

ORDINANCE 2020-12-03-0875

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 18.588 acres out of NCB 17727 from "C-2 ERZD" Commercial Edwards Recharge Zone District, "O-1 ERZD" Office Edwards Recharge Zone District and "O-2 ERZD" High-Rise Office Edwards Recharge Zone District to "MF-18 ERZD" Limited Density Multi-Family 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. 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. This ordinance shall become effective December 13, 2020.


PASSED AND APPROVED this 3rd day of December, 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

December 03, 2020

Item: Z-18

Enactment Number:

File Number: 20-6724

2020-12-03-0875

ZONING CASE Z-2020-10700121 ERZD (Council District 9): Ordinance amending the Zoning District Boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District, "O-1 ERZD" Office Edwards Recharge Zone District and "O-2 ERZD" High-Rise Office Edwards Recharge Zone District to "MF-18 ERZD" Limited Density Multi-Family Edwards Recharge Zone District on 18.588 acres out of NCB 17727, generally located in the 18000 block of Emerald Forest Drive. Staff and Zoning Commission recommend Approval.

Councilmember John Courage made a motion to approve. Councilmember Clayton H. Perry seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

SG
12/03/2020
Item No. Z-18

Exhibit “A”



**DESCRIPTION FOR
18.588 ACRES
ZONING**

A **18.588 acre** tract of land within New City Block 17727, City of San Antonio, Bexar County, Texas, out of the George Voss Survey, Abstract No. 788, Bexar County, Texas, said 18.588 acres being the 18.685 acres as described herein out of the Frank J. Sitterle, Jr. and Jeff Buell called 21.90 acre tract, recorded in Volume 17618, Page 29, Official Public Records of Bexar County, Texas (O.P.R.), less excepting a 0.097 acre tract for a cell tower lease area, referenced as Lease Area, Emerald Forest, Hemphill, according to Ordinance No. 2019-08-08-0623, Case No. Z2018-900070 S ERZD, City of San Antonio, Bexar County, Texas, said 18.685 acres and the exception of 0.097 acre being more particularly described by metes and bounds as follows:

COMMENCING at a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING", for the southwest corner of said 21.90 acre tract, on the northern right-of-way of North Loop 1604 (variable width right-of-way) from which a found $\frac{1}{2}$ " iron rod for the southeast corner of a 0.3762 acre tract conveyed to Apostolic Church of San Antonio, Inc., recorded in Volume 14809, Page 1713, O.P.R., bears $S01^{\circ} 05' 59"W$ for a distance of 1.88 feet, for reference;

THENCE, $N01^{\circ} 05' 59"E$, along the western boundary of the said 21.90 acre tract, the eastern boundary of said 0.3762 acre tract for a distance of 190.76 feet for the southwestern corner of this tract and the **POINT OF BEGINNING**:

THENCE, $N01^{\circ} 05' 59"E$, along the western boundary of this tract and said 21.90 acre tract, the eastern boundary of said 0.3762 acre tract, and the eastern boundary of a 10.8615 acre tract, conveyed to Calvary Apostolic Church of San Antonio, Inc., recorded in Volume 14809, Page 1703 O.P.R. for a distance of **786.38 feet** to a found $\frac{1}{2}$ " iron rod for an interior corner of this tract and said 21.90 acre tract, the northern corner of said 10.8615 acre tract, an exterior corner of a 120.82 acres, called Tract VI, conveyed to the Planned Unit Development Emerald Forest Homeowners Association, recorded in Volume 11154, Page 2242 O.P.R.;

THENCE, $N37^{\circ} 23' 27"W$, along the southwestern boundary of this tract and said 21.90 acre tract, a northeastern boundary of said 120.82 acre tract for a distance of **341.53 feet** to a found $\frac{1}{2}$ " iron rod for a western corner of this tract and said 21.90 acre tract, an interior corner of said 120.82 acre tract;

THENCE, $N26^{\circ} 15' 24"E$, along the northwestern boundary of this tract and said 21.90 acre tract, a southeastern boundary of said 120.82 acre tract for a distance of **270.05 feet** to a found $\frac{1}{2}$ " iron rod for the northern corner of this tract and said 21.90 acre tract, an interior corner of said 120.82 acre tract;

