

AN ORDINANCE 2013 - 04 - 18 - 0288

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 after notice and publication 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 12.7 acres out of NCB 34910, NCB 34919 and NCB 34921, and 15.301 acres out of NCB 34919 and NCB 34921 from "C-1 PC-1 ERZD" Light Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District and "C-1 ERZD" Light Commercial Edwards Recharge Zone District to "R-6 PC-1 ERZD" Residential Single-Family Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District.

SECTION 2. A description of the property is attached as **Attachment "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 property owner provides a buffer of 120 feet from the Black Bat Cave with a masonry fence as depicted on the Ravello Buffer Plan, attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 4. This change of zoning district boundary is conditioned on the requirement that the property owner complies with the SAWS ten site specific recommendations as set out below:

- A. Post construction, an adequate buffer zone shall be provided for Black Cat Cave. The buffer zone shall be left in its natural state and an enclosure provided such that access to the buffer zone and cave area are strictly prohibited by unauthorized persons. A plan must be submitted and approved by SAWS for a buffer zone surrounding Black Cat cave prior to the release of the building permit.

- B. Temporary signage shall be installed identifying the cave's location and its buffer zone prior to initial construction of this project. Additionally, all parties involved in the construction of this project shall be made aware of the sensitive nature of this feature and all activities prohibited in and around it as well as the extreme caution that should be under taken during construction surrounding Black Cat Cave. Currently the submitted proposed site plan only depicts a 0.47 acre buffer area, which could be inadequate.
- C. According to TCEQ Approval letter dated August 12, 2010 (TCEQ project No. 2934.00) the feature shall have appropriate caution/warning signs explicitly prohibiting dumping near the cave and/or its buffer zone area.
- D. A building permit will not be released until appropriate signage for Black Cat Cave is in place.
- E. All construction materials on-site shall be kept in an enclosed storage for environmental safety precautions.
- F. Owners of all water pollution abatement structures shall ensure these structures are properly maintained and 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.
- G. In conjunction with the inspection/maintenance schedule of the sedimentation/filtration basins proposed for this project, inspection/maintenance of Black Cat Cave and protective buffer zone enclosure shall take place. At a minimum it shall include, but is not limited to, trash and debris removal at the entrance and within the on-site drainage area to the feature, structural integrity of the cave grate and enclosure, and maintenance of the vegetation height to allow natural flow into the feature.
- H. 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.
- I. 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) 233-3523.

J. 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) 233-3523.

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 38%.

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 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 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.

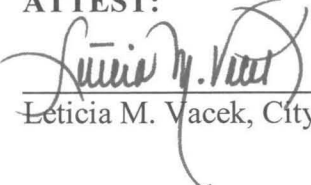
SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through six of this ordinance, then sections one through six are invalid and have no legal effect as of 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 April 28, 2013.

PASSED AND APPROVED this 18th day of April 2013.



M A Y O R
Julián Castro

ATTEST:

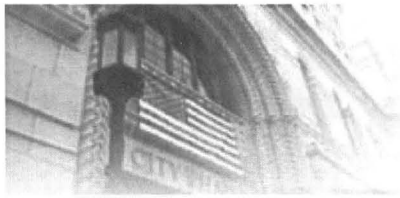


Leticia M. Vacek, City Clerk

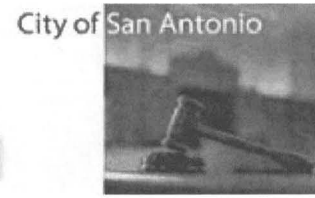
APPROVED AS TO FORM:



Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-8

| | | | | | | | |
|---------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| Name: | Z-8 | | | | | | |
| Date: | 04/18/2013 | | | | | | |
| Time: | 02:28:20 PM | | | | | | |
| Vote Type: | Motion to Appr w Cond | | | | | | |
| Description: | ZONING CASE # Z2012149 ERZD (District 10): An Ordinance amending the Zoning District Boundary from "C-1 PC-1 ERZD" Light Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District and "C-1 ERZD" Light Commercial Edwards Recharge Zone District to "R-6 PC-1 ERZD" Residential Single-Family Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District on 12.7 acres out of NCB 34910, NCB 34919 and NCB 34921, and 15.301 acres out of NCB 34919 and NCB 34921 located on a portion of the 21000 Block of Bulverde Road. Staff recommends denial. Zoning Commission recommends approval. | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Julián Castro | Mayor | | x | | | | |
| Diego Bernal | District 1 | | x | | | | |
| Ivy R. Taylor | District 2 | | x | | | | |
| Leticia Ozuna | District 3 | | x | | | | |
| Rey Saldaña | District 4 | | x | | | | |
| David Medina Jr. | District 5 | | x | | | | |
| Ray Lopez | District 6 | | x | | | | |
| Cris Medina | District 7 | | x | | | | |
| W. Reed Williams | District 8 | | x | | | | |
| Elisa Chan | District 9 | | x | | | | x |
| Carlton Soules | District 10 | | x | | | x | |

