

AN ORDINANCE 2015-10-01-0851

**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 Lots 3,4, and 5, Block 13, NCB 3867 from "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District to "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for a Museum on 0.1485 acres out of NCB 3867 and to "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on 0.4501 acres out of NCB 3867.

**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.** 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.
- E. The conditional use will not affect adversely the public health, safety and welfare.

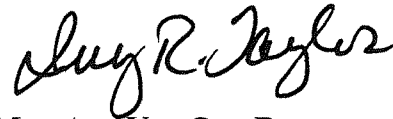
**SECTION 4.** The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

**SECTION 5.** 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 6.** 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 7.** This ordinance shall become effective October 11<sup>th</sup>, 2015.

**PASSED AND APPROVED** this 1<sup>st</sup> day of October, 2015.

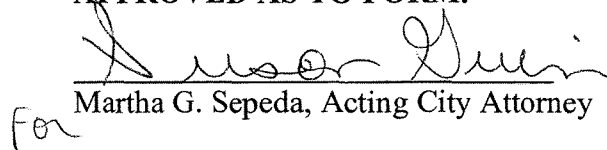


M A Y O R  
Ivy R. Taylor

ATTEST:

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Martha G. Sepeda, Acting City Attorney  
for

|                     |  |
|---------------------|--|
| <b>Agenda Item:</b> | Z-4  |
| <b>Date:</b>        | 10/01/2015   |
| <b>Time:</b>        | 03:15:10 PM  |
| <b>Vote Type:</b>   | Motion to Approve  |
| <b>Description:</b> | ZONING CASE # Z2015270 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District to "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with Conditional Use for a Museum on 0.1485 acres out of NCB 3867 and "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with Conditional Use for a Non-Commercial parking Lot on 0.4501 acres out of NCB 3867, located at 1106, 1110, and 1112 East Mulberry Avenue. Staff and Zoning Commission recommend Approval. |
| <b>Result:</b>      | 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   |     |         | x      |        |
| Rebecca Viagran    | District 3  |             | 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   |     |         |        |        |

Exhibit A: Property Conditional Zoning for Museum Use

# BURY

0.1485 ACRES  
(6468 Sq. Ft.)  
100010-50343ex3.dwg

FN NO. 100010-50343-4  
August 11, 2015  
JOB NO. 100010-50343.97

FIELD NOTE DESCRIPTION  
FOR REZONING

Of a 0.1485 acre (6468 square feet) tract of land, consisting of a portion of Lot 3, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Veronica Zabith in Deed Volume 14736, Page 1779; a portion of Lot 4 and Lot 5, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Mulberry Developers, LLC in Deed Volume 16887, Page 744 and Volume 16887, Page 631, all of the Official Public Records of Bexar County, Texas; said 0.1485 acre tract being more particularly described by Metes and Bounds as follows with all bearings being referenced to the North American Datum, 1983, Texas Coordinate System, South Central Zone;

Beginning, at a found "X" on the Southerly right-of-way line of E. Mulberry Street (50' R.O.W.) and being the Northeast corner of said Lot 5; said point also being the Northwesterly corner of Lot 5, Block 3, New City Block 9021, as conveyed to Brack Hill Investors LLC in Document No. 20130035514 of the Official Public Records of Bexar County, Texas;

Thence, S 48° 55' 40" W, 27.52 feet, along the common line of said Lot 5, Block 13 and Lot 5, Block 3, to a point for corner;

Thence, crossing said Lots 5, Lot 4 and Lot 3, Block 13, along the southern lines of the herein described tract, as follows:

N 41° 04' 20" W, 16.51 feet, to a point for corner;

N 57° 51' 50" W, 64.45 feet, to a point for corner;

S 51° 33' 03" W, 48.09 feet, to a point for corner;

N 59° 03' 03" W, 32.23 feet, to a point for corner;

N 31° 15' 03" E, 34.51 feet, to a point for corner;

N 56° 56' 37" W, 54.66 feet, to a point on the Westerly line of said Lot 3, for the Southwesterly corner of the herein described tract; said point also being the Northeasterly corner of a 1.323 acre tract as conveyed to The San Antonio Children's Museum in Deed Volume 15183, Page 1055 of the Official Public Records of Bexar County, Texas;

