

ORDINANCE 2020-11-05-0815

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 0.0367 acres out of CB 4552 from "C-2 MLOD-1 MLR-2 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "C-2 S MLOD-1 MLR-2 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District with a Specific Use Authorization for Wireless Communications System.

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 specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The specific use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

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.

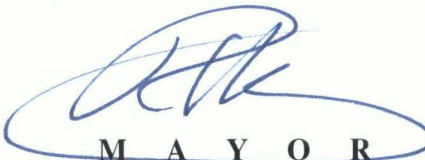
SECTION 8. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

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.

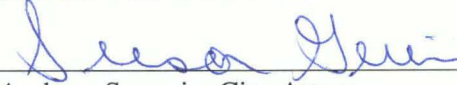
PASSED AND APPROVED this 5th day of November, 2020.


M A Y O R
Ron Nirenberg

ATTEST:


Tina J. Flores, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

for



METES AND BOUNDS
 DESCRIPTION OF A
 0.0367 ACRE TRACT OF LAND

A Metes and Bounds description of a 0.0367 acre (1,600 square feet) tract of land situated in the H.E. & W.T. Railroad Company Survey Number 1, Abstract Number 933, County Block 4552, City of San Antonio, Bexar County, Texas; being a portion of that certain called 1.52 acre tract ("Tract 2") described in instrument to Strata Trust Company, recorded in Document 20180175550 of the Bexar County Real Property Records; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found situated in the westerly right-of-way line of Kyle Seale Parkway (86' wide right-of-way, Volume 9520, Page 6, Bexar County Deed and Plat Records) and marking a southeastern corner of that certain called 46.29 acre tract described in instrument to McAlister Opportunity Fund 2012 LP, recorded in Volume 16747, Page 949 of the Bexar County Real Property Records, and marking the northeast corner of said 1.52 acre tract;

THENCE, with the westerly right-of-way line of said Kyle Seale Parkway the following two (2) courses and distances:

1. South 25°47'24" West, 11.15 feet to a 1/2-inch iron rod found at a point of curvature;
2. southwesterly, along the arc of a curve to the left having a radius of 1,443.00 feet, a central angle of 00°48'11", a long chord bearing of South 25°52'03" West, 20.22 feet, and a total arc length of 20.22 feet to a calculated point;

THENCE, North 65°37'34" West, 20.13 feet over-and-across said 1.52 acre tract to a 1/2-inch iron rod (with cap stamped "JONES CARTER") set for the northeast corner of the herein described tract and the POINT OF BEGINNING;

THENCE, South 24°22'26" West, 40.00 feet to a 1/2-inch iron rod (with cap stamped "JONES CARTER") set for the southeast corner of herein described tract;

THENCE, North 65°37'34" West, 40.00 feet to a 1/2-inch iron rod (with cap stamped "JONES CARTER") set for the southwest corner of herein described tract;

THENCE, North 24°22'26" East, 40.00 feet to a 1/2-inch iron rod (with cap stamped "JONES CARTER") set for the northwest corner of herein described tract;

THENCE, South 65°37'34" East, 40.00 feet to the POINT OF BEGINNING, containing 0.0367 acre of land in Bexar County, Texas as shown on Drawing No. 14285 filed under Job No. 01946-0596-00 in the office of JONES|CARTER, San Antonio, Texas.

Note: The bearings shown hereon are Texas State Coordinate System GRID, South Central Zone (NAD'83), as determined by Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet. Please review the record instruments cited herein to compare the survey bearings and distances with the record calls.

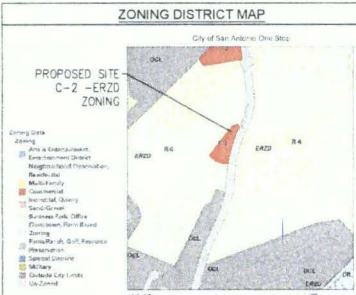


JONES|CARTER, INC.
 Texas Board of Professional Land Surveyors Registration No.100461-05

Troy A. Trobaugh
 Troy A. Trobaugh
 Registered Professional Land Surveyor #6241
 Signature Date: May 18, 2020

Exhibit "A"

Z-2020-10700173 S ERZD



ZONING SITE PLAN
(EXHIBIT NOT FOR CONSTRUCTION PURPOSES)

SITE INFORMATION
 JURISDICTION: CITY OF SAN ANTONIO, TEXAS 78203
 PROJECT TYPE: 194' SELF-SUPPORT TOWER SITE (NEW CONSTRUCTION - TOWER)
 BEXAR COUNTY
 Latitude N 29° 35' 58.87" N
 Longitude W 98° 39' 03.84" W
 ELEVATION: 1233.9'
 OCCUPANCY: (U) - UTILITY
 CURRENT LAND USE: UNDEVELOPED
 LAND USE: TELECOMMUNICATIONS FACILITY
 ZONING: C-2-ERZD - COMMERCIAL

