

**AN ORDINANCE 2006-06-08-0702**

**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 2.105 acres out of NCB 15011, North Loop 1604 West, from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial 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 50%.

**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 June 18, 2006.

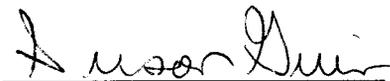
**PASSED AND APPROVED** this 8th day of June, 2006.



M A Y O R

**PHIL HARDBERGER**

ATTEST:   
6-15-06 City Clerk

APPROVED AS TO FORM: 

for City Attorney

# Agenda Voting Results

**Name:** Z-2.

**Date:** 06/08/06

**Time:** 05:09:24 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2006015 (District 9): An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 2.105 acres out of NCB 1501, North Loop 1604 West as requested by Brown, P. C., Applicant, for Rogers Shavano Park Unit 18/19 Ltd., Owner(s). Staff and Zoning Commission recommend Approval.

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	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		

## FIELD NOTES

## FOR

A 2.105 acre, (91,700 square feet more or less) tract of land situated within a 289.9 acre tract of land conveyed to Rogers Shavano Park Unit 18/19, Ltd. and described in instrument recorded in Volume 10075, Pages 1609-1624 of the Official Public Records of Real Property of Bexar County, Texas, out of the Refugio Vargas Survey Number 80, Abstract 781, County Block 4787, in the City of Shavano Park, Bexar County, Texas, said easement being more particularly described by metes and bounds as follows:

COMMENCING: At a found ½" iron rod with cap marked "Pape-Dawson" at a northeast corner of Lot 1816, Block 1, NISD Shavano Park Elementary Subdivision as recorded in Volume 9554, Page 52 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 11°40'45" E, a distance of 112.38 feet to the POINT OF BEGINNING, said point being the northwest corner of this tract;

THENCE: N 85°49'21" E, a distance of 403.53 feet to an angle point;

THENCE: S 03°51'31" W, a distance of 227.90 feet to an angle point;

THENCE: S 37°58'33" W, a distance of 166.10 feet to an angle point;

THENCE: S 00°11'10" E, a distance of 75.45 feet to an angle point;

THENCE: N 35°11'30" W, a distance of 494.81 feet to the POINT OF BEGINNING and containing 2.105 acres of land in Bexar County, Texas.

**"PRELIMINARY – THIS DOCUMENT SHOULD NOT BE RECORDED FOR ANY PURPOSE"**

PREPARED BY: Pape-Dawson Engineers, Inc.  
 JOB NO.: 4523-02  
 DATE: December 12, 2005  
 DOC ID: 4523\02\Word\FieldNotes\051212a2  
**PAPE-DAWSON ENGINEERS, INC.**

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000

EXHIBIT A  
 TO ORDINANCE NO.  
 Passed on June 8, 2006

**LOOP 1604**

DR. ...AGE EASEMENT  
(VOLUME 8884, PAGES 908-912 R.P.R.)  
**22006015**

VARIABLE SANITARY  
SEWER EASEMENT  
(VOL. 11465, PG. 1216-1222) D.P.

LOT-2  
**4.88 AC**

289.90 AC.  
(VOL. 10075, PGS.  
1609-1624 O.P.R.)

VARIABLE WIDTH GAS, ELEC.,  
TELE., C.A.T.V., AND WATER EASEMENT  
(VOL. 10010, PGS. 292-297) R.P.R.

P.O.B.

N11°40'45"E  
112.38'

**3.00 AC**

LOT-3

**91,701.30 SQ FT**  
**2.105 AC**

P.O.C.

VARIABLE WIDTH GAS, ELEC.,  
TELE., C.A.T.V., AND WATER EASEMENT  
(VOL. 9554, PG. 52) D.P.

APPROXIMATE LOCATION OF THE CITY LIMIT LINE  
SAN ANTONIO CITY LIMITS  
SHAVANO PARK CITY LIMITS

VARIABLE WIDTH SANITARY  
SEWER EASEMENT  
(VOL. 9811, PGS. 1867-1872) R.P.R.

LOT 1816  
BLOCK 1  
NISD SHAVANO PARK  
ELEMENTARY SUBDIVISION  
(VOL. 9554, PG. 52 D.P.)

**EXHIBIT OF 2.105 AC. TRACT**

# CASE NO: Z2006015

## Staff and Zoning Commission Recommendation - City Council

City Council Continuance from April 20, 2006, May 18, 2006 and June 1, 2006

Date: June 08, 2006

Zoning Commission Meeting Date: March 21, 2006

Council District: 9

Ferguson Map: 515 E4

Applicant:

Owner:

Brown, P. C. Attorneys at Law

Rogers Shavano Park Unit 18/19 Ltd.

