

AN ORDINANCE 2006-04-13-0485

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 0.637 acres out of Lot 2 and Lot 3, Block 10, NCB 16329 from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-3 ERZD" S General Commercial Edwards Recharge Zone District with a Specific Use Permit for a Carwash.

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 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 5. 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 65%.

SECTION 6. 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 7. 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 8. 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.

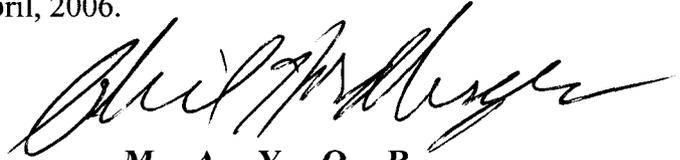
SECTION 9. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 10. 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 11. 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 12. This Ordinance shall become effective April 23, 2006.

PASSED AND APPROVED this 13th day of April, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney

Agenda Voting Results

Name: Z-12.

Date: 04/13/06

Time: 04:58:40 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006001 S (District 9): An Ordinance amending the zoning district boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-3 ERZD S" General Commercial Edwards Recharge Zone District with a Specific Use Permit for a Car Wash on 0.637 acres out of Lot 2 and Lot 3, Block 10, NCB 16329, 18150 Blanco Road as requested by Texas Shine Express, LLC., Applicant, for FC Properties One, LTD., Owner(s). Staff and Zoning Commission recommend Approval with SAWS site specific recommendations.

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	Not present			
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		



Exhibit A

To Ordinance No. _____
Approved on April 6, 2006

Field Notes for a 0.637 Acre Tract of Land

Being a 0.637 acre tract of land out of Lot 2 and Lot 3, Block 10, New City Block 16329, Sonterra South Commercial recorded in Volume 9549, Page 13, Plat Records, Bexar County, Texas, said 0.637 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod found in the southeast right-of-way line of Blanco Road for the southwest corner of the herein described tract, the southwest corner of the above referenced Lot 3, the northwest corner of Lot 4, said point being in the arc of a curve to the left whose central angle is 01 degrees 41 minutes 45 seconds, whose radius is 2924.93 feet and whose chord bears, North 03 degrees 27 minutes 36 seconds East, a distance of 86.56 feet;

Thence, with the southeast right-of-way line of Blanco Road, the northwest line of Lot 3, along the arc of said curve to the left, a distance of 86.57 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap for the westernmost northwest corner of the herein described tract;

Thence, departing the southeast right-of-way line of Blanco Road, through Lot 3 and Lot 2, the following six courses and distances,

North 88 degrees 45 minutes 55 seconds East, a distance of 222.65 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap for corner,

North 01 degrees 15 minutes 07 seconds West, a distance of 42.96 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap for corner,

South 88 degrees 44 minutes 53 seconds West, a distance of 35.67 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap for corner,

North 05 degrees 24 minutes 50 seconds West, a distance of 77.54 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap for angle,

North 00 degrees 29 minutes 31 seconds East, a distance of 57.05 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap for angle,

and, North 00 degrees 20 minutes 46 seconds East, a distance of 37.92 feet to a ½" iron rod set with an orange "Moy Survey" plastic cap in the south right-of-way line of F.M. Loop 1604, the north line of the aforementioned Lot 2 for the northernmost northwest corner of the herein described tract;

Thence, with the south right-of-way line of F.M. Loop 1604, the north line of Lot 2, South 89 degrees 36 minutes 55 seconds East, a distance of 52.55 feet to a found "x" set in concrete for the northeast corner of the herein described tract, the northeast corner of Lot 2, the northwest of a 183.010 acre tract recorded in Volume 7616, Pages 1756-1783, Official Public Records, Bexar County, Texas;

Thence, departing the south right-of-way line of F.M. Loop 1604, with the eastern line of Lot 2 and Lot 3, a western line of said 183.010 acre tract, the following six courses and distances,

South 01 degrees 04 minutes 55 seconds East, a distance of 29.18 feet to a found "x" set in concrete for angle,