Thence, N 33° 06' 49" E, 31.73 feet, along the common line of said Lot 3 and the 1.323 acre tract, to a point on the Southerly right-of-way line of E. Mulberry, for the Northwesterly corner of the herein described tract of land;

Thence, along the Southerly right-of-way line of E. Mulberry and the Northerly lines of Lot3, Lot 4 and Lot 5, as follows:

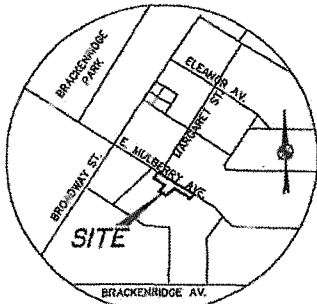
S 58° 10' 28" E, 100.27 feet, to a found 1/4-inch iron rod for corner;

S 57° 49' 23" E, 87.79 feet, to the Point of Beginning, containing 0.1485 acres (6468 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Hal B. Lane III 8/12/15  
Hal B. Lane III  
Registered Professional Land Surveyor  
Texas Registration Number 4690  
BURY  
922 Isom Road, Suite 100  
San Antonio, Texas 78216  
210/525-9090  
TBPLS Firm No. 101075-01

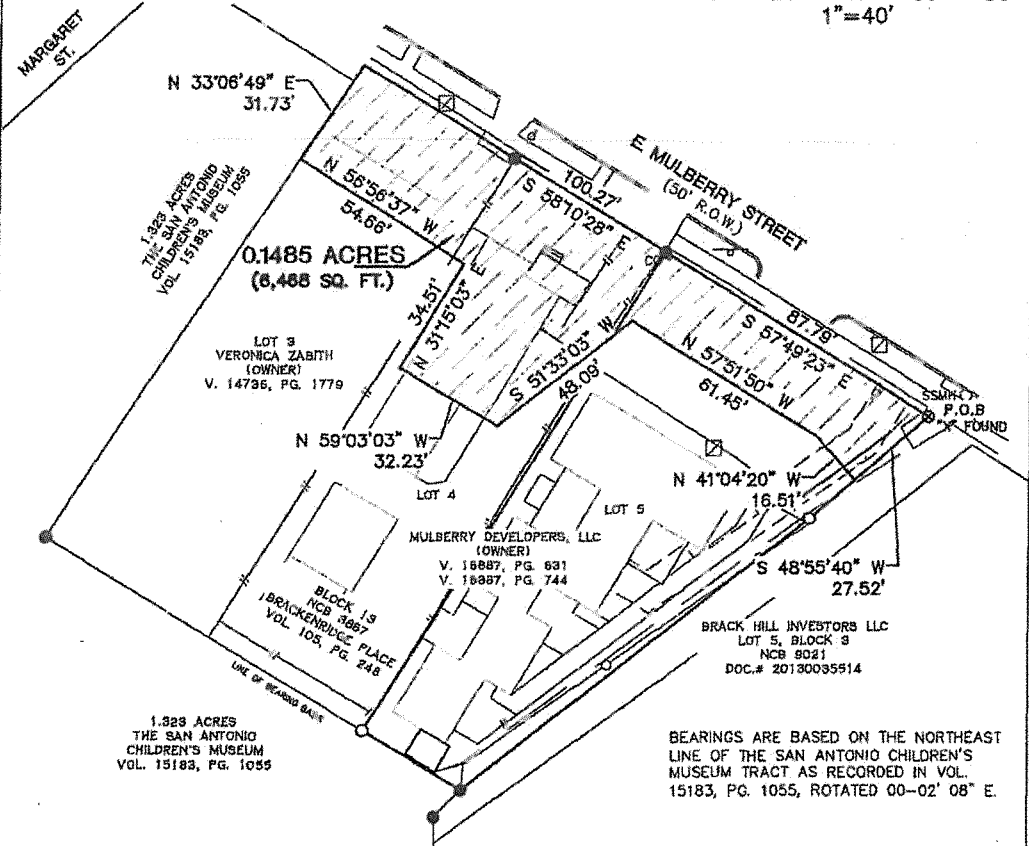
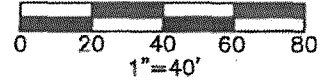