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

2.105 acres out of NCB 15011

Property Location: North Loop 1604 West

South of the North Loop 1604 West

Proposal: To develop a commercial/retail site

Neighborhood Association None

Neighborhood Plan: None

### Traffic Impact Analysis

A TIA report is not required with rezoning. A TIA may be required at platting if the land being rezoned is incorporated into a larger development.

### Staff Recommendation:

Approval

The subject property is located south of the North Loop 1604 West, east of the Shavano Park city limits, and west of the Salado Creek. The surrounding properties are currently vacant and zoned commercial to the north and residential to the east. The property located within Shavano Park to the west is zoned for business use.

The subject property was previously zoned Temporary "R-1 ERZD" Single Family Residence Edwards Recharge Zone District. A zoning case was initiated in 1993 to change the zoning from Temporary "R-1" to "R-1 ERZD" Single-Family Residential District. The zoning was converted from "R-1 ERZD" to a "R-6 ERZD" Residential Single-Family District with the adoption of the 2001 Unified Development Code (UDC).

The zoning request for a commercial district would be appropriate at this site. This site is not suitable for residential use due to the lack of access and the surrounding commercial districts. The proposed district would conform to the surrounding commercial to the north and west.

### SAWS Summary

1. SAWS recommends approval of the proposed land use.
2. A category determination has not been submitted. Until such time the property is classified as a Category 2 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 30%

### Zoning Commission Recommendation:

Approval with SAWS recommendations

### VOTE

FOR 10

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Pedro Vega 207-7980

**Z2006015**

**ZONING CASE NO. Z2006015** – February 21, 2006

Applicant: Brown, P. C.

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

Ken Brown, 112 E. Pecan, representing the owner, stated he would like to request a 2 week continuance on this case to further discuss this case with SAWS representatives.

Staff stated there were 2 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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 Gadberry to recommend a continuance until March 7, 2006.

1. Property is located on 2.105 acres out of NCB 15011 at North Loop 1604 West.
2. There were 2 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez,  
Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2006015** – March 7, 2006

Applicant: Brown P. C.

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

Ken Brown, 112 E. Pecan, representing the owner, stated he has met with SAWS representatives and would like to request a continuance. He stated he would continue working with SAWS with regards to Category 1 and 2 issues and possibly may amend their request.

**Z2006015**

Staff stated there were 2 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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 Wright and seconded by Commissioner Marshall to recommend a continuance until March 21, 2006.

1. Property is located on 2.105 acres out of NCB 15011 at North Loop 1604 West.
2. There were 2 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,  
Wright, Martinez, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2006015** – March 21, 2006

Applicant: Brown, P. C.

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

Ken Brown, 112 E. Pecan, representing the applicant, stated they have submitted a Category 1 request to SAWS and are reviewing it. He would respectfully request this case be approved subject to SAWS recommendations as they have been presented or as amended between now and City Council. He stated they are requesting 50% impervious cover.

Staff stated there were 2 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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.

**Z2006015**

**COMMISSION ACTION**

The motion was made by Commissioner Wright and seconded by Commissioner Martinez to follow staff's recommendation as to zoning and to follow SAWS recommendations either as presented here or as amended.

1. Property is located on 2.105 acres out of NCB 15011 at North Loop 1604 West.
2. There were 2 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,  
Wright, Martinez, Gray**

**NAYS: None**

**THE MOTION CARRIED**

RESULTS OF COUNCIL HEARING April 20, 2006

City Council granted a continuance until May 18, 2006

RESULTS OF COUNCIL HEARING May 18, 2006

City Council granted a continuance until June 1, 2006

RESULTS OF COUNCIL HEARING June 1, 2006

City Council granted a continuance until June 8, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

SERVICES  
2006 FEB -8 P 2:20

**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 Z2006015 (Shavano)

**Date:** February 7, 2006

**SUMMARY**

A request for a change in zoning has been made for an approximate 3.0-acre tract located on the city's north side. Of the 3.0 acres, 2.105 acres are located within the City of San Antonio. The remaining 0.895 acres are located in the City of Shavano Park. A change in zoning from "R-6" ERZD to "C-2" 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 commercial - retail development.

**As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".**

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 9, south of Loop 1604, between NW Military Drive and Bitters Road. Approximately one acre of the overall site is located within the city limits of Shavano Park. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

## **SITE EVALUATION**

### **1. Development Description:**

The proposed change is from "R-6" ERZD to "C-2" ERZD and will allow for the construction of a commercial – retail site. Currently the site is covered in native vegetation and undeveloped.

### **2. Surrounding Land Uses:**

An elementary school is west and south of the site. Loop 1604 bounds the northern boundary. Inwood Hollow Subdivision and Salado Creek bounds the eastern boundary.

