

ORDINANCE 2020-11-05-0814

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 63.302 acres out of NCB 17700 and CB 4782 from "C-2 UC-1 MLOD-1 MLR-1 ERZD AHOD" Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District and "R-6 UC-1 MLOD-1 MLR-1 ERZD AHOD" Residential Single-Family IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone Hazard Overlay District and "R-6 UC-1" Residential Single-Family IH-10/FM 1604 Urban Corridor District to "C-3 S UC-1 ERZD" General Commercial IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District and "C-3 S ERZD" General Commercial Edwards Recharge Zone District with a Specific Use Authorization for a Noncommercial Parking Lot on 34.298 acres out of NCB 17700 and CB 4782 and "C-3 CD S ERZD" General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Authorization for Warehousing and "C-3 CD S UC-1 ERZD" General Commercial IH-10/FM 1604 Urban Corridor Edward Recharge Zone District with a Conditional Use and Specific Use Authorization for Warehousing and "C-3 CD S UC-1" General Commercial IH-10/FM 1604 Urban Corridor with a Conditional Use and Specific Use Authorization for Warehousing on 29.004 acres out of NCB 17700 and CB 4782 (all "MLOD-1 MLR-1 AHOD" Camp Bullis Military Lighting Overlay Military Lighting Region-1 Airport Hazard Overlay District overlays to remain unchanged).

SECTION 2. A description of the property is attached as **Exhibit "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.

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 "B"** and made a part hereof and incorporated herein for

all purposes.

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 November 15, 2020.

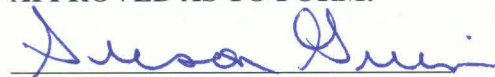
PASSED AND APPROVED this 5th day of November, 2020.

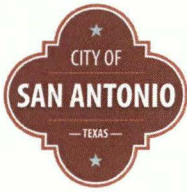

M A Y O R
Ron Nirenberg

ATTEST:


Tina J. Flores, City Clerk

APPROVED AS TO FORM:


for Andrew Segovia, City Attorney



City of San Antonio

City Council

November 05, 2020

Item: Z-20

Enactment Number:

File Number: 20-6294

2020-11-05-0814

ZONING CASE Z-2020-10700163 CD S ERZD (Council District 8): Ordinance amending the Zoning District Boundary from "C-2 UC-1 MLOD-1 MLR-1 ERZD AHOD" Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone Airport Hazard Overlay District and "R-6 UC-1 MLOD-1 MLR-1 ERZD AHOD" Residential Single-Family IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone Airport Hazard Overlay District and "R-6 UC-1" Residential Single-Family IH-10/FM 1604 Urban Corridor District to "C-3 S UC-1 ERZD" General Commercial IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District and "C-3 S ERZD" General Commercial Edwards Recharge Zone District with a Specific Use Authorization for a Noncommercial Parking Lot on 34.298 acres out of NCB 17700 and CB 4782 and "C-3 CD S ERZD" General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Authorization for Warehousing and "C-3 CD S UC-1 ERZD" General Commercial IH-10/FM 1604 Urban Corridor Edward Recharge Zone District with a Conditional Use and Specific Use Authorization for Warehousing and "C-3 CD S UC-1" General Commercial IH-10/FM 1604 Urban Corridor with a Conditional Use and Specific Use Authorization for Warehousing on 29.004 acres out of NCB 17700 and CB 4782 (all "MLOD-1 MLR-1 AHOD" Camp Bullis Military Lighting Overlay Military Lighting Region-1 Airport Hazard Overlay District overlays to remain unchanged), generally located at 4886 West Loop 1604 North. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment PA-2020-11600045)

Councilmember Jada Andrews-Sullivan made a motion to approve. Councilmember Adriana Rocha Garcia seconded the motion. The motion passed by the following vote:

Aye: 10 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Courage and Perry

Absent: 1 Pelaez

SG
11/05/2020
Item No. Z-20

Exhibit “A”

