

ORDINANCE 2021-05-06-0314

**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 0.321 acres out of NCB 9409 from "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units to "RM-5 MLOD-2 MLR-2 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and by changing the zoning district boundary of 0.0.125 acres out of NCB 9409 and to "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on 0.196 acres.

**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.
- 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 **Exhibit "B"** and made a part hereof and incorporated herein

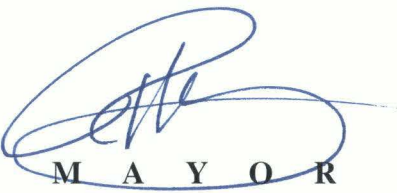
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for all purposes.

**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.

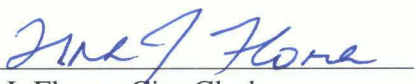
**SECTION 6.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 7.** This ordinance shall become effective May 16, 2021.

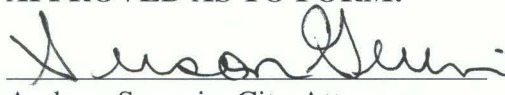
**PASSED AND APPROVED** this 6<sup>th</sup> day of May, 2021.

  
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

May 06, 2021

**Item: Z-5**

**Enactment Number:**

**File Number: 21-2954**

**2021-05-06-0314**

ZONING CASE Z-2021-10700028 CD (Council District 3): Ordinance amending the Zoning District Boundary from "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units to "RM-5 MLOD-2 MLR-2 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on 0.125 acres and to "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on 0.196 acres, a total of 0.321 acres out of NCB 9409, located at 336 Drury Lane. Staff and Zoning Commission recommend Approval.

Councilmember John Courage made a motion to approve. Councilmember Adriana Rocha Garcia 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  
05/06/2021  
Item No. Z-5

# Exhibit “A”

# Dye Development, Inc.

Real Estate Development • Engineers • Surveyors • Planners  
TBPE: Texas Registered Firm F-9539  
TBPLS: Texas Registered Firm #10092200

March 9, 2021

Z-2021-10700028

## LEGAL DESCRIPTION – 0.196 ACRE TRACT

**BEING:** a 0.196-acre tract out of Lots 1 and 2 (i.e. parent tract), Block 327, N.C.B. 9409, San Jose Addition, according to the plat recorded in Volume 368, Pages 97-100, Deed and Plat Records, Bexar County, Texas, and being more particularly described as follows:

**BEGINNING:** at a 1/2" iron rod set (with a Dye Dvpt. Cap) for the southwest corner of the herein described tract and said Lot 1; said pin being the intersection of the north right-of-way line of a 20-foot wide alley with the east line of Mango Ave. (50 feet wide);

**THENCE:** N.00°18'45"W, with the common line of Mango Ave. and Lot 1, 77.50 feet to a 1/2" iron rod set (with a Dye Dvpt. Cap) for a northwest corner of the herein described tract;

**THENCE:** N.89°09'30"E, across Lots 1 and 2, 88.00 feet to a 1/2" iron rod set (with a Dye Dvpt. Cap) set for a re-entrant corner of the herein described tract;

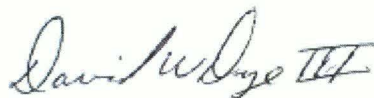
**THENCE:** N.00°18'45"W, across Lot 2, 61.69 feet to a 1/2" iron rod set (with a Dye Dvpt. Cap) in the south right-of-way line of Drury Lane (60 feet wide) and the north line of Lot 2 for a northwest corner of the herein described tract;

**THENCE:** N.89°41'15"E, with the common line of Drury Lane and the north line of Lot 2, 12.00 feet to a 1/2" iron rod found for the northeast corner of the herein described tract and Lot 2;

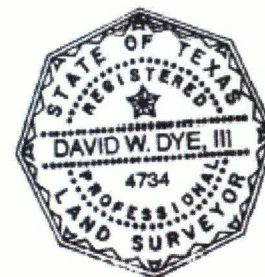
**THENCE:** S.00°18'45"E, with the east line of Lot 2, 140.00 feet to a 1/2" iron rod found in the said alley's north line for the southeast corner of the herein described tract and Lot 2;

**THENCE:** S.89°41'15"W, with the common line of the alley and Lots 2 and 1, 100.00 feet to the POINT OF BEGINNING, and containing 0.196-acre of land.

Note: The basis of bearings for this survey is the Texas State Plane Coordinate System Grid, South Central Zone. The Zoning Case Survey dated March 9, 2021 is attached and is a part of this legal description.



David W. Dye III RPLS #4734  
President  
Dye Development, Inc.



# Dye Development, Inc.

Real Estate Development • Engineers • Surveyors • Planners  
 TBPE: Texas Registered Firm F-9539  
 TBPLS: Texas Registered Firm #10092200

March 9, 2021

Z-2021-10700028

## LEGAL DESCRIPTION – 0.125 ACRE TRACT

**BEING:** a 0.125-acre tract out of Lots 1 and 2 (i.e. parent tract), Block 327, N.C.B. 9409, San Jose Addition, according to the plat recorded in Volume 368, Pages 97-100, Deed and Plat Records, Bexar County, Texas, and being more particularly described as follows:

**BEGINNING:** at a 1/2" iron rod found (controlling monument) for the northwest corner of the herein described tract and said Lot 1; said pin being the intersection of the south right-of-way line of Drury Lane (60 feet wide) with the east line of Mango Ave. (50 feet wide);

**THENCE:** N.89°41'15"E, with the common line of Drury Lane and the north line of the parent tract, 88.00 feet to a 1/2" iron rod set (with a Dye Dvpt. Cap) for the northeast corner of the herein described tract, and being S.89°41'15"W, 12.00 feet from the northeast corner of the parent tract and said Lot 2;