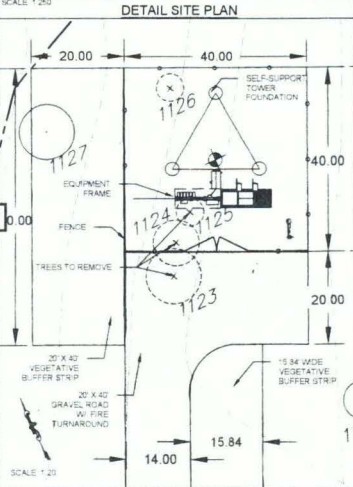
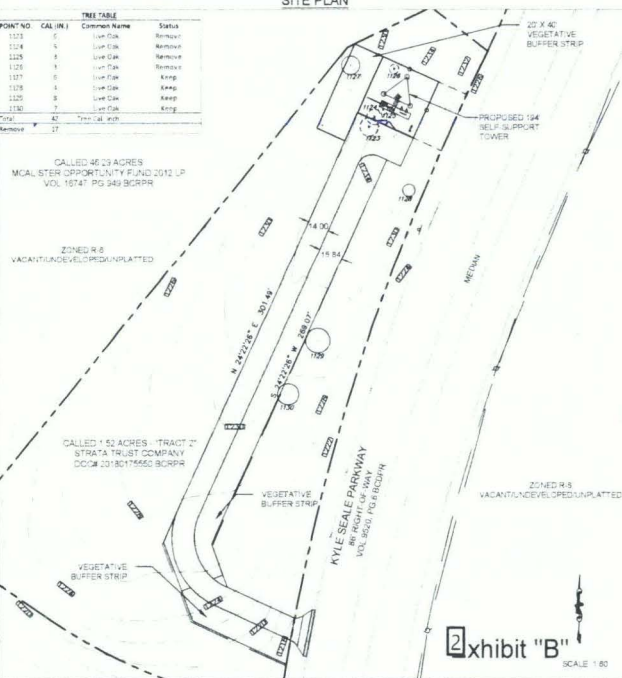
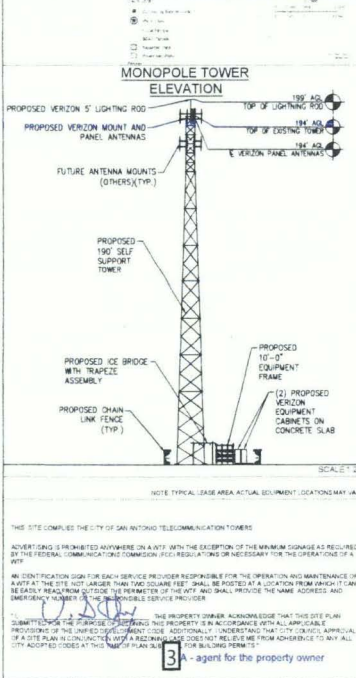
SITE NAME
VERIZON WIRELESS - KYLE SEALE NORTH
- SITE LOCATED IN 'C-2-ERZD' ZONING

DEVELOPER
VERIZON WIRELESS
5695 TRICOUNTY PKWY, SUITE 100
SCHERTZ, TEXAS 75154
PHONE: (210) 657-8300

LAND OWNER
STRATA TRUST C/O FBO
DARY G. WORCHOWER RA
#201832791

CONTACT INFORMATION
VINCENT GERARD & ASSOCIATES
1715 D CAPITAL OF TEXAS HWY
AUSTIN, TEXAS 78746
PHONE: (512) 328-2693

LEGAL DESCRIPTION
A 0.0367 ACRE TRACT OUT OF THE H.E. & W.T. RAILROAD COMPANY SURVEY
NUMBER 1, ABSTRACT NUMBER 933, COUNTY BLOCK 4552,
BEING A PORTION OF THAT CERTAIN 1.52 ACRE TRACT,
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS,
GEO. D. 04552-000-0027



ZONING SITE PLAN
KYLE SEALE NORTH
VERIZON
16821 KYLE SEALE PARKWAY
SAN ANTONIO, TEXAS 78203

VINCENT GERARD & ASSOCIATES
1715 CAPITAL OF TEXAS HWY, SUITE 302
AUSTIN, TEXAS 78746
(512) 328-2693



City of San Antonio

City Council

November 05, 2020

Item: Z-21

Enactment Number:

File Number: 20-6373

2020-11-05-0815

ZONING CASE Z-2020-10700173 S ERZD (Council District 8): Ordinance amending the Zoning District Boundary from "C-2 MLOD-1 MLR-2 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "C-2 S MLOD-1 MLR-2 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District with Specific Use Authorization for a Wireless Communications System on 0.0367 acres out of CB 4552, located at 16821 Kyle Seale Parkway. Staff and Zoning Commission recommend Approval.

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