**A METES AND BOUNDS DESCRIPTION OF
C-3 ZONING 1 – 29.004 ACRES**

BEING a 29.004 acres (2,757,449 square feet) tract of land, situated in the Collin C. McCrae Survey, Abstract 482, County Block 4782, New City Block (N.C.B.) 17700, City of San Antonio, Bexar County, Texas; and being comprised of a called 37.159 acres tract of land, a called 11.642 acres tract of land, and the remainder of a called 14.530 acres tract of land, all three tracts being described to Bennie SeJan, MickeyLee Edmund Varnes, and Betty Jane Sales as shown on Instrument recorded in Volume 6968, Page 1702 of the Official Public Records of Bexar County, Texas; all of a called 1.000 acre tract of land, as described to Betty Jane Beatrice Varnes Sales and shown on Instrument recorded in Document No. 20180055360 of the Official Public Records of Bexar County, Texas; and all of a second called 1.000 acre tract of land, as described to MickeyLee Edmund Varnes and shown on Instrument recorded in Document No. 20110222253 of the Official Public Records of Bexar County, Texas; and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic surveyor's cap stamped "Pape Dawson" found at the intersection of the northerly right-of-way line of State Loop 1604 (A.K.A. Charles W. Anderson Loop, 300' R.O.W. width), and the easterly right-of-way line of Lou Mell Road (called 40' R.O.W. width), as shown on plat recorded in Volume 9544, Page 125 of the Deed and Plat Records of Bexar County, Texas; for the southwest corner of said 14.530 acre tract and the southwest corner of this tract;

THENCE, North 00°29'32" East, departing the northerly right-of-way line of said State Loop 1604, along the easterly right-of-way line of said Lou Mell Road, at 895.81 feet passing a 1/2" iron rod found at the northwest corner of said 14.530 acre tract and the southwest corner of said 11.642 acre tract, for a line marker, then continuing along the west boundary line of said 11.642 acre tract, in all a distance of 1275.47 feet to a point for the northwest corner of this tract;

THENCE, South 65°39'32" East, departing the easterly right-of-way line of said Lou Mell Road, across said 11.642 acre tract and said 37.159 acre tract, a distance of 2010.94 feet to a point in the northerly right-of-way line of said State Loop 1604 and the southerly boundary line of said 37.159 acre tract for the east corner of this tract;

THENCE, in a southwesterly direction along the northerly right-of-way line of said State Loop 1604 and following a curve to the right with a central angle of 15°18'01", a radius of 5540.89 feet, a chord bearing and distance of South 74°39'46" West, 1475.24 feet, and a total arc length of 1479.63 feet to a brass disk found in the south boundary line of said 14.530 acre tract, for an angle corner of this tract;

THENCE, South 82°21'49" West, 424.21 feet continuing along the northerly right-of-way line of said State Loop 1604 to the **POINT OF BEGINNING** and containing 29.004 acres of land, more or less, in Bexar County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83). All distances shown are on the GRID and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.


Zachary Keith Petrus
Registered Professional Land Surveyor No. 6769
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-307-4356
Zach.Petrus@Kimley-Horn.com



**A METES AND BOUNDS DESCRIPTION OF
C-3 ZONING 2 – 34.298 ACRES**

BEING a 34.298 acres (2,757,449 square feet) tract of land, situated in the Collin C. McCrae Survey, Abstract 482, County Block 4782, New City Block (N.C.B.) 17700, City of San Antonio, Bexar County, Texas; and being comprised of a portion of a called 37.159 acres tract of land and a portion of a called 11.642 acres tract of land, both tracts being described to Bennie SeJan, Mickeylee Edmund Varnes, and Betty Jane Sales as shown on Instrument recorded in Volume 6968, Page 1702 of the Official Public Records of Bexar County, Texas; and being more particularly described as follows:

COMMENCING at a 1/2" iron rod with plastic surveyor's cap stamped "Pape Dawson" found at the intersection of the northerly right-of-way line of State Loop 1604 (A.K.A. Charles W. Anderson Loop, 300' R.O.W. width), and the easterly right-of-way line of Lou Mell Road (called 40' R.O.W. width), as shown on plat recorded in Volume 9544, Page 125 of the Deed and Plat Records of Bexar County, Texas; and at the southwest corner of the remainder of a called 14.530 acre tract of land described to Bennie SeJan, Mickeylee Edmund Varnes, and Betty Jane Sales as shown on Instrument recorded in Volume 6968, Page 1702 of the Official Public Records of Bexar County, Texas;

THENCE, North 00°29'32" East, departing the northerly right-of-way line of said State Loop 1604, along the easterly right-of-way line of said Lou Mell Road, at 895.81 feet passing a 1/2" iron rod found at the northwest corner of said 14.530 acre tract and the southwest corner of said 11.642 acre tract, for a line marker, then continuing along the west boundary line of said 11.642 acre tract, in all a distance of 1275.47 feet to the **POINT OF BEGINNING** for the southwest corner of this tract;

