

ORDINANCE 2019-09-19-0791

**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 2.919 acres out of CB 4865 and 4926 from "C-2 GC-3 MLOD-1 MLR-2 ERZD" Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District and "MXD GC-3 MLOD-1 MLR-2 ERZD" Mixed-Use US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "MF-25 GC-3 MLOD-1 MLR-2 ERZD" Low Density Multi-Family US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District.

**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.** 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 50%.

**SECTION 4.** 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 5.** 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 6.** 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.

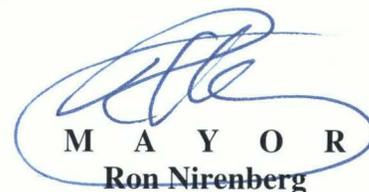
**SECTION 7.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

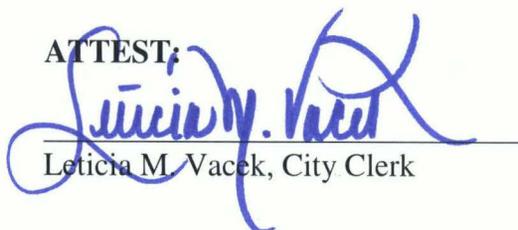
**SECTION 8.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 9.** 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 10.** This ordinance shall become effective September 29, 2019.

**PASSED AND APPROVED** this 19<sup>th</sup> day of September, 2019.

  
**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**  
  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**  
  
for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	Z-27 ( in consent vote: 37B, Z-2, Z-3, Z-4, Z-5, P-2, Z-6, Z-8, Z-10, Z-11, Z-12, Z-13, Z-14, Z-16, Z-17, Z-18, Z-19, Z-20, Z-21, Z-24, P-3, Z-25, Z-26, P-4, Z-27, P-5, Z-28, Z-29 )
<b>Date:</b>	09/19/2019
<b>Time:</b>	04:20:25 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING CASE Z-2019-10700125 ERZD (Council District 9): Ordinance amending the Zoning District Boundary from "C-2 GC-3 MLOD-1 MLR-2 ERZD" Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District and "MXD GC-3 MLOD-1 MLR-2 ERZD" Mixed-Use US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "MF-25 GC-3 MLOD-1 MLR-2 ERZD" Low Density Multi-Family US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District on 2.919 acres out of CB 4865 and CB 4926, generally located at Overlook Parkway and Highway 281 North. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment PA-2019-11600034)
<b>Result:</b>	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				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				
Clayton H. Perry	District 10		x				

SG/lj  
09/19/2019  
# Z-27

# EXHIBIT “A”



**BEXAR COUNTY, TEXAS  
2.919 ACRES (127,143 SQ.FT.)**

**EXHIBIT "A"**

**BEING** a 2.919 acre tract of land lying in the H.J. Huppertz Survey 417 4/8, Abstract 934, County Block 4865, and the B.S.&F. Survey, Block 1, Section 1, Abstract 113, County Block 4926, same being out of a portion of 22.00 acre tract of land described to Rogers/Bitterblue 281 LTD recorded in volume 8262 page 549 of the Official Public Record of Bexar County, Texas, same also being all of a 1.924 acre tract of land described to Rogers/Bitterblue 281 LTD and recorded in document number 20190053973 of the Official Public Records of Bexar County, Texas, and more particularly described as follows:

**BEGINNING** at a 1/2" iron rod found with yellow plastic cap stamped "RPLS #5578" lying in the existing south right-of-way line of Overlook Parkway (variable width right-of-way), on the northwest corner of a 3.409 acres tract of land as described to the City of San Antonio and recorded in volume 7976, page 1753 of the Official Public Records of Bexar County, Texas, also being the northeast corner of the aforementioned 1.924 acre tract, also being the northeast corner of the herein described 2.919 acre tract;

