

AN ORDINANCE

2006-05-04-056Z

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 3.762 acres out of NCB 15009 from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 ERZD" (CD-Mini-Storage Facility) Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Mini-Storage Facility over 2.5 acres.

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.

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.

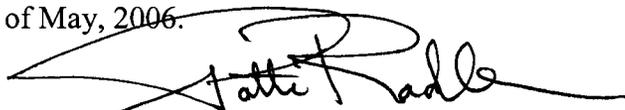
SECTION 9. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

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 on May 14, 2006.

PASSED AND APPROVED this 4th day of May, 2006.

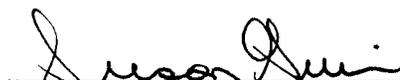


M A Y O R **PRO TEM**

ATTEST:


City Clerk

APPROVED AS TO FORM:


For City Attorney

Agenda Voting Results

Name: Z-12.

Date: 05/04/06

Time: 04:50:02 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006006 CD S (District 9): An Ordinance amending the zoning district boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 ERZD CD S" (CD-Mini Storage) Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Mini-Storage Facility Over 2.5 Acres on 3.762 acres out of NCB 15009, 2402 West Loop 1604 as requested by J. Allen Family Partners, Ltd., Applicant, for Lee-1604 No One Ltd., Owner(s). 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	Not present			
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR	Not present			

72006006

**METES AND BOUNDS
DESCRIPTION OF**

A 163,881 Sq. Ft. (3.7622 ACRES) PARCEL OF LAND OUT OF THE SALEM CHARLES SURVEY NO. 81, ABSTRACT 138, COUNTY BLOCK 4788, AND ALSO OUT OF A 524.834 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 3098, PAGES 106-127 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS

COMMENCING: At a found TxDOT brass disc in the south right-of-way of Loop 1604, said POINT OF COMMENCING being N 64°13'49" E, 255.58 feet along said right-of-way line from the southeast cut-off corner of Bitters Road, and also being the northeastern corner of Lot 1, Block 5, NCB 18912 as established by the plat The Bank of Texas at Bitters and 1604 of record in Volume 9551, Page 57 of the Deed and Plat Records of Bexar County, Texas;

With the south right-of-way line of Loop 1604 the following courses and distances:

N 58°02'11" E, 239.38 feet to a found TxDOT brass disc;

N 56°20'19" E, 290.88 feet to a found 1/2" iron rod with "Pape-Dawson" cap, point being the most eastern corner on Loop 1604 of a 60-ft. wide "1604 access strip" inclusive to a 15.52 acre parcel of land described in Volume 8177, Pages 1215-1222 of the Real Property Records of Bexar County, Texas;

N 56°20'19" E, 963.68 feet, passing at 710.31 feet a found TxDOT brass disc, to a set 1/2" iron rod with "MBC" cap for the POINT OF BEGINNING, said point being most western corner of the herein described 3.7622 acre parcel of land;

THENCE: N 56°20'19" E, 567.69 feet along the south right-of-way line of Loop 1604 to a found TxDOT brass disc for a point;

THENCE: Continuing with the south right-of-way line of Loop 1604, N 56°29'40" E, 0.78 feet to a set 1/2" iron rod with "MBC" cap, being the westernmost property corner of lot 89, Block 1, NCB 18909, of "The Fountains at Deerfield Subdivision, Unit-3 P.U.D., as recorded in Volume 9526, Page 61 of the Deed and Plat Records of Bexar County, Texas.

THENCE: Departing the south right-of-way line of Loop 1604, and along the west property line of said lot 89, Block 1, NCB 18909, The Fountains at Deerfield Subdivision, Unit-3 P.U.D., S 00°13'07" E, 545.26 feet to a set 1/2" iron rod with "MBC" cap for the most southeastern corner of the herein described parcel of land;

THENCE: Departing the west property line of lot said 89, Block 1, NCB 18909, The Fountains at Deerfield Subdivision, Unit-3 P.U.D., N34°46'41"W 85.69 feet to a set 1/2" iron rod with "MBC" cap;

THENCE: S56°20'19"W 247.24 feet to a set 1/2" iron rod with "MBC" cap for the southwest corner of this tract.

THENCE: N 36°36'58" W, 369.81 feet to the POINT OF BEGINNING, encompassing 163,881 sq. ft. (3.7622 acres) of land.

EXHIBIT A

To Ordinance No. _____
Passed on May 4, 2006