THENCE, along the northern boundary of this tract and said 21.90 acre tract, a southern boundary of said 120.82 acre tract the following courses and distances:

1. **$S60^{\circ} 44' 20"E$** , for a distance of **206.67 feet** to a found $\frac{1}{2}$ " iron rod for an interior corner of this tract and said 21.90 acre tract, an exterior corner of said 120.82 acre tract;
2. **$S81^{\circ} 28' 49"E$** , for a distance of **224.04 feet** to a found $\frac{1}{2}$ " iron rod for an exterior corner of this tract and said 21.90 acre tract, an interior corner of said 120.82 acre tract;
3. **$S62^{\circ} 33' 08"E$** , for a distance of **288.38 feet** to a found $\frac{1}{2}$ " iron rod for an interior corner of this tract and said 21.90 acre tract, an exterior corner of said 120.82 acre tract;

4. **S81° 02' 21"E**, for a distance of **25.17 feet** to a found ½" iron rod on the northern boundary of this tract and said 21.90 acre tract, a southeastern corner of said 120.82 acre tract, an exterior corner on the western right-of-way of Emerald Forest Drive as shown on the Emerald Forest PUD Unit 1 subdivision recorded in Volume 9526, Pages 177-182, Deed and Plat Records of Bexar County, Texas;

THENCE, along the eastern boundary of this tract and said 21.90 acre tract, the western right-of-way of Emerald Forest Drive the following courses and distances:

1. **S81° 02' 21"E**, for a distance of **67.11 feet** to a found ½" iron rod for an exterior corner of this tract and said 21.90 acre tract, an interior corner of the western right-of-way of Emerald Forest Drive;
2. **S04° 53' 08" W**, for a distance of **174.36 feet** to a found ½" iron rod for an exterior corner of this tract and said 21.90 acre tract, an interior corner of the western right-of-way of Emerald Forest Drive;
3. **S35° 44' 50" W**, for a distance of **58.26 feet** to a found ½" iron rod for an interior corner of this tract and said 21.90 acre tract, an exterior corner of the western right-of-way of Emerald Forest Drive;
4. **S04° 54' 00" W**, for a distance of **100.04 feet** to a set 1/2" iron rod with plastic cap stamped "KFW SURVEYING" for an interior corner of this tract and said 21.90 acre tract, an exterior corner of the western right-of-way of Emerald Forest Drive;
5. **S26° 09' 42" E**, for a distance of **77.95 feet** to a found 1/2" iron rod for a point of a non-tangent curve of this tract and said 21.90 acre tract and said right-of-way of Emerald Forest Drive;
6. Along a curve to the **left**, concave to the east, having a radius of **1643.00 feet**, an arc length of **332.57 feet**, a delta angle of **011°35'52"**, and a chord which bears **S07° 20' 57"E** for a distance of 332.01 feet to a found 1/2" iron rod at a non-tangent point of this tract and said 21.90 acre tract and said right-of-way of Emerald Forest Drive;
7. **S 13° 06' 09" E**, for a distance of **283.52 feet** to a found 1/2" iron rod for a point of a non-tangent curve of this tract and said 21.90 acre tract and said right-of-way of Emerald Forest Drive;
8. Along a curve to the **right**, concave to the west, having a radius of **138.00 feet**, an arc length of **120.06 feet**, a delta angle of **049°50'52"**, and a chord which bears **S11° 47' 21"W** for a distance of 116.31 feet for the southern corner of this tract;

THENCE, along the southern boundary of this tract, through the interior of said 21.90 acre tract, the following courses and distances:

1. **N 36° 45' 00" W**, departing from said right-of-way of Emerald Forest Drive for a distance of **156.41 feet** to an interior corner of this tract;
2. **S 87° 00' 00" W**, for a distance of **643.31 feet** to the **POINT OF BEGINNING**.

