

ORDINANCE 2019-12-05-1026

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 1 and the West 45 Feet of Lot 2, NCB 14843 from “R-6 MLOD-1 MLR-2 ERZD” Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District to “R-6 CD MLOD-1 MLR-2 ERZD” Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District with Conditional Use for an Assisted Living Facility with up to 16 residents.

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 finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- 1. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- 2. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

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 "A"** 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 will not change.

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 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.

SG/lj
12/05/2019
Z-23 Amended

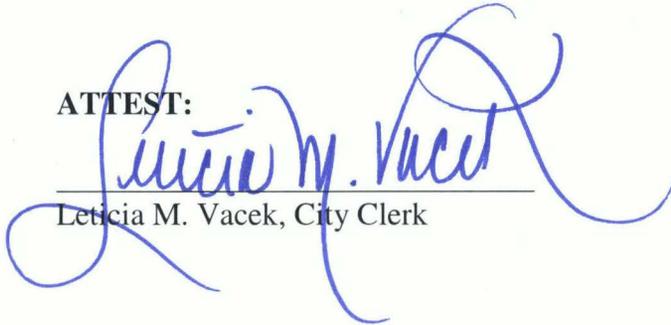
CASE NO. Z-2019-10700195

SECTION 12. This ordinance shall become effective December 15, 2019.

PASSED AND APPROVED this 5th day of December, 2019.


M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

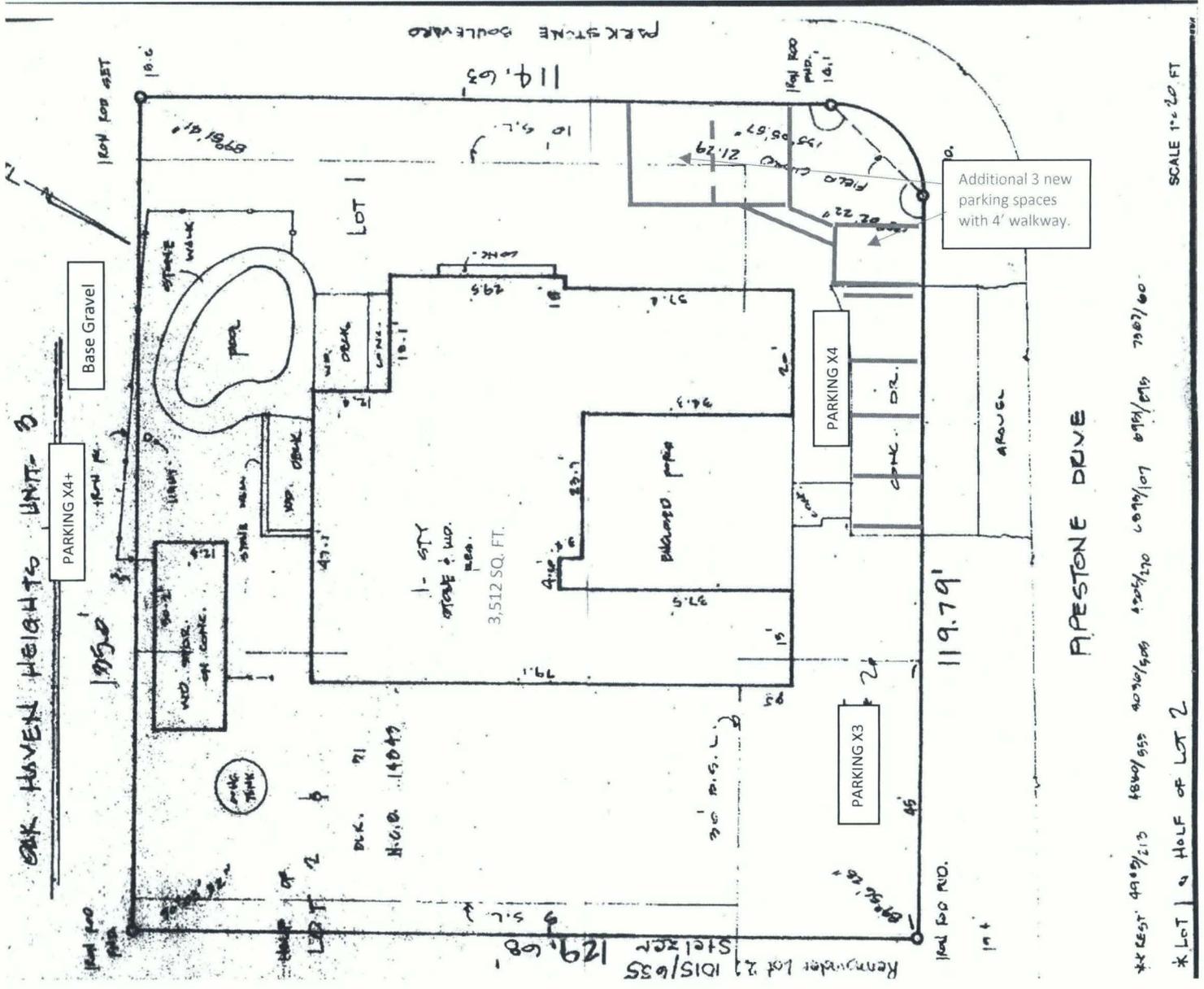
APPROVED AS TO FORM:



for Andrew Segovia, City Attorney

Agenda Item:	Z-23
Date:	12/05/2019
Time:	02:20:20 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE Z-2019-10700195 CD ERZD (Council District 9): Ordinance amending the Zoning District Boundary from "R-6 MLOD-1 MLR-2 ERZD" Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District to "R-6 CD MLOD-1 MLR-2 ERZD" Residential Single Family Camp Bullis Military Overlay Military Lighting Region 1 Edwards Recharge Zone District with Conditional Use to allow for an assisted living facility with up to sixteen (16) residents on Lot 1 and the West 45 Feet of Lot 2, NCB 14843, located at 2104 Pipestone Drive. Staff recommends Denial, with an Alternate Recommendation. Zoning Commission recommends Approval, with Conditions.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3		x				x
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6	x					
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8	x					
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				



SCALE 1" = 20' FT

LOT NO. *	BLOCK NO. 91	ADDITION OR SUBDIVISION	OAK HAVEN HEIGHTS
SECTION OR UNIT	U-3	N.C.B. NO.	4843
STREET ADDRESS	2104 PIPESTONE DRIVE	CITY	SAN ANTONIO
BEAR	COUNTY, TEXAS SURVEY FOR	CHICAGO	REFERENCE 961215

SEV Inc. dba Pipestone Place Assisted Living
 2104 Pipestone Dr. San Antonio TX 78232

1. Tabulation of number of Acres: 0.4649 acres. Dimension included in site plan.
2. Lot and building dimension requirements are met according to Sections 35-310 Table 310-1 of the United Developed Code.
3. All Parking dimension requirements are met according to Sections 35-209 of the United Developed Code.
4. Residential privacy fence at 6' has been used.
5. The intended use of this property is "Residential Use" only for Assisted Living Facility with 16 residents or less. Operating as a Small "B" Assisted Living for Seniors.
6. I, Samuel Vesa, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the United Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all city adopted Codes at the time of plan submittal for building permits.

Exhibit "A"