THENCE, North 00°29'32" East, continuing along the easterly right-of-way line of said Lou Mell Road and the west boundary line of said 11.642 acre tract, a distance of 228.63 feet to an axle found at the southwest corner of a called 146.9 acre tract of land described to Martin Marietta Real Estate Investments, Inc. as shown on Instrument recorded in 20160009185 of the Official Public Records of Bexar County, Texas; and further described on Instrument recorded in 20060079770 of the Official Public Records of Bexar County, Texas; for the northwest corner of said 11.642 acre tract and the northwest corner of this tract;


THENCE, South 89°06'00" East, along the south boundary line of said 146.9 acre tract, at 789.84 feet passing a 1/2" iron rod found at the northeast corner of said 11.642 acre tract and the northwest corner of said 37.159 acre tract, for a line marker, then continuing along the north boundary line of said 37.159 acre tract, in all a distance of 1686.67 feet to a 1/2" iron rod found at an angle corner of said 146.9 acre tract, for an angle corner of this tract;

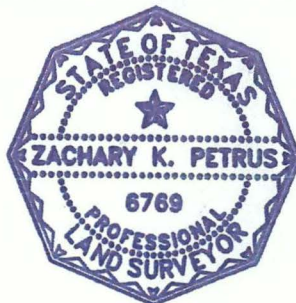
THENCE, South 88°55'33" East, 510.25 feet continuing along the south boundary line of said 146.9 acre tract to an axle found in the west boundary line of a called 8.500 acres tract of land, as described to the House of Prayer Evangelism Center, Inc. and shown on Instrument recorded in Volume 8306, Page 214 of the Official Public Records of Bexar County, Texas; at a southeast corner of said 146.9 acre tract, for the northeast corner of said 37.159 acre tract and the northeast corner of this tract;

THENCE, South 00°25'12" West, along the west boundary line of said 8.500 acre tract, at 366.17 feet passing an iron rod with plastic surveyor's cap stamped "Jones|Carter" found at a southwest corner of said 8.500 acre tract and the northwest corner of Lot 1, Block 1 of The Ridge Subdivision, as shown on Plat recorded in Volume 9601, Page 137 of the Deed and Plat Records of Bexar County, Texas; then continuing along the west boundary line of said Lot 1, in all a distance of 853.16 feet to a 1/2" iron rod with plastic surveyor's cap stamped "KHA" set in the northerly right-of-way line of said State Loop 1604, at the southwest corner of said Lot 1, for the southeast corner of said 37.159 acre tract and the southeast corner of this tract;

THENCE, in a southwesterly direction along the northerly right-of-way line of said State Loop 1604 and following a curve to the right with a central angle of 04°06'41", a radius of 5540.89 feet, a chord bearing and distance of South 64°57'25" West, 397.51 feet, and a total arc length of 397.60 feet to a point for the south corner of this tract;

THENCE, North 65°39'32" West, departing the northerly right-of-way line of said State Loop 1604, across said 37.159 acre tract and said 11.642 acre tract, a distance of 2010.94 feet to the **POINT OF BEGINNING** and containing 34.298 acres of land, more or less, in Bexar County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83). All distances shown are on the GRID and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.


Zachary Keith Petrus
Registered Professional Land Surveyor No. 6769
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-307-4356
Zach.Petrus@Kimley-Horn.com