CONTAINING: 18.685 acres, Bexar County, Texas, and being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

EXCEPTING OUT of the above described area all that certain 0.097 acre tract for a cell tower lease area, referenced as Lease Area, Emerald Forest, Hemphill, according to Ordinance No. 2019-08-08-0623, Case No. Z2018-900070 S ERZD, City of San Antonio, Bexar County, Texas;

COMMENCING at a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING", for the southwest corner of said 21.90 acre tract, on the northern right-of-way of North Loop 1604 (variable width right-of-way) from which a found 1/2" iron rod, for the southeast corner of a 0.3762 acre tract conveyed to Apostolic Church of San Antonio, Inc., recorded in Volume 14809, Page 1713 O.P.R., bears **S01° 05' 59"W** for a distance of 1.88 feet, for reference;

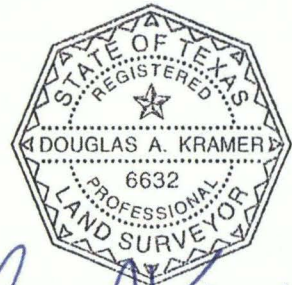
THENCE, N01° 48' 49"E, through the interior of said 21.90 acre tract and the interior of said 18.685 acre tract for a distance of 1301.65 feet to a point for the southeastern corner of this lease area and the **POINT OF BEGINNING**:

THENCE, through the interior of the said 18.685 acre tract the following courses and distances:

1. **N68° 59' 53"W**, along the southern boundary of this lease area for a distance of **65.00 feet** for the southwestern corner of this lease area;
2. **N21° 00' 07"E**, along the western boundary of this lease area for a distance of **65.00 feet** for the northwestern corner of this lease area;
3. **S68° 59' 53"E**, along the northern boundary of this lease area for a distance of **65.00 feet** for the northeastern corner of this lease area;
4. **S21° 00' 07"W**, along the eastern boundary of this lease area for a distance of **65.00 feet** to the **POINT OF BEGINNING**.

CONTAINING: 0.097 of an acre, Bexar County, Texas, and being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

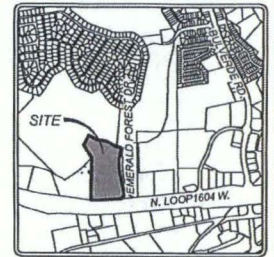
Job No.: 20-025
Prepared by: KFW Surveying
Date: May 6, 2020
Rev.: Sept 21, 2020
File: S:\Draw 2020\20-025 Emerald Forest\DOCS



