

AN ORDINANCE 2020-06-04-0391

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 21.6 acres out of NCB 17194 from "NP-10 ERZD" Neighborhood Preservation Edwards Recharge Zone District to "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District on 16.29 acres and "MF-18 ERZD" Limited Density Multi-Family Edwards Recharge Zone District on 5.313 acres.

SECTION 2. Allowing a fence up to eight (8) feet in height in accordance with Section 35-514(c)(2)(D) of the Unified Development Code for area abutting existing single-family residential zoning and land uses.

SECTION 3. A description of the property is attached as **Exhibit "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 35%.

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.

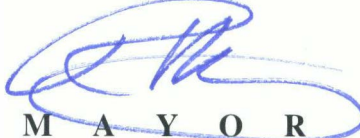
SECTION 8. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

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 14, 2020.


PASSED AND APPROVED this 4th day of June, 2020.


M A Y O R
Ron Nirenberg

ATTEST:


Tina Flores, Acting City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council

June 04, 2020

Item: Z-16

Enactment Number:

File Number: 20-3365

2020-06-04-0391

ZONING CASE Z-2019-10700322 ERZD (Council District 10): Ordinance amending the Zoning District Boundary from "NP-10 ERZD" Neighborhood Preservation Edwards Recharge Zone District to "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District on 16.29 acres and "MF-18 ERZD" Limited Density Multi-Family Edwards Recharge Zone District and allowing a fence up to eight (8) feet in height in accordance with Section 35-514(c)(2)(D) of the Unified Development Code, on 5.313 acres, a total of 21.6 acres out of NCB 17194, located in the 16600 block of Jones Maltsberger Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment PA-2019-11600094)

Councilmember Clayton H. Perry made a motion to approve. Councilmember Adriana Rocha Garcia seconded the motion. The motion passed by the following vote:

Aye: 9 Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Pelaez, Courage and Perry

Absent: 1 Nirenberg

Abstain: 1 Sandoval



**DESCRIPTION FOR
A 5.313 ACRE TRACT**

A **5.313 acre** tract of land situated in the Jacob Coll Survey No. 354, Abstract 281 and the Nicholas Sanchez Survey No. 355, Abstract 688, N.C.B. 17194, City of San Antonio, Bexar County, Texas, and being all of that called 5.314 acre tract of land as conveyed to Kimins Group, LLC and recorded in Volume 16288, Page 650 in the Official Public Records of Bexar County, Texas (O.P.R.), said 5.313 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with plastic cap stamped KFW SURVEYING (hereinafter referred to as SET KFW) set in the easterly R.O.W. of Jones Maltsberger Road (variable width R.O.W. at this point) in the northerly line of Lot 1 of Rios Subdivision, a plat of record in Volume 9527, Page 82, Deed and Plat Records of Bexar County, Texas (D.P.R.) and as conveyed to Paul Royal-Priest and recorded in Volume 18946, Page 192 in the O.P.R. and for the southeast corner of that called 0.712 acre FEE SIMPLE R.O.W. as dedicated to the City of San Antonio and recorded in Volume 14697, Page 533 in the O.P.R., and for the most westerly southwest corner of said 5.313 acre tract and the tract herein described, and at the beginning of a curve;

THENCE: along and with the easterly R.O.W. of Jones Maltsberger Road and the easterly line of said FEE SIMPLE R.O.W., and the westerly line of said 5.313 acre tract, the following three (3) courses:

1. the arc of said non-tangent curve to the **right** having a radius of **1507.00 feet**, through a central angle of **05°37'28"**, an arc length of **147.93**, and a chord bearing of **N 15°34'55" E** and chord length of **147.87 feet** to a SET KFW;
2. **S 71°36'21" E**, a distance of **28.00 feet** to a found ½" iron rod at the beginning of a curve;
3. the arc of said non-tangent curve to the **right** having a radius of **1479.00 feet**, through a central angle of **17°44'35"**, an arc length of **458.01**, and a chord bearing of **N 27°15'56" E** and chord length of **456.18 feet** to a SET KFW for the most westerly northwest corner of that called 4.539 acre tract of land as conveyed to Lamar Weston and recorded in Volume 18848, Page 2005 in the O.P.R. and for the most northerly corner of said 5.314 acre tract and the tract herein described;

THENCE: **S 21°47'58" E**, along and with the northeasterly line of said 5.314 acre tract and the southwesterly line of said 4.539 acre tract, a distance of **352.29 feet** to a ½" iron rod found for the southwest corner of said 4.539 acre tract and for the northwest corner of Lot 57, Block 101, N.C.B. 17194, Redland Ranch Estates Unit 2, a plat of record in Volume 9531, Page 193 in the D.P.R.;