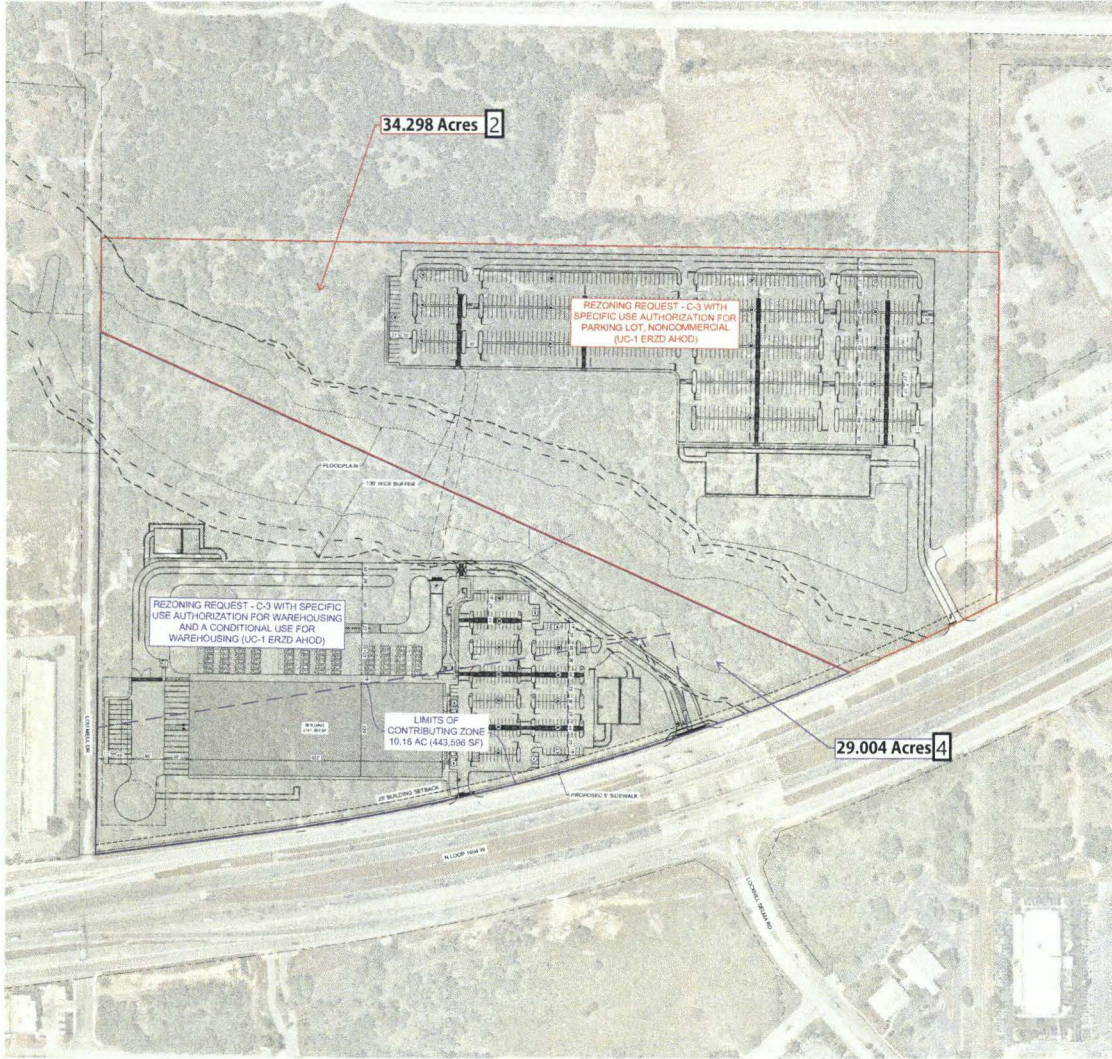


SG
11/05/2020
Item No. Z-20

Exhibit “B”

ZONING CASE Z-2020-10700163 CD S ERZD
Revised Site Plan: 10-5-2020

1



| SITE DATA TABLE | |
|----------------------------|--------------|
| TOTAL PROJECT AREA | 34.298 ACRES |
| APPLICABLE ZONING DISTRICT | CD S ERZD |
| COMMITTEE CHAIR | BOB LEE |

NOT FOR CONSTRUCTION
FOR REVIEW

Kimley Horn

FOR INFORMATIONAL PURPOSES ONLY

ZONING SITE PLAN

4886 N LOOP 1604 W
 SAN ANTONIO, TEXAS
 SHEET NO. 01
 SC 1

NOTE: Subject to City of San Antonio permitting approval, the project may have temporary access onto Lou Mell Drive during construction of other driveway and access improvements on the Property.

Exhibit "B"

We, Mickey Lee Edmund Varney, Violet Sales Halsey /via Violet B. Vase, Barry E. Sales, and Laurie A. Latta, Co-Trustees of the Barry Lawrence Sales Family Trust, Andrew Joseph Brian Trustee, Andrew Joseph Brian Exempt Trust, Betty Jane Beatrice James Sales Trustee, Betty Jane Beatrice James Sales Exempt Trust, Mickey Lee Edmund Varney, Trustee, Mickey Lee Edmund Varney Exempt Trust, Betty Jane Beatrice James Sales, the property owners, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, we understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve us from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.