Douglas A. Kramer
9.21.2020

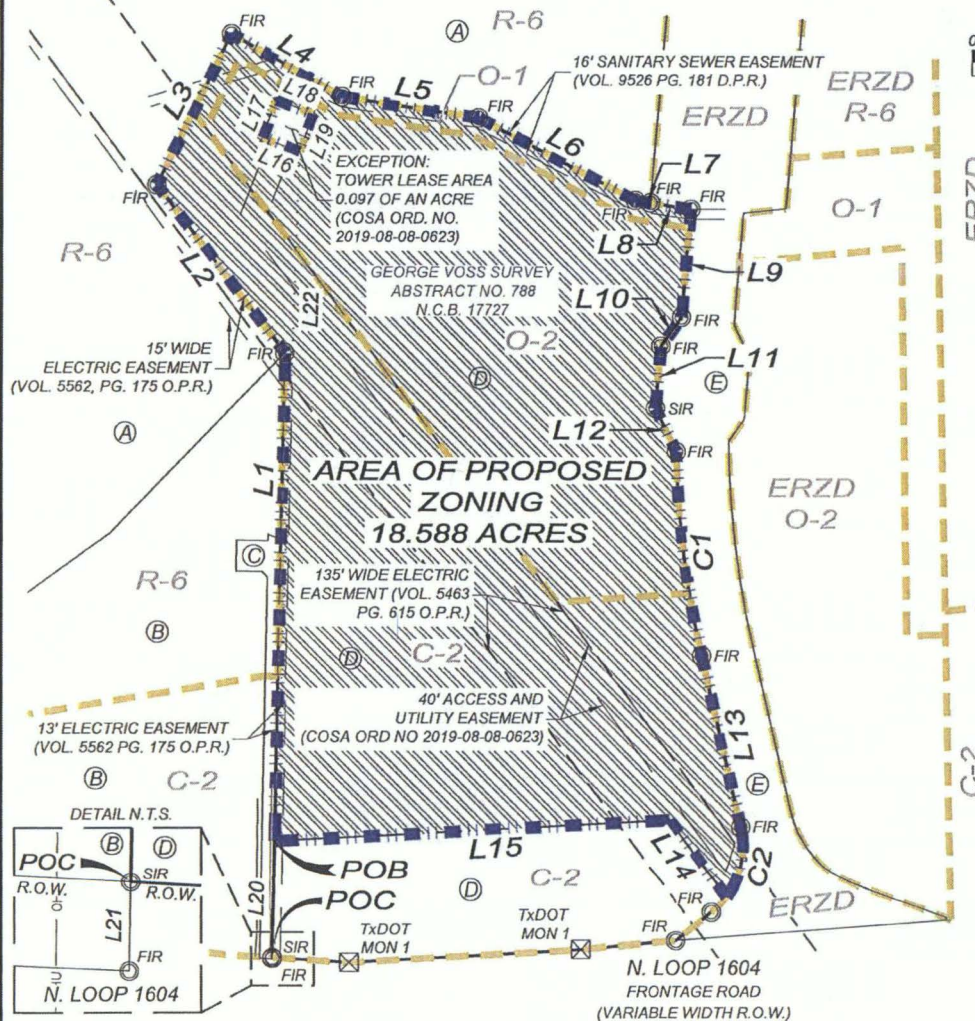
NOTES

- BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
- REFERENCED PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SCALED FROM FEMA COMMUNITY PANEL NO. 48029C0260G, DATED 09/29/2010.
- THE TRACT SHOWN HEREON IS SUBJECT TO ALL CITY OF SAN ANTONIO AND BEXAR COUNTY ORDINANCES AND RESTRICTIONS.
- METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT.
- SET IRON PINS ARE 1/2" DIAMETER REBAR WITH A BLUE CAP STAMPED "KFW SURVEYING".
- ADJOINERS SHOWN HEREON ARE PER CURRENT BEXAR COUNTY APPRAISAL DISTRICT RECORDS AND OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.
- ZONING DISTRICTS SHOWN HEREON WERE OBTAINED FROM THE WEBSITE OF <https://gis.sanantonio.gov/DSD/OneStop/Index.html> AS OF THE DATE OF THIS EXHIBIT.



LOCATION MAP NOT-TO-SCALE

SCALE: 1"=300'



- Ⓐ 120.82 ACRES TRACT VI PLANNED UNIT DEVELOPMENT EMERALD FOREST HOMEOWNERS ASSOCIATION (VOL. 11154, PG. 2242 O.P.R.)
- Ⓑ 10.8615 ACRES CALVARY APOSTOLIC CHURCH OF SAN ANTONIO, INC. (VOL. 14809, PG. 1703 O.P.R.)
- Ⓒ 0.3726 ACRES CALVARY APOSTOLIC CHURCH OF SAN ANTONIO, INC. (VOL. 14809, PG. 1713 O.P.R.)
- Ⓓ FRANK J. SITTERLE, JR. AND JEFF BUELL 21.90 ACRES (VOL. 17618, PG. 29 O.P.R.)
- Ⓔ EMERALD FOREST DR. (VARIABLE WIDTH R.O.W.) (VOL. 9526 PG. 177-182 D.P.R.)



STATE OF TEXAS:
COUNTY OF BEXAR:

I, DOUGLAS A. KRAMER, DO HEREBY CERTIFY TO THAT THIS ZONING EXHIBIT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY PERSONS WORKING UNDER MY SUPERVISION. THE FIELDWORK WAS COMPLETED ON 03/12/2020.

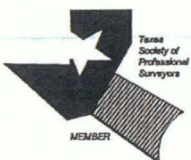
Douglas A. Kramer
DOUGLAS A. KRAMER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6632
EMAIL: DKRAMER@KFWENGINEERS.COM
DATE OF SURVEY: 05/11/2020
PROJECT NO.: 20-025

- ERZD - EDWARDS RECHARGE ZONE DISTRICT
- R6 - RESIDENTIAL SINGLE FAMILY
- O-1 - OFFICE DISTRICT
- O-2 - OFFICE DISTRICT
- C-2 - COMMERCIAL DISTRICT

- EXISTING ZONING
- PROPOSED ZONING

SYMBOL LEGEND

- FIR FOUND 1/2" IRON ROD OR AS NOTED
- SIR SET 1/2" IRON ROD WITH A BLUE CAP STAMPED "KFW SURVEYING"
- ⊗ TXDOT TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT TYPE I OR TYPE II AS NOTED
- O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
- D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS



ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED CAN BE DIRECTED TO: THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS (TBPELS) 1917 S INTERSTATE 35, AUSTIN, TEXAS, 78741 PHONE: 512-440-7732; FAX: 512-442-1414 - EMAIL: INFO@PELS.TX.GOV



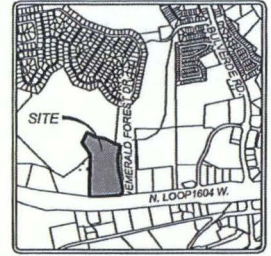
EXHIBIT FOR PROPOSED ZONING AREA
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

REVISIONS: REVISED ZONING LIMITS	ISSUE DATE: 09/21/20
JOB NO. 20-025	DESIGNER: DAK
DATE: 05/11/2020	CHECKED: DAK
DRAWN: CAM	SHEET: 1 OF 2

Date: Sep 21, 2020, 3:07pm User ID: imendoza File: S:\Draw 2020\20-025 Emerald Forest\20-025 Emerald Forest.dwg

NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
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8. ZONING DISTRICTS SHOWN HEREON WERE OBTAINED FROM THE WEBSITE OF <https://gis.sanantonio.gov/DSD/OneStop/Index.html> AS OF THE DATE OF THIS EXHIBIT.



LOCATION MAP
NOT-TO-SCALE

Curve Table					
Curve #	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST
C1	332.57'	1643.00'	011°35'52"	S07°20'57"E	332.01'
C2	120.06'	138.00'	049°50'52"	S11°47'21"W	116.31'

Line Table		
LINE #	DIRECTION	LENGTH
L1	N01°05'59"E	786.38'
L2	N37°23'27"W	341.53'
L3	N26°15'24"E	270.05'
L4	S60°44'20"E	206.67'
L5	S81°28'49"E	224.04'
L6	S62°33'08"E	288.38'
L7	S81°02'21"E	25.17'
L8	S81°02'21"E	67.11'
L9	S04°53'08"W	174.36'
L10	S35°44'50"W	58.26'
L11	S04°54'00"W	100.04'
L12	S26°09'42"E	77.95'
L13	S13°06'09"E	283.52'
L14	N36°45'00"W	156.41'
L15	S87°00'00"W	643.31'
L16	N68°59'53"W	65.00'
L17	N21°00'07"E	65.00'
L18	S68°59'53"E	65.00'
L19	S21°00'07"W	65.00'
L20	N01°05'59"E	190.76'
L21	S01°05'59"W	1.86'
L22	N01°48'49"E	1301.65'



STATE OF TEXAS:
COUNTY OF BEXAR:

I, DOUGLAS A. KRAMER, DO HEREBY CERTIFY TO THAT THIS ZONING EXHIBIT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY PERSONS WORKING UNDER MY SUPERVISION. THE FIELDWORK WAS COMPLETED ON 03/12/2020.

Douglas A. Kramer 9-2-2020
DOUGLAS A. KRAMER
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EMAIL: DKRAMER@KFWENGINEERS.COM
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REVISIONS: REVISED ZONING LIMITS	ISSUE DATE: 09/21/20
JOB NO. 20-025	DATE: 05/11/2020
DRAWN: CAM	DESIGNER: DAK
CHECKED: DAK	

SHEET: 2 OF 2

EXHIBIT FOR PROPOSED ZONING AREA
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.



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Date: Sep 21, 2020, 3:07pm User: D: tmansozca
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