**THENCE** S00°24'10"E, a distance of 387.34 feet, leaving the existing south right-of-way line of the aforementioned Overlook Parkway, along the east line of the aforementioned 1.924 acre tract of land, and the west line of the aforementioned 3.409 acre tract of land, to a found 1/2" iron rod found with yellow cap stamped "RPLS #5578" for a north line of the aforementioned 22.00 acre tract, the southwest corner of the said 3.409 acre tract, the southeast corner of said 1.924 acre tract, and the southeast corner of the herein described 2.919 acre tract;

**THENCE** S89°46'22"W, a distance of 279.89 feet, along a north line of the aforementioned 22.00 acre tract, the south line of the aforementioned 1.924 acre tract, to a 1/2" iron rod found with yellow cap stamped "RPLS #5578" for the southwest corner of said 1.924 acre tract, an angle corner of the aforementioned 22.00 acre tract, and for the southwest corner of the herein described 2.919 acre tract;

**THENCE** N00°25'11"W, along the west line of the aforementioned 1.924 acre tract, an east line of the aforementioned 22.00 acre tract passing at a distance of 241.16 feet to an point, for an angle corner of the said 22.00 acre tract, the northwest corner of the said 1.924 acre tract, continuing over and across the said 22.00 acre tract a total distance of 555.69 feet to an unmonumented point lying in a north line of the said 22.00 acre tract, the existing south right-of-way-line of the aforementioned Overlook Parkway, for a northwest corner of the herein described 2.919 acre tract;

**BEXAR COUNTY, TEXAS  
2.919 ACRES (127,143 SQ.FT.)**

**THENCE** Southeasterly, with a curve having a radius of 614.00 feet, a delta of 30°54'23", and a chord bearing of S59°15'40"E, at an arc distance of 224.17 feet passing a found ½" iron rod with yellow cap stamped "RPLS #5578", continuing for a total arc distance of 331.20 feet along the existing south right-of-way line of the aforementioned Overlook Parkway, the north line of the aforementioned 1.924 acre tract, a north line of the aforementioned 22.00 acre tract, to the **PLACE OF BEGINNING**, containing the 2.919 acre tract of land

A plat of even date was prepared in conjunction with and made part of this property description.

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.

The bearing basis for this survey is based on the Texas State Plane Coordinate System, NAD 1983(HARN), South Central Zone.

**THE STATE OF TEXAS  
KNOWN TO ALL MEN BY THESE PRESENTS:  
COUNTY OF BEXAR**

I, Darryl L. Zercher, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my direction and supervision in May 2019.

