio Clay is one of the members of the Upper Confining Units and is 40 to 50 feet thick in full section. No Edwards outcropping was found on the site. Leon Creek is adjacent and on the western portion of the property. Buffering will be required along the floodplain.

## ENVIRONMENTAL CONCERNS

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

### Site Specific Concerns:

1. One abandoned well is located on the site and there is potential for contamination of the Edwards Aquifer via the well.
2. There is a creek way adjacent to the western and northern boundary of the property where recharge may occur.

### General Concerns:

1. 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.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

## ENVIRONMENTAL RECOMMENDATIONS

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

### Site Specific Recommendations

1. The impervious cover shall not exceed 30% on the site.
2. A floodplain buffer shall be provided along the north and west portion of the property as required in Ordinance No. 81491, Section 34-913.
3. The abandoned well, along with any additional wells that may be located on the site must be properly plugged according to the City Code Chapter 34, Division 2 Section 574 by a registered well driller.
4. The land uses within the zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
5. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan 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. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
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, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
7. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

8. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

#### **General Recommendations**

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
  - A. A copy of the 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 WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
3. 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.
4. If a water quality basin is constructed on the property, the following is required:
  - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
  - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
  - D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3546 prior to any discharge of water.

- E. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. 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.

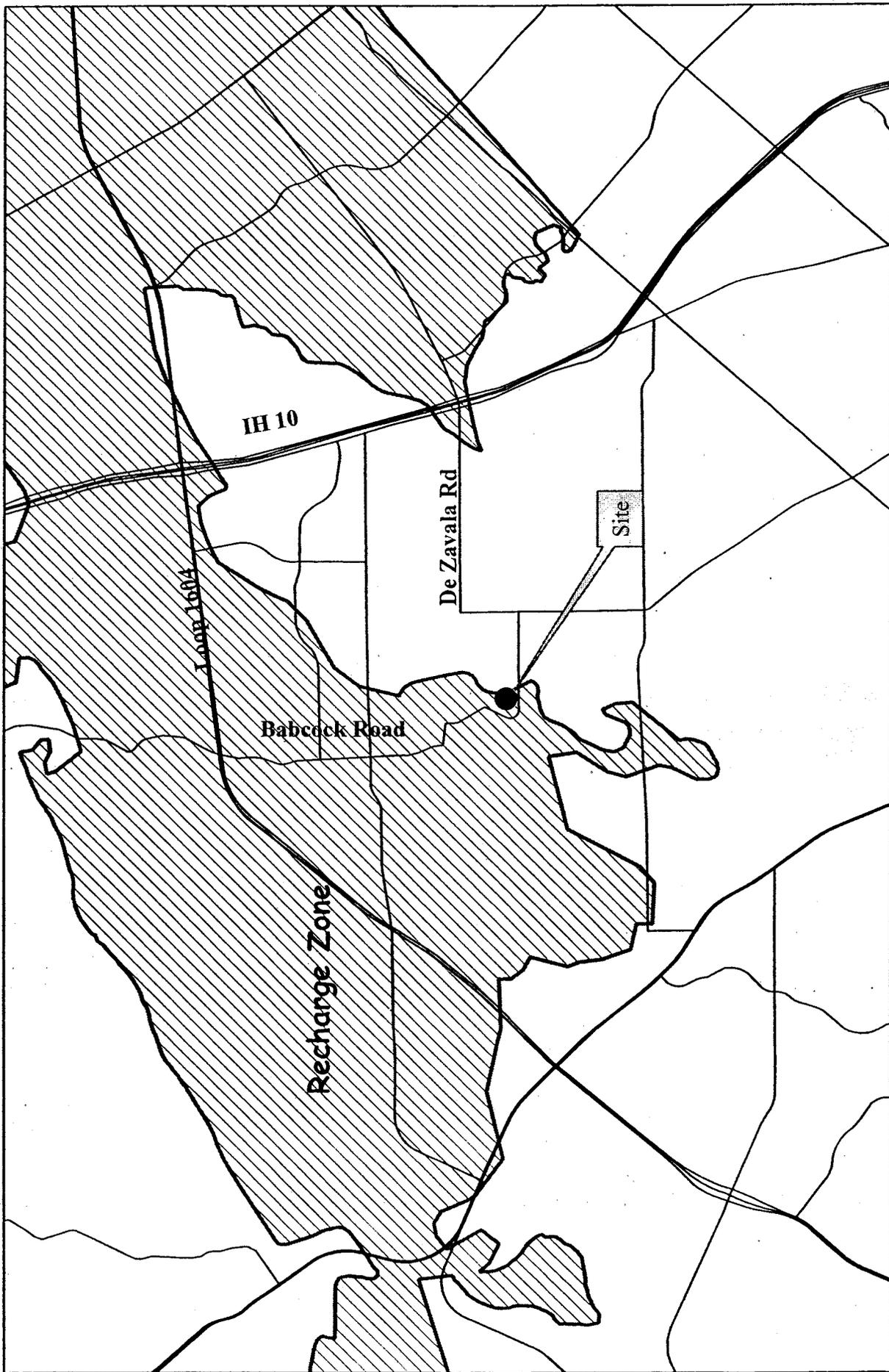
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