South 29 degrees 21 minutes 24 seconds West, a distance of 80.74 feet to a ½" iron rod found with a MW Cude plastic cap for angle,

South 30 degrees 27 minutes 11 seconds East, a distance of 54.77 feet to a ½" iron rod found with a MW Cude plastic cap for angle,

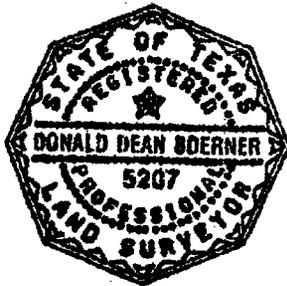
South 14 degrees 00 minutes 48 seconds East, a distance of 12.06 feet to a ½" iron rod found with a MW Cude plastic cap at the southeast corner of Lot 2, the northeast corner of Lot 3,

South 14 degrees 17 minutes 09 seconds East, a distance of 102.51 feet to a 5/8" iron rod found for angle,

and, South 11 degrees 37 minutes 24 seconds West, a distance of 42.90 feet to a ½" iron rod found with a Castella plastic cap for the southeast corner of the herein described tract, the southeast corner of Lot 3, the northeast corner of Lot 4;

Thence, departing the western line of said 183.010 acre tract, with the southeast line of Lot 3, the northwest line of Lot 4, South 88 degrees 44 minutes 53 seconds West, a distance of 245.54 feet to the **Place of Beginning** and containing 0.637 acres of land.

Note: This description is based on an on the ground survey performed on 02-10-2006. Basis of bearing was established from GPS observations. A survey plat was prepared for this tract.



A handwritten signature in cursive script, appearing to read "D. Boerner".

Donald Dean Boerner

Registered Professional Land Surveyor No. 5207
Job #060200-211-0.637ac Date 02-14-2006

F.M. LOOP 1604

FOUND 1/2" IRON ROD VARIABLE WIDTH R.O.W. S 89°36'55" E 52.55' FOUND "X" IN CONCRETE (S 89°31'40" E RECORD)