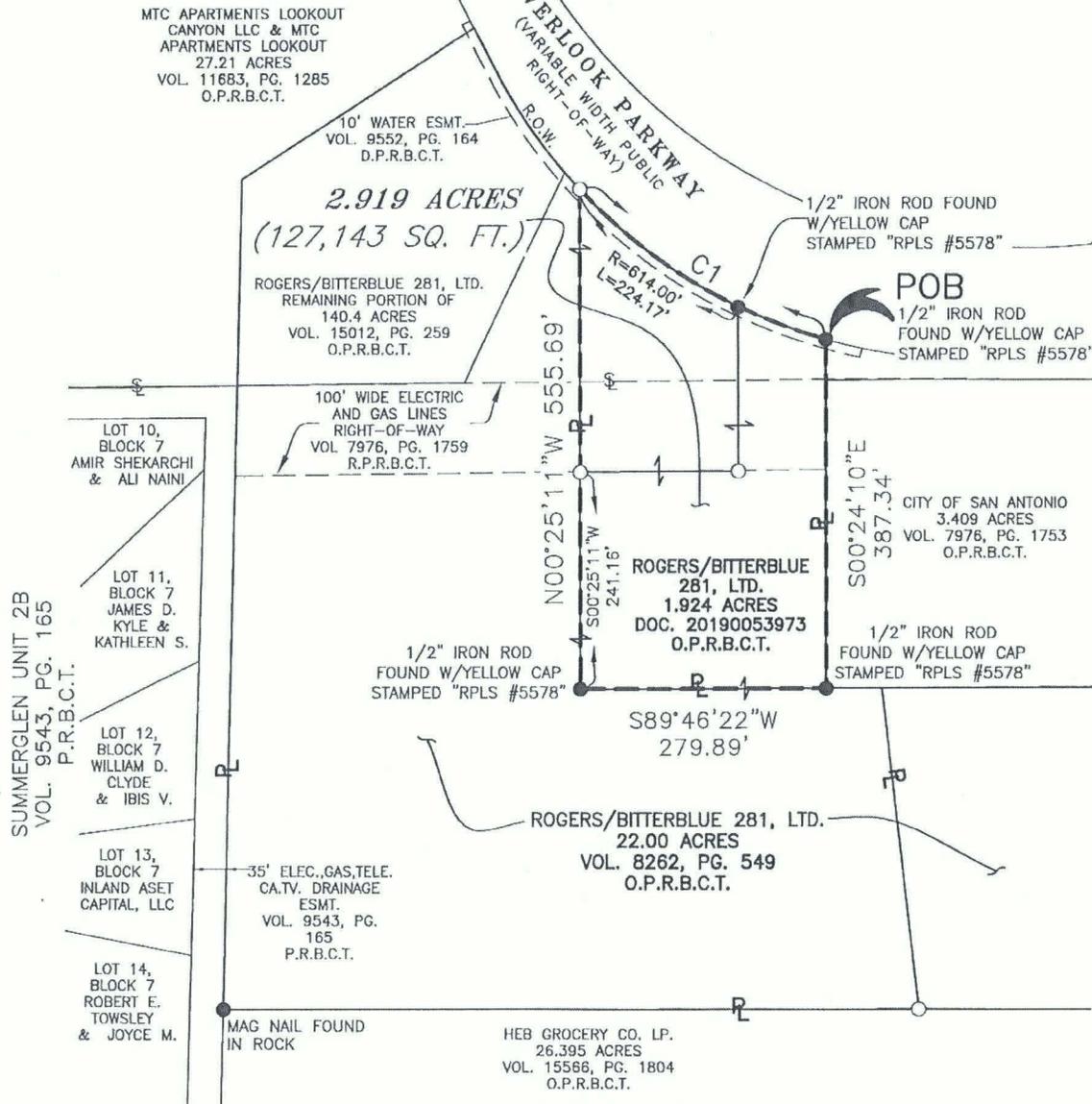
Date 10 day of MAY 2019 A.D.



  
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Darryl L. Zercher  
Registered Professional Land Surveyor  
No. 5609 - State of Texas

**H. J. HUPPERTZ  
SURVEY 417 4/8, ABSTRACT 934  
COUNTY BLOCK 4865**

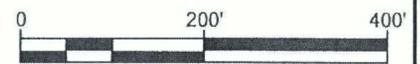
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
C1	331.20'	614.00'	30°54'23"	327.20'	S59°15'40"E



**B.S. & F. SURVEY, BLOCK 1,  
SECTION 1, ABSTRACT 113  
COUNTY BLOCK 4926**

**LEGEND**

- - UNMONUMENTED POINT
- - FOUND MONUMENTATION
- POB - PLACE OF BEGINNING
- POC - PLACE OF COMMENCEMENT
- ℙ - PROPERTY LINES
- ℙ - SURVEY LINE
- - POWER POLE
- ⚡ - LAND HOOK
- OHE - OVERHEAD ELECTRIC
- R.O.W. - RIGHT-OF-WAY
- P.R.B.C.T. - PLAT RECORDS OF BEXAR COUNTY, TEXAS
- O.P.R.B.C.T. - OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- R.P.R.B.C.T. - REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS
- D.R.B.C.T. - DEED RECORDS OF BEXAR COUNTY, TEXAS



SCALE IN FEET  
1"=200'

SHEET 3 OF 3



DRAWN BY:  
CDSmuery  
DATE:  
MAY 10, 2019  
DRAWING NAME:  
119058 MF-25.DWG

2.919 ACRES  
127,143 SQ. FT.