*Kirk M. Nixon*  
for Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

*Scott R. Halty*  
for Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



Zoning Case No. Z2005260 Figure 1

Abdo - Babcock Tract

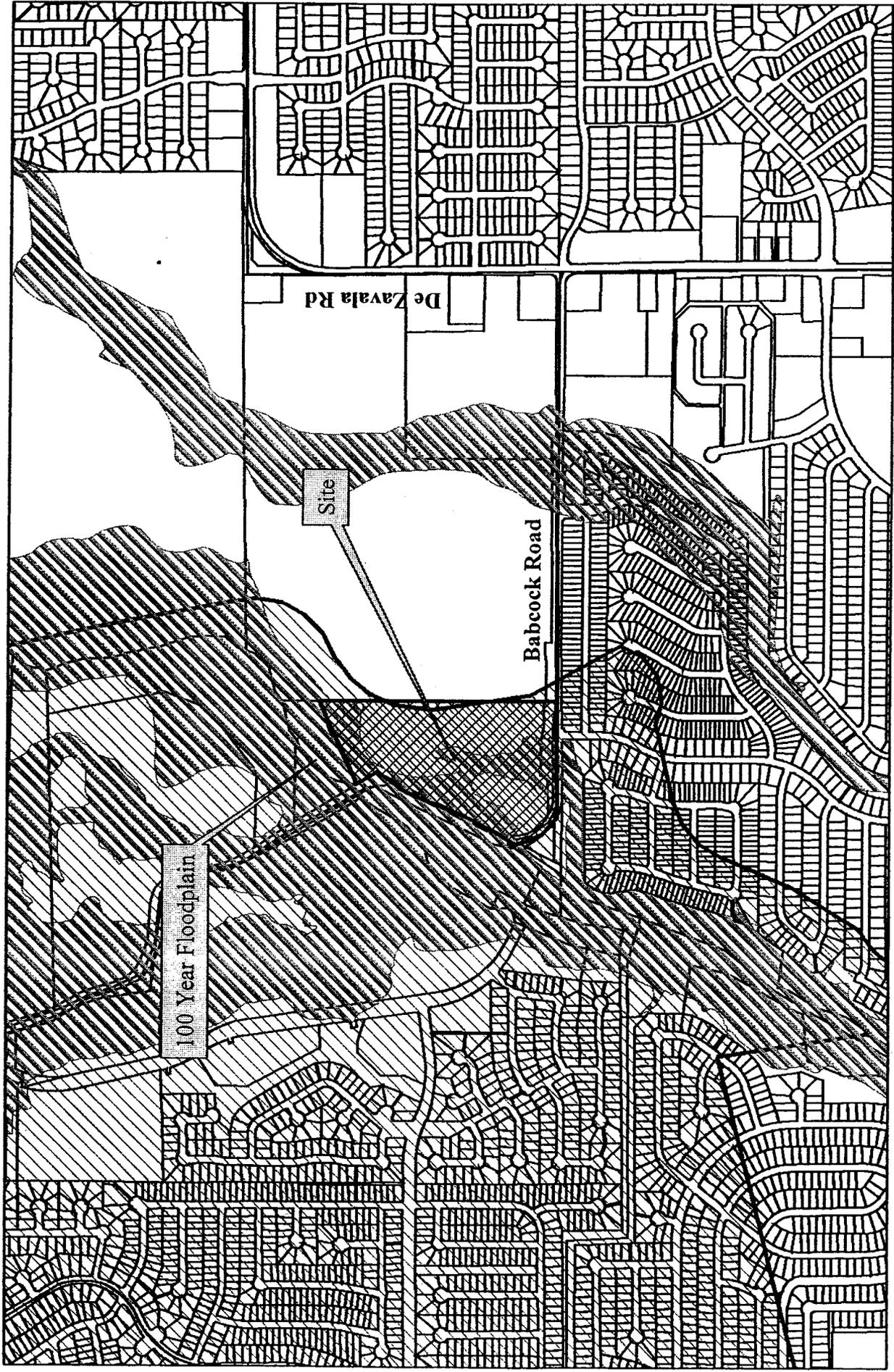
Map Page 547 F1

X=2087667 Y=13751292

Map Prepared by Aquifer Protection and Evaluation MJB 11/3/2005



1:61,640



Zoning Case No. Z2005260 Figure 2

Abdo - Babcock Tract

Map Page 547 F1

X=2087667 Y=13751292

Map Prepared by Aquifer Protection and Evaluation MJB 11/3/2005



1:11,349