October 18, 2012
Job No. 44644
Page 1 of 2

15.301 Acre Tract

STATE OF TEXAS
COUNTY OF BEXAR

FIELD NOTE description of a 15.301 acre tract of land situated in the corporate limits of the city of San Antonio, Bexar County, Texas, and being portions of the W. M. Hotchkiss Survey No. 92, Abstract 337, New City Block 34919 and the CEPI & M. Co. Survey No. 397, Abstract 924, New City Block 34921, said tract being all that same land described as containing 15.30 acres conveyed unto The Capital Foresight Limited Partnership by special warranty deed executed December 18, 2009 and recorded in Volume 14310, Page 2173, Real Property Records, said County and State; in all said 15.301 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron rod found with yellow plastic cap marked "Pape Dawson" on the east right of way line of Bulverde Road (a 110 foot wide public road per Bexar County R. O. W. Map B-1146) at the common southwest corner of said 15.30 acre tract and an exterior corner of an 80.75 acre tract conveyed unto the North East Independent School District as recorded in Volume 9110, Page 1823, said Real Property Records for the southwest corner and POINT OF BEGINNING of this tract.

THENCE, along said east right of way line, North 07° 14' 10" West, 612.34 feet to a ½" iron rod found marked "Pape Dawson" at the beginning of a tangent curve to the left having a radius of 3,055.00 feet and a chord bearing and distance of North 08° 14' 35" West, 107.37 feet.

THENCE, continuing along said right of way line and with the arc of said curve, through a central angle of 02° 00' 50", an arc distance of 107.38 feet to a ½" iron rod marked "Pape Dawson" found at the common northwest corner of said 15.30 acre tract and an exterior corner of said 80.75 acre tract for the northwest corner of this tract.

THENCE, along a south line of said 80.75 acre tract, North 28° 33' 30" East, 80.50 feet to a ½" iron rod marked "Pape Dawson" and North 73° 33' 30" East, 864.92 feet to a ½" iron rod set with orange plastic cap marked "MLS CO, RPLS 4612" at the northwest corner of a 3.243 acre tract recorded in Volume 9242, Page 2323 said Real Property Records at the northeast corner of said 15.30 acre tract for the northeast corner of this tract.

THENCE, along the west line of said 3.243 acre tract the following courses:

South 05° 00' 24" West, 88.17 feet to a ½" iron rod found marked "Pape Dawson";
 South 01° 25' 55" West, 57.44 feet to a ½" iron rod set marked "MLS CO, RPLS 4612";
 South 21° 52' 25" West, 56.85 feet to a ½" iron rod found marked "Pape Dawson";
 South 47° 42' 01" West, 147.17 feet to a ½" iron rod found marked "Pape Dawson";
 South 07° 36' 15" West, 41.61 feet to a ½" iron rod found marked "Pape Dawson";
 South 20° 38' 12" East, 49.70 feet to a ½" iron rod found marked "Pape Dawson";
 South 11° 40' 42" East, 164.19 feet to a ½" iron rod set marked "MLS CO, RPLS 4612";
 South 24° 42' 54" East, 168.60 feet to a ½" iron rod set marked "MLS CO RPLS 4612";
 South 19° 46' 55" East, 71.43 feet to a ½" iron rod found marked "Pape Dawson";
 and South 01° 50' 27" East, 133.77 feet to a mag nail set at the common southwest corner of said 3.243 acre tract and the southeast corner of said 15.30 acre tract for the southeast corner of this tract, same being on a north line of said 80.75 acre tract.

THENCE, along said north line, South 76° 58' 17" West, 744.40 feet to a ½" iron rod found marked "Pape Dawson" and North 55° 20' 47" West, 67.25 feet to the POINT OF BEGINNING.

CONTAINING in all, 15.301 acres or 666,495 square feet of land, more or less.

Surveyed on the ground, January 27, 2011.

This description issued to revise NCB numbers in the original set dated June 6, 2012.

MAVERICK LAND SURVEYING CO.



A handwritten signature in black ink, appearing to read "D. E. Snell", is written over the printed name of the surveyor.