### **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 Conditions:**

The Resource Protection Division of the San Antonio Water System conducted a field observation on January 5, 2006 of the referenced property to assess the geologic conditions present at the site. SAWS staff Geologist, Ms. Joan Falkenberg, P.G., was present during the site visit. No significant features were noted during the site observation where the geology was visible; however the majority of the property was covered by thick brushy vegetation and leaf litter. Limestone outcrops were visible at the surface in some areas and exhibited typical weathering features of exposed bedrock. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Cyclic and Marine Members of the Edwards Formation located within the Person Formation of the Edwards Group.

## **ENVIRONMENTAL CONCERNS**

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

### **Site Specific Concerns**

1. A floodplain lies down gradient from the site, along the eastern portion, 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 eastern portion of the property as required in Ordinance No. 81491, Section 34-913.
3. 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.
4. 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.
5. 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.D.A, shall be used.

6. 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.
7. 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) 704-7305 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) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
  - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 704-1158 prior to any discharge of water.
  - D. 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.
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.

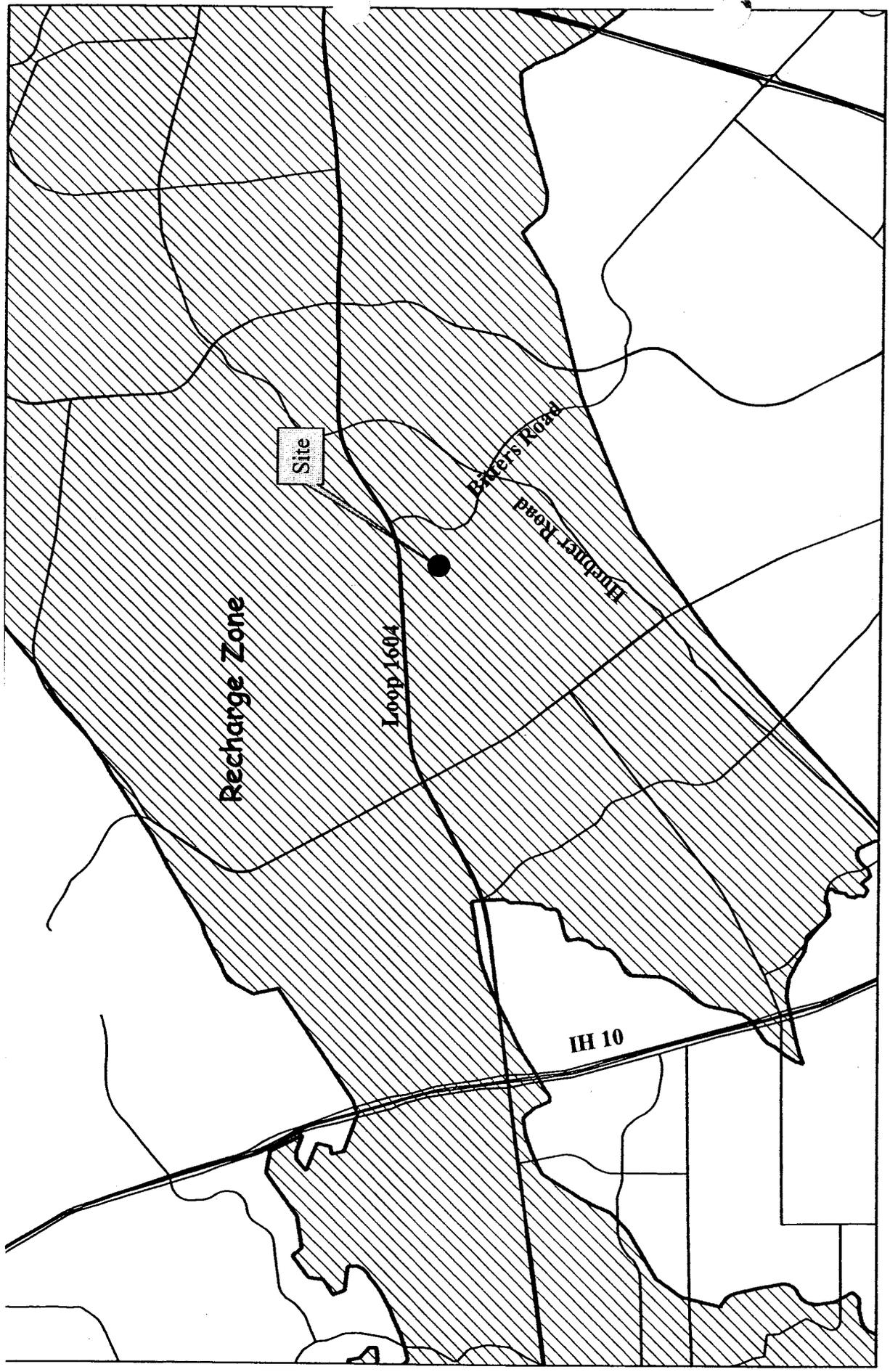
  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



