

AN ORDINANCE 2016-06-02-0427

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.

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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 Lot 5, Block 4, NCB 18218 from "C-2 CD MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with a Conditional Use for an Indoor Theater Permitting Over 2 Screens and/or Stages to "C-2 CD S MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with Conditional Use and Specific Use Authorization for a Carwash.

SECTION 2. 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 3. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Attachment "A" 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 impervious cover on the property described by this ordinance shall not exceed 65%.

SECTION 5. 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 6. 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 7. 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.

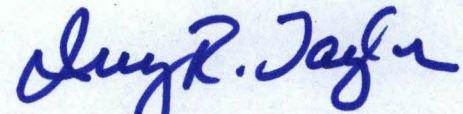
SECTION 8. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

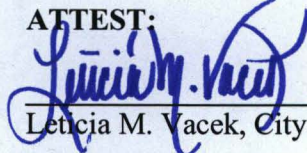
SECTION 9. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

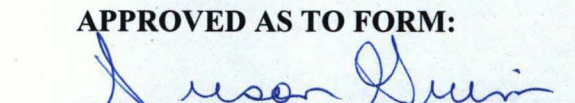
SECTION 10. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 11. This ordinance shall become effective June 12th 2016.

PASSED AND APPROVED this 2nd day of June 2016.

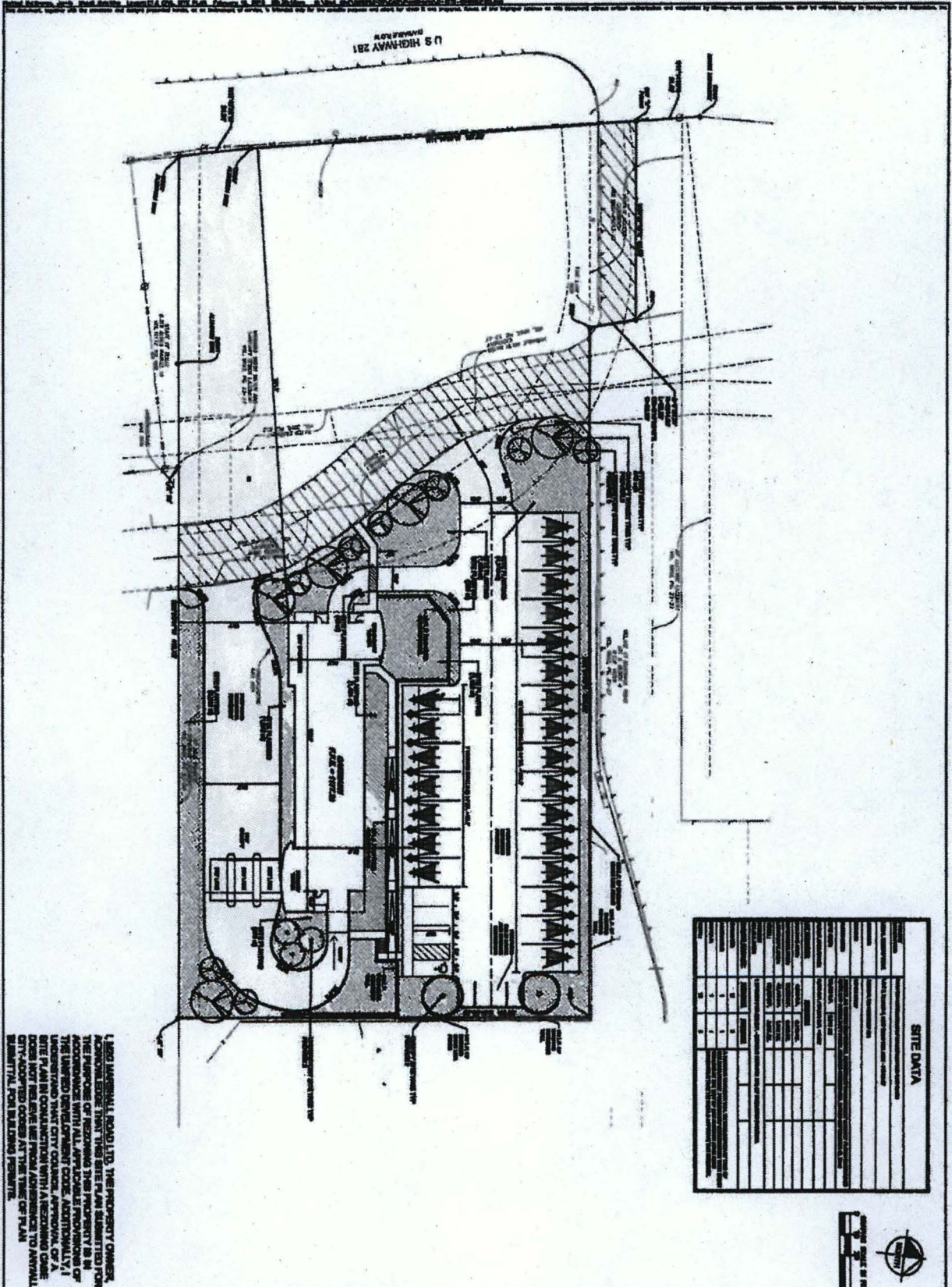

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

fa Martha G. Sepeda, Acting City Attorney

Agenda Item:	Z-18 (in consent vote: Z-1, Z-2, Z-4, Z-5, Z-7, Z-9, Z-10, Z-11, Z-12, Z-14, Z-15, P-1, Z-17, Z-18, Z-19)						
Date:	06/02/2016						
Time:	02:09:06 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2016112 CD S ERZD (Council District 9): An Ordinance amending the Zoning District Boundary from "C-2 CD MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with a Conditional Use for an Indoor Theater Permitting Over 2 Screens and/or Stages to "C-2 CD S MLOD-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with Conditional Use and Specific Use Authorization for a Carwash on Lot 5, Block 4, NCB 18218, located at 23202 US Highway 281 North. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

22016112



SITE DATA

PROJECT NO.	
DATE	
CLIENT	
LOCATION	
SCALE	
DRAWN BY	
CHECKED BY	
DATE	
REVISIONS	
DATE	
BY	

1. THIS MATERIAL ROAD LTD. THE PROPERTY OWNER, HAS REVIEWED THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF OBTAINING A PERMIT FROM THE CITY OF MARSHALL, TEXAS. THE CITY ENGINEER HAS REVIEWED THE LARGER DEVELOPMENT CODE, ADDITIONALLY, I UNDERSTAND THAT CITY CODES, APPROVAL OF A SITE PLAN IN CONNECTION WITH A RESIDING CASE DOES NOT RELIEVE THE FROM RESPONSIBILITY TO OBTAIN CITY-APPROVED CODES AT THE TIME OF PLAN SUBMITTAL FOR BUILDING PERMITS.

Attachment "A"

CAR WASH - MARSHALL ROAD PREPARED FOR WINDMEER ENTERPRISES, LLC SAN ANTONIO TEXAS	CIVIL SITE PLAN	DATE PREPARED DATE CHECKED DATE APPROVED DRAWN BY CHECKED BY APPROVED BY	Kimley»Horn <small>INCORPORATED</small> 2000 W. MARSHALL ROAD, SUITE 100 MARSHALL, TEXAS 75670 PHONE 940.336.1111 FAX 940.336.1112 WWW.KIMLEYHORN.COM	NO. _____ DATE _____ BY _____
		C1.0		REVISIONS DATE BY