THENCE: along and with the westerly lines of said Block 101, Redland Ranch Estates Unit 2 and the easterly lines of said 5.314 acre tract, the following three (3) courses:

1. **S 20°09'13" E**, a distance of **138.38 feet** to a ½" iron rod found for the southwest corner of said Lot 57, Block 101;

Exhibit "A"

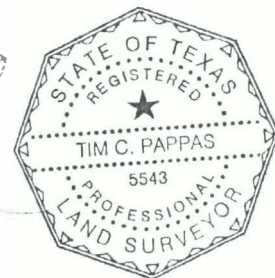
7-160 1.6/170

2. **S 11°59'07" E**, a distance of **153.42 feet** to a found nail in concrete;
3. **S 20°31'59" E**, passing at a distance of 115.73 feet a ½" iron rod with cap stamped RPLS 4612 found for the northwest corner of Lot 52, Block 101, passing at a distance of 220.65 feet a ½" iron rod found for the northwest corner of Lot 50, Block 101, passing at a distance of 300.95 feet a ½" iron rod found for the southwest corner of said Lot 50, Block 101, and continuing for a total distance of **353.66 feet** to a ½" iron rod found in the northeasterly line of that called 16.297 acre tract of land as conveyed to Patrick N. Kimbrell and spouse Diana Kimbrell and recorded in Volume 6909, Page 1031 in the O.P.R., and for an angle point in Lot 49, Block 101, and for the most southeasterly corner of said 5.314 acre tract and the tract herein described;

THENCE, N 56°46'50" W, along and with the northeasterly line of said 16.297 acre tract and the southwesterly line of said 5.314 acre tract, a distance of **398.40 feet** to a SET KFW for the most northerly northwest corner of said 16.297 acre tract and for the northeast corner of said Lot 1, Rios Subdivision;

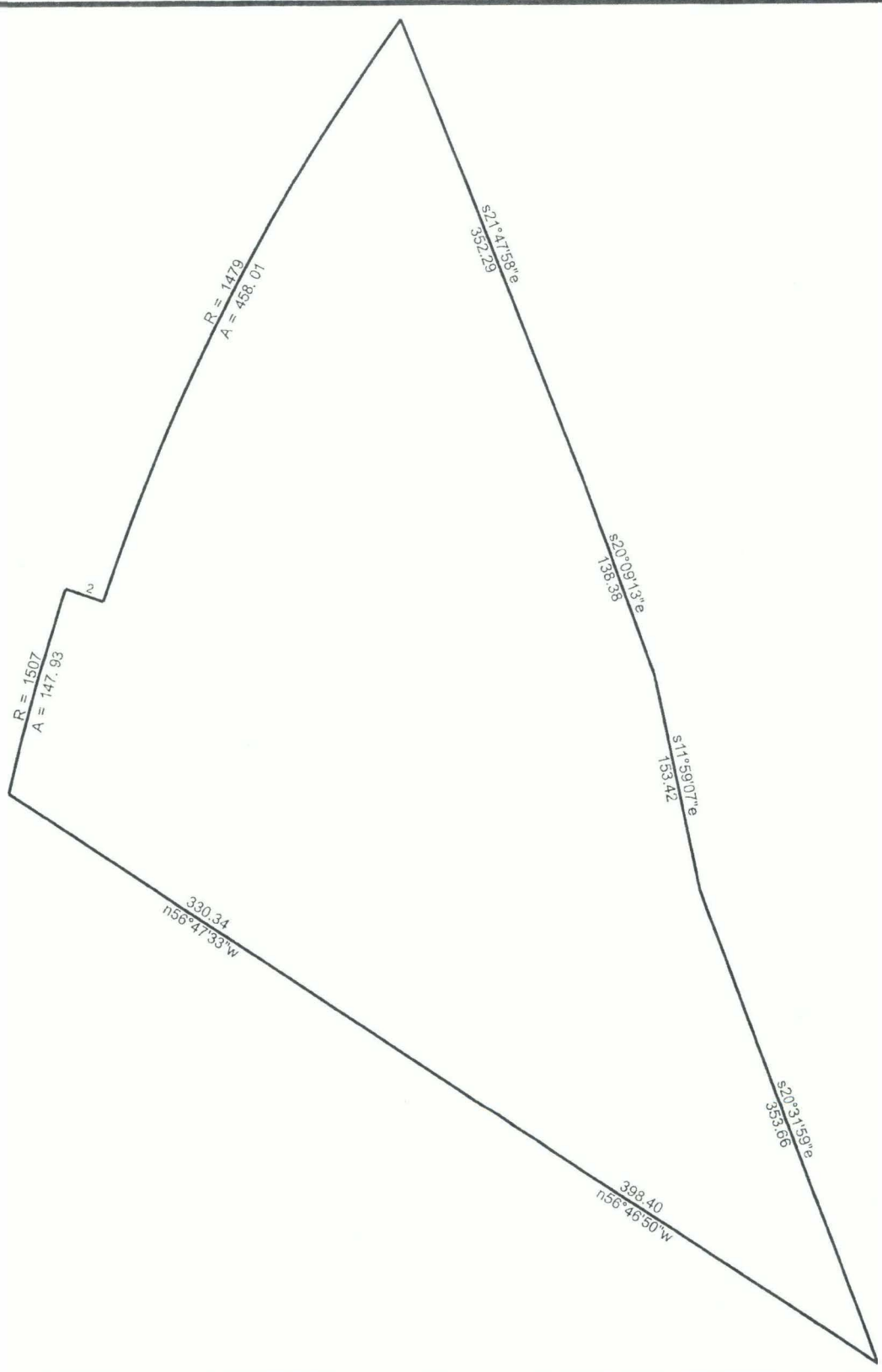
THENCE: N 56°47'33" W, along and with the northeasterly line of said Lot 1, Rios Subdivision and the southwesterly line of said 5.314 acre tract, a distance of **330.34 feet** to the **POINT OF BEGINNING** and containing **5.313 acres** or 231,418 square feet, more or less, in the City of San Antonio, Bexar County, Texas, and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

20 JULY
2019

Job No.: 19-061
 Prepared by: KFW Surveying
 Date: July 20, 2019
 File:

S:\Draw 2019\19-061 16190 Jones Maltzberger Road ALTA\DOCS\19-061 5.313 ac DESC TCP 072019.doc



7/19/2019

Scale: 1 inch= 109 feet

File:

Tract 1: 5.3126 Acres (231419 Sq. Feet), Closure: s36.3823e 0.01 ft. (1/339996), Perimeter=2360 ft.

- 01 Rt, r=1507.00, arc=147.93, chord=n15.3455e 147.87
- 02 s71.3621e 28.00
- 03 Rt, r=1479.00, arc=458.01, chord=n27.1556e 456.18
- 04 s21.4758e 352.29
- 05 s20.0913e 138.38
- 06 s11.5907e 153.42
- 07 s20.3159e 353.66
- 08 n56.4650w 398.40
- 09 n56.4733w 330.34

**DESCRIPTION FOR
A 16.29 ACRE TRACT**

A **16.29 acre** tract of land situated in the Nicholas Sanchez Survey No. 355, Abstract 688, N.C.B. 17194, City of San Antonio, Bexar County, Texas, and being all of that called 16.297 acre tract of land as conveyed to Patrick N. Kimbrell and spouse Diana Kimbrell and recorded in Volume 6909, Page 1031 in the Official Public Records of Bexar County, Texas (O.P.R.), said 16.29 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a PK nail with washer stamped KFW SURVEY (herein after referred to as SET PK) set in the easterly R.O.W. of Jones Maltsberger Road (variable width R.O.W. at this point) for the southwest corner of Lot 1 of Rios Subdivision, a plat of record in Volume 9527, Page 82, Deed and Plat Records of Bexar County, Texas (D.P.R.) and as conveyed to Paul Royal-Priest and recorded in Volume 18946, Page 192 in the O.P.R. and for the most westerly northwest corner of said 16.297 acre tract and the tract herein described;

THENCE: along and with the northerly lines of said 16.297 acre tract and the southerly lines of said Lot 1, Rios Subdivision, the following six (6) courses:

1. **S 62°45'51" E**, a distance of **24.46 feet** to a SET PK;
2. **S 75°03'30" E**, a distance of **50.62 feet** to a SET PK;
3. **S 73°17'20" E**, a distance of **56.50 feet** to a ½" iron rod with plastic cap stamped KFW SURVEYING (hereinafter referred to as SET KFW);
4. **S 65°41'11" E**, a distance of **73.76 feet** to a SET KFW;
5. **S 79°23'04" E**, a distance of **120.91 feet** to a SET PK;
6. **S 74°57'04" E**, a distance of **7.61 feet** to a SET PK for the southeast corner of said Lot 1, Rios Subdivision;

THENCE: **N 02°24'28" E**, along and with the easterly line of said Lot 1, Rios Subdivision and the westerly line of said 16.297 acre tract, a distance of **350.17 feet** to a SET KFW in the southerly line of that called 5.314 acre tract of land as conveyed to Kimins Group, LLC and recorded in Volume 16288, Page 650 in the O.P.R. for the northeast corner of said Lot 1, Rios Subdivision and for the most northerly northwest corner of said 16.297 acre tract and the tract herein described;

THENCE, **S 56°46'50" E**, along and with the northeasterly line of said 16.297 acre tract and the southwesterly line of said 5.314 acre tract, a distance of **398.40 feet** to a ½" iron rod found for an angle point in the westerly line of Lot 49, Block 101, N.C.B. 17194, Redland Ranch Estates Unit 2, a plat of record in Volume 9531, Page 193 in the D.P.R.;

THENCE: **S 56°48'03" E**, along and with the northeasterly line of said 16.297 acre tract of land and the southwesterly line of said Block 101, Redland Ranch Estates Unit 2, and also the southwesterly line of Block 101, N.C.B. 17194, Redland Ranch Estates Unit 1, a plat of record in Volume 9530, Page 188 in the D.P.R., a distance of **558.72 feet** to a fence post corner found for the most southerly corner of Lot 32, Block 101, Redland Ranch Estates Unit 1, and for the northwest corner of that called 1.3387 acre tract of land (Tract II) as conveyed to Ryan J. Shoquist and recorded in Volume 16288, Page 650 in the O.P.R., and for an exterior northeast corner of said 16.297 acre tract and the tract herein described;

THENCE: **S 11°17'15" E**, along and with the easterly line of said 16.297 acre tract and the westerly line of said 1.3387 acre tract, a distance of **563.87 feet** to the southwest corner of said 1.3387 acre tract and an exterior corner of that called 53.852 acre tract of land as conveyed to Matiraan, Ltd. and recorded in Volume 13285, Page 1746 in the O.P.R., from which point a found ½" iron rod bears **N55°31'48" E**, a distance of 1.23 feet;

THENCE: **S 10°50'24" E**, along and with the common line of said 16.297 acre tract and said 53.852 acre tract, a distance of **55.67 feet** to a 1" iron pipe found for the southeast corner of said 16.297 acre tract and the tract herein described, and for an angle point in the northerly line of said 53.852 acre tract;

THENCE: S 87°00'00" W, along and with the northerly line of said 53.852 acre tract and the southerly line of said 16.297 acre tract, a distance of **805.43 feet** to a fence corner post found for the southeast corner of that called 5.0 acre tract of land as conveyed to Dorothy J. Kellogg and recorded in Volume 10991, Page 1343 in the O.P.R. and for the southwest corner of said 16.297 acre tract and the tract herein described;

THENCE: N 02°57'19" W, along and with the westerly line of said 16.297 acre tract and the easterly line of said 5.0 acre tract, a distance of **480.53 feet** to a ½" iron rod found for the northeast corner of said 5.0 acre tract and in the southerly line of Lot 1, Block 1, Tull Subdivision, a plat of record in Volume 9527, Page 107 in the D.P.R. and that called 2.1749 acre tract of land conveyed to Bell-Cox Owners Association, Inc. and recorded in Volume 8068, Page 940 in the O.P.R.;

THENCE: along and with the common lines of said 16.297 acre tract and said Lot 1, Block 1, Tull Subdivision, the following three (3) courses:

1. **N 89°31'56" E**, a distance of **29.22 feet** to a ½" iron rod found for the southeast corner of said Lot 1, Block 1, Tull Subdivision;
2. **N 03°08'48" W**, a distance of **223.24 feet** to a ½" iron rod found for the northeast corner of said Lot 1, Block 1, Tull Subdivision;
3. **N 75°15'28" W**, passing at a distance of 257.68 feet a ½" iron rod found for the northwest corner of said 2.1749 acre tract and for the northeast corner of that called 0.7217 acre tract of land as conveyed to Bell-Cox Owners Association and recorded in Volume 8068, Page 940 in the O.P.R., and continuing for a total distance of **462.18 feet** to a SET PK in the easterly R.O.W. of Jones Maltsberger Road for the most westerly southwest corner of said 16.297 acre tract and the tract herein described;

THENCE: N 02°38'50" E, along and with the easterly R.O.W. of Jones Maltsberger Road, a distance of **98.70 feet** to the **POINT OF BEGINNING** and containing **16.29 acres** or 709,733 square feet, more or less, in the City of San Antonio, Bexar County, Texas, and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

20 JULY 2019




Job No.: 19-061
Prepared by: KFW Surveying
Date: July 20, 2019
File: S:\Draw 2019\19-061 16190 Jones Maltsberger Road ALTA\DOCS\19-061 16.29 ac DESC TCP 072019.doc