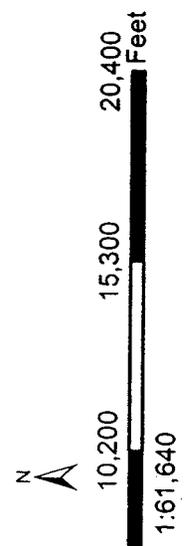
Zoning Case No. Z2006015 Figure 1

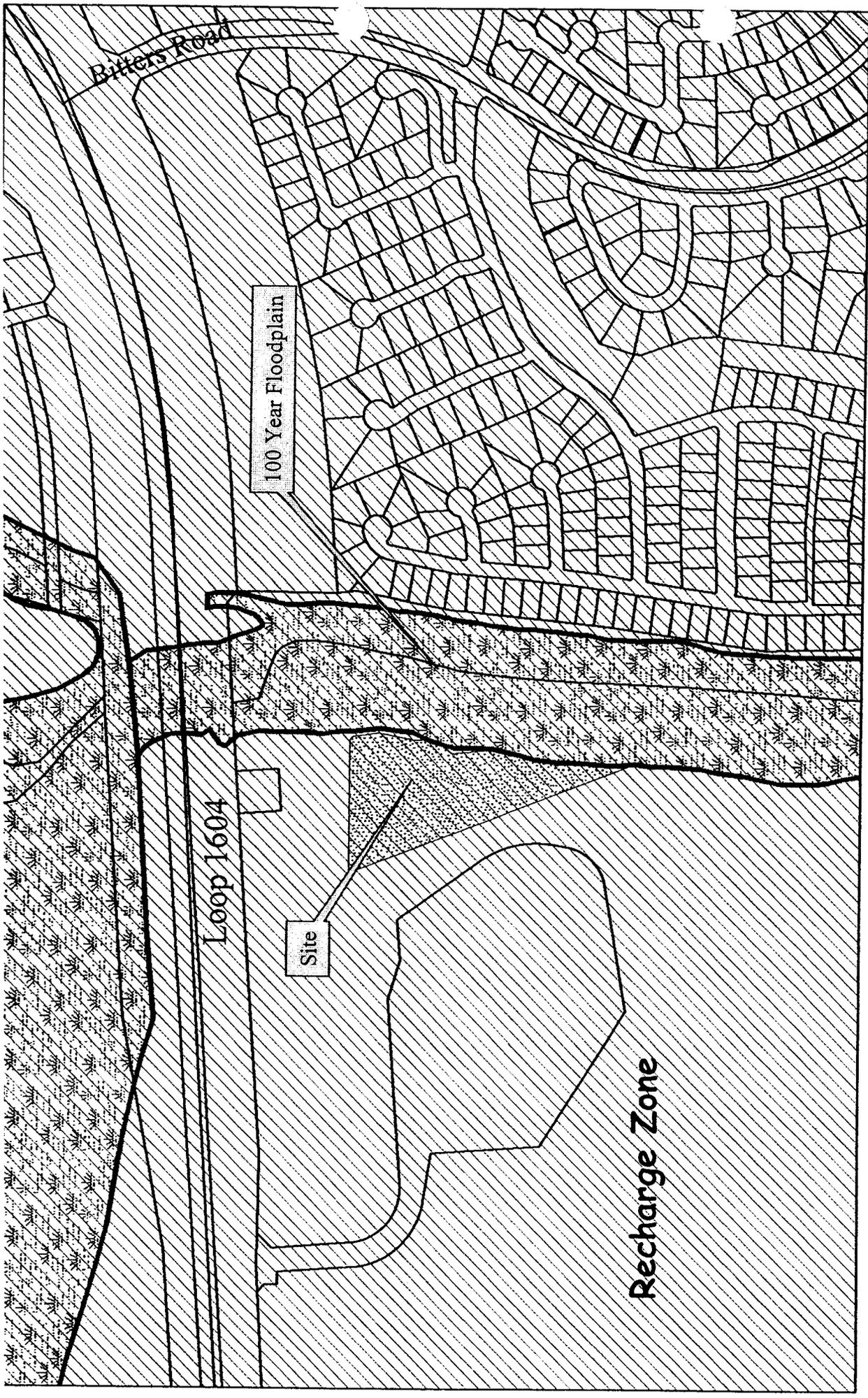
Shavano

Map Page 515 E3

X=2114311 Y=13765744

Map Prepared by Aquifer Protection and Evaluation MJB 1/4/2006





**Zoning Case No. Z2006015 Figure 2**

Shavano

Map Page 515 E3

X=2114311 Y=13765744

Map Prepared by Aquifer Protection and Evaluation MJB 1/4/2006



1:5,592