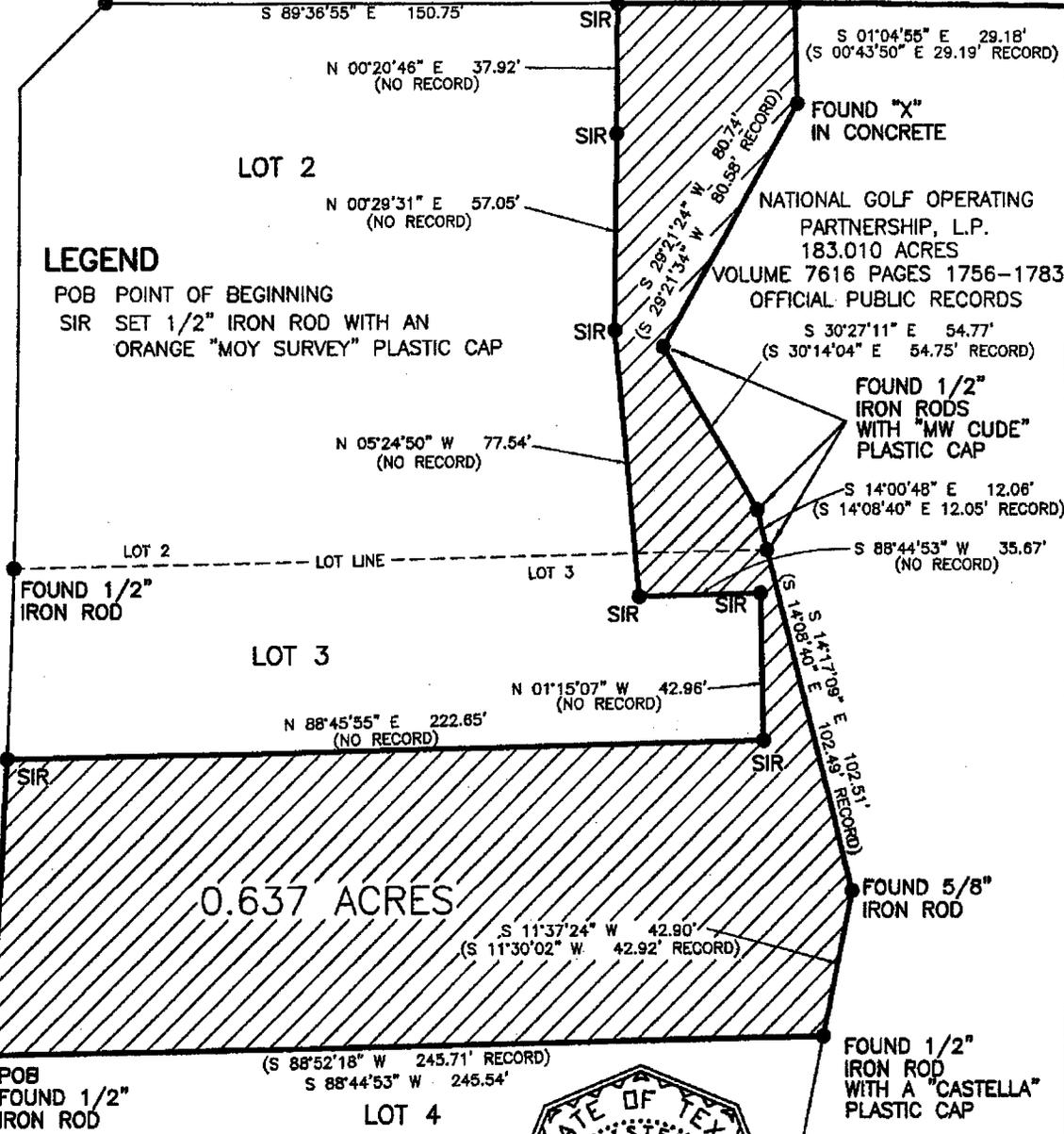


Scale: 1" = 50'

BLANCO ROAD
120.00' R.O.W.
VOLUME 9549 PAGE 13

LEGEND

POB POINT OF BEGINNING
SIR SET 1/2" IRON ROD WITH AN ORANGE "MOY SURVEY" PLASTIC CAP

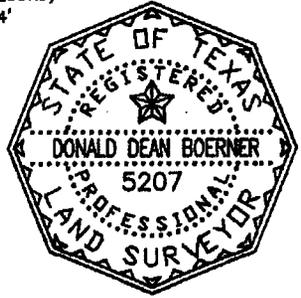


NATIONAL GOLF OPERATING PARTNERSHIP, L.P.
183.010 ACRES
VOLUME 7616 PAGES 1756-1783
OFFICIAL PUBLIC RECORDS

NOTES:

1. BASIS OF BEARING WAS ESTABLISHED FROM G.P.S OBSERVATIONS.
2. ALL RECORD BEARINGS AND DISTANCES ARE TAKEN FROM THE PLAT RECORDED IN VOLUME 9549 PAGE 13, PLAT RECORDS, BEXAR COUNTY, TEXAS.
3. A FIELD NOTE DESCRIPTION FOR THIS TRACT WAS PREPARED.

EXHIBIT SHOWING: A 0.637 ACRE TRACT OF LAND OUT OF LOT 2 AND LOT 3, NEW CITY BLOCK 16329, SONTERRA SOUTH COMMERCIAL RECORDED IN VOLUME 9549, PAGE 13, PLAT RECORDS, BEXAR COUNTY, TEXAS.



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.

ONLY THOSE COPIES SIGNED IN RED SHOULD BE RELIED UPON.

Donald Dean Boerner

DONALD DEAN BOERNER
REGISTERED PROFESSIONAL LAND SURVEYOR

5207
TEXAS REGISTRATION NO.

MOY CE SURVEYORS, INC.

12770 CIMARRON PATH, SUITE 100
SAN ANTONIO, TEXAS 78249

TEL: (210) 698-5051
FAX: (210) 698-5085

DATE: 02-10-2006

JOB #: 060200-211