Daniel E. Snell, R.P.L.S. Texas No. 4612

October 18, 2012
Job No. 44643
Page 1 of 2

12.700 Acre Tract

STATE OF TEXAS
COUNTY OF BEXAR

FIELD NOTE description of a 12.700 acre tract of land situated in the corporate limits of the city of San Antonio, Bexar County, Texas, and being portions of the W. M. Hotchkiss Survey No. 92, Abstract 337, New City Block 34919, the El Paso Irrigation Co. Survey No. 92.1, Abstract 845, New City Block 34910 and the CEPI & M. Co. Survey No. 397, Abstract 924, New City Block 34921, said tract being all that tract of land described as containing 12.700 acres conveyed unto The Capital Foresight Limited Partnership by special warranty deed executed December 18, 2009 and recorded in Volume 14310, Page 2173, Real Property Records, said County and State; in all said 12.700 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron rod found with yellow plastic cap marked "Pape Dawson" on the east right of way line of Bulverde Road (a 110 foot wide public road per Bexar County R. O. W. Map B-1146) same being on the south line of Northwood Hills Unit 1, as shown by plat recorded in Volume 5300, Page 179, Deed and Plat Records of said County and State, for the northwest corner and POINT OF BEGINNING of this tract.

THENCE, along the common south line of said NORTHWOOD HILLS UNIT 1 and the north line of said 12.700 acre tract, North 84° 03' 55" East, 295.70 feet to a ½" iron rod found marked "Pape Dawson" and North 84° 07' 49" East, 542.77 feet to a ½" iron rod found marked "Pape Dawson" at the common northeast corner of said 12.700 acre tract and the northwest corner of a 2.113 acre tract recorded in Volume 9242, Page 2323, said Real Property Records for the northeast corner of this tract.

THENCE, along the west line of said 2.113 acre tract, South 26° 16' 56" East, 181.32 feet to a ½" iron rod found marked "Pape Dawson"; South 27° 43' 39" East, 67.84 feet to a ½" iron rod found marked "Pape Dawson"; South 19° 33' 08" East, 157.43 feet to a ½" iron rod found marked "Pape Dawson"; South 13° 58' 23" East, 83.34 feet to a ½" iron rod set with orange plastic cap marked "MLS CO, RPLS 4612" and South 01° 59' 18" East, 59.11 feet to a ½" iron rod set with orange plastic cap marked "MLS CO, RPLS 4612" at the southwest corner of said 2.113 acre tract for the southeast corner of this tract, same being on a north line of an 80.75 acre tract of land conveyed unto the North East Independent School District as recorded in Volume 9110, Page 1823, said Real Property Records.

THENCE, along said north line, South 73° 33' 30" West, 838.88 feet to a ½" iron rod found marked "Pape Dawson"; North 16° 26' 30" West, 20.00 feet to a mag nail set; South 73° 33' 30" West, 50.56 feet to a mag nail set and North 61° 26' 30" West, 39.34 feet to a ½" iron rod set marked "MLS CO, RPLS 4612" on the east right of way line of said Bulverde Road, same being a northwest corner of said 80.75 acre tract for the southwest corner of this tract and being on a curve concave to the west whose radius point bears South 77° 49' 59" West, 3,055.00 feet.

THENCE, northerly along said east right of way line and with the arc of said curve, through a central angle of 00° 13' 14", an arc distance of 11.76 feet to a concrete nail found.

THENCE, continuing along said right of way line, North 12° 23' 15" West, 392.74 feet to a ½" iron rod found marked "Pape Dawson" at the beginning of a tangent curve to the right having a radius of 2,445.00, and a chord bearing and distance of North 09° 29' 36" West, 246.89 feet.

THENCE, continuing with said right of way line and with the arc of said curve, through a central angle of 05° 47' 17", an arc distance of 247.00 feet to the POINT OF BEGINNING.

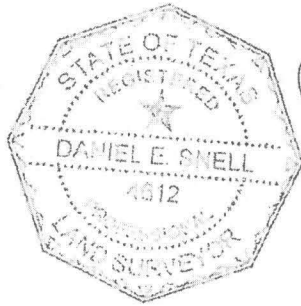
CONTAINING in all, 12.700 acres or 553,229 square feet of land, more or less.

Surveyed on the ground, January 27, 2011.

Revision October 2, 2012.

This description issued to revise NCB numbers in the original set dated June 6, 2012, revised October 2, 2012.

MAVERICK LAND SURVEYING CO.



A handwritten signature in black ink, appearing to read "D E Snell".

Daniel E. Snell, R.P.L.S., Texas 4612

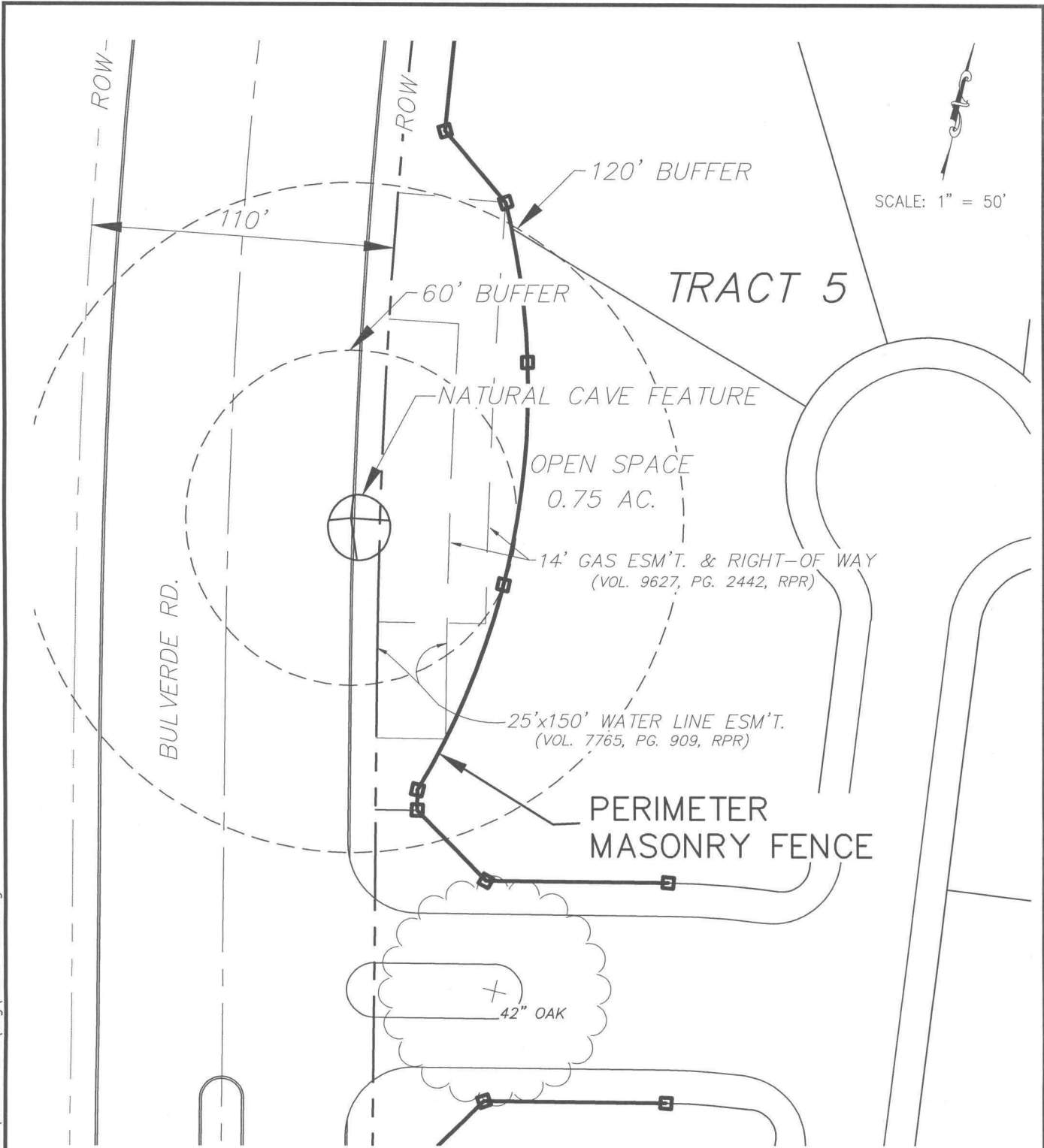
Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

OCT 26 2012

A handwritten signature in black ink, appearing to read "Gerard C. Rickhoff".
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20120211082 Fees: \$48.00
10/26/2012 3:33PM # Pages 9
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK



NOTE: THE PERIMETER MASONRY FENCE DEPICTED HEREIN IS PERMITTED WITHIN THE 120FT BUFFER.

Date: Apr 05, 2013, 2:16pm User ID: EricPly
File: P:\Capital Foresight\Bulverde Oaks\Tract 4 & 5\dwg\Buffer Fence.dwg

CKE
COURSEN-KOEHLER
 ENGINEERING & ASSOCIATES

11802 Warfield, Suite 200
 San Antonio, Texas 78216
 Tele: 210.807.9030
 Firm Registration No. F-10747

RAVELLO
 BUFFER PLAN
 EXHIBIT "A"

| | |
|------------|---------------|
| JOB NO.: | 10017.00 |
| DATE: | APRIL 4, 2013 |
| DRAWN: | ESP |
| REVISIONS: | |