VICINITY MAP  
N.T.S.  
SAN ANTONIO, TEXAS

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ POWER POLE
- ⊖ DOWN GUY
- ⊕ WASTEWATER CLEANOUT
- ⊕ SIGN
- ⊕ WATER METER
- ⊕ WOOD FENCE
- CHAIN LINK FENCE



**BURY**

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EXHIBIT

OF A 0.1485 ACRE TRACT LOCATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF LOTS 3-5, BLOCK 13, NCB 3867, BRACKENRIDGE PLACE, CITY OF SAN ANTONIO, A SUBDIVISION OF RECORD IN VOLUME 105, PAGE 248 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

MULBERRY DEVELOPERS, LLC  
&  
VERONICA ZABITH

DATE: 08-12-15

SCALE: 1"=40'

DRAWN BY: HL

FILE: 100110-00143-EX-3.dwg

PROJECT No: R010010-0004

**Exhibit B: Property with Conditional Zoning for a non-commercial parking lot**

**Z2015270**

**BURY**

0.4501 ACRES  
(19,605 Sq. Ft.)  
100010-50343ex4.dwg

FN NO. 100010-50343-5  
August 11, 2015  
JOB NO. 100010-50343.97

**FIELD NOTE DESCRIPTION  
FOR REZONING**

Of a 0.4501 acre (19,605 square feet) tract of land, consisting of a portion of Lot 3, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Veronica Zabith in Deed Volume 14736, Page 1779; a portion of Lot 4 and Lot 5, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Mulberry Developers, LLC in Deed Volume 16887, Page 744 and Volume 16887, Page 631, all of the Official Public Records of Bexar County, Texas; said 0.4501 acre tract being more particularly described by Metes and Bounds as follows with all bearings being referenced to the North American Datum, 1983, Texas Coordinate System, South Central Zone;

**Commencing**, at a found "X" on the Southerly right-of-way line of E. Mulberry Street (50' R.O.W.) and being the Northeast corner of said Lot 5; said point also being the Northwesterly corner of Lot 5, Block 3, New City Block 9021, as conveyed to Brack Hill Investors LLC in Document No. 20130035514 of the Official Public Records of Bexar County, Texas;

**Thence**, S 48° 55' 40" W, 27.52 feet, along the common line of said Lot 5, Block 13 and Lot 5, Block 3, to the **Point of Beginning** for the herein described tract of land;

**Thence**, along the common line of said Lot 5, Block 13 and Lot 5, Block 3, as follows:

S 48° 55' 40" W, 16.72 feet, to a point for corner;

S 51° 35' 40" W, 124.23 feet, to a found 1/2-inch iron rod at the Southeasterly corner of said Lot 5, Block 13, for the Southeast corner of the herein described tract; said point also being the most Easterly corner of a called 1.323 acre tract as conveyed to The San Antonio Children's Museum in Volume 15183, Page 1055 of the Official Public Records of Bexar County, Texas;

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**Thence**, N 58° 19' 16" W, 136.63 feet along the common line of said 1.323 acre tract and Lots 5, 4 and 3, Block 13, to a found 1/2-inch iron rod for the Southwest corner of the herein described tract of land;

**Thence**, N 33° 06' 32" E, 128.39 feet, along the common line of said 1.323 acre tract and Lot 3, Block 13, to a point for the Northwest corner of the herein described tract;

**Thence**, crossing said Lot 3, Lot 4 and Lot 5, Block 13, as follows:

S 56° 56' 37" e, 54.66 feet, to a point for corner;

S 31° 15' 03" W, 34.51 feet, to a point for corner;


S 59° 03' 03" E, 32.23 feet, to a point for corner;

N 51° 33' 03" E, 48.09 feet, to a point for corner;

S 57° 51' 50" E, 61.45 feet, to a point for corner;

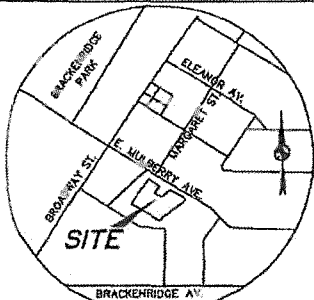
S 41° 04' 20" E, 16.51 feet, to the **Point of Beginning**, containing 0.4501 acres (19,605 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

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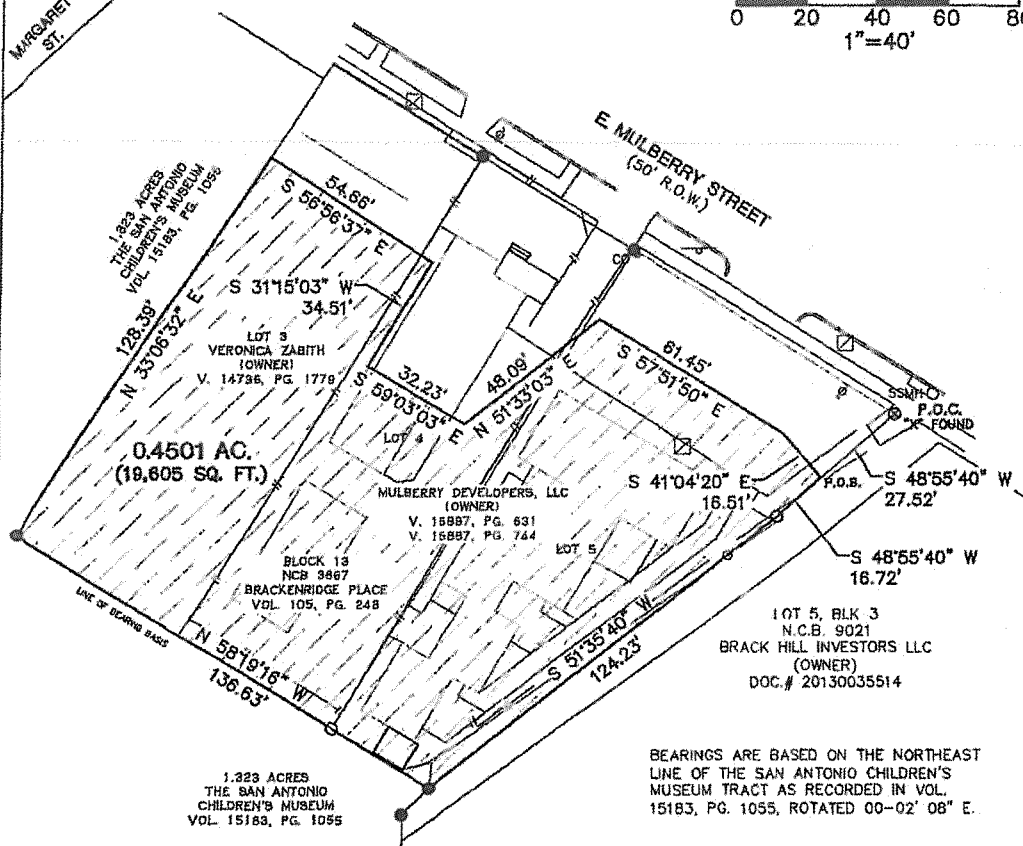
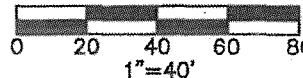




VICINITY MAP  
N.T.S.  
SAN ANTONIO, TEXAS

LEGEND

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- 1/2" IRON ROD SET
- ⊕ POWER POLE
- DOWN GUY
- WASTEWATER CLEANOUT
- SIGN
- ⊗ WATER METER
- WOOD FENCE
- CHAIN LINK FENCE



**BURY**

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EXHIBIT

OF A 0.4501 ACRE TRACT LOCATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF LOTS 3-5, BLOCK 13, NCB 3887, BRACKENRIDGE PLACE, CITY OF SAN ANTONIO, A SUBDIVISION OF RECORD IN VOLUME 105, PAGE 248 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

MULBERRY DEVELOPERS, LLC  
&  
VERONICA ZABITH

DATE: 08-12-15

SCALE: 1"=40'

DRAWN BY: HBL

FILE: 1000P19\_MCD03AHEAD14.dwg

PROJECT No: 100009110-50250

11/11/2015 10:51 AM - Value: \$1000000.00 - created by: gencor on Aug 11 10:51 AM