**THENCE:** S.00°18'45"E, across Lot 2, 61.69 feet to a 1/2" iron rod set (with a Dye Dvpt. Cap) for the southeast corner of the herein described tract;

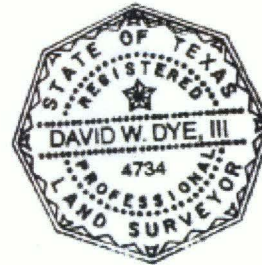
**THENCE:** S.89°09'30"W, across Lots 2 and 1, 88.00 feet to a 1/2" iron rod set (with a Dye Dvpt. Cap) in the said east line of Mango Ave. and the west line of Lot 1 for the southwest corner of the herein described tract;

**THENCE:** N.00°18'45"W, with the common line of Mango Ave. and Lot 1, 62.50 feet to the **POINT OF BEGINNING**, and containing 0.125-acre of land.

Note: The basis of bearings for this survey is the Texas State Plane Coordinate System Grid, South Central Zone. The Zoning Case Survey dated March 9, 2021 is attached and is a part of this legal description.

*David W. Dye III*

David W. Dye III RPLS #4734  
 President  
 Dye Development, Inc.



david3@dyedvpt.com • [www.dyedvpt.com](http://www.dyedvpt.com)  
 17174 Irongate Rail • San Antonio • Texas 78247  
 Phone (210) 685-9193

Exhibit "A"

SG  
05/06/2021  
Item No. Z-5

# Exhibit “B”

**FROM:** "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units  
**TO:** "RM-5 MLOD-2 MLR-2 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on 0.125 acres out of NCB 9409 and from "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units to "R-6 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on 0.196 acres out of NCB 9409

Zoning Case  
 Z-2021-10700028

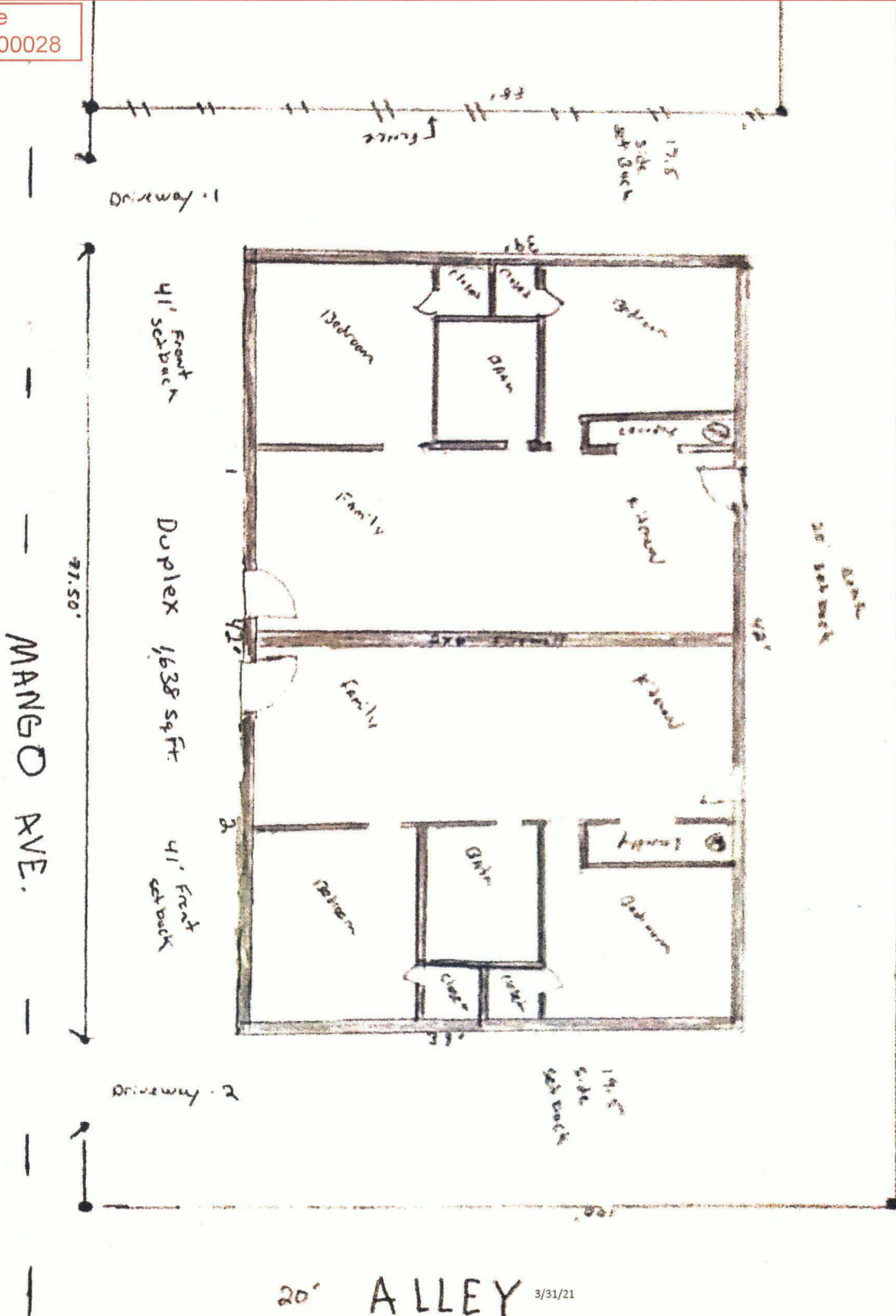


Exhibit "B"

"I, Miguel Cervantes, the property owner, 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, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits."