

ORDINANCE 2019-06-20-0583

**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 2.825 acres out of CB 4865 from "MXD GC-3 MLOD-1 MLR-2 ERZD" Mixed Use District U.S. Highway 281 Annexation Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "MXD CD S GC-3 MLOD-1 MLR-2 ERZD" Mixed Use District U.S. Highway 281 Annexation Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District with Conditional Use for Outdoor Display and Specific Use Authorization for a Transportation Testing Track.

**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.** 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 65%.

**SECTION 6.** 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 7.** 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 8.** 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 9.** 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.

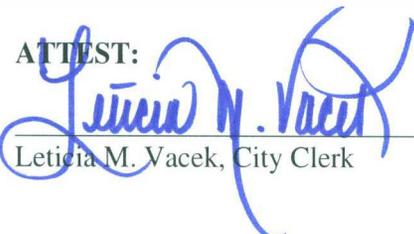
**SECTION 10.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

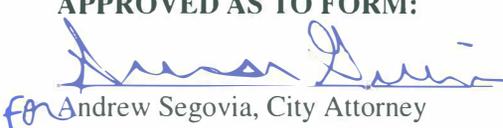
**SECTION 11.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 12.** This ordinance shall become effective June 30, 2019.

**PASSED AND APPROVED** this 20<sup>th</sup> day of June, 2019.

  
M A Y O R  
for Ron Nirenberg

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

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

<b>Agenda Item:</b>	Z-15 ( in consent vote: 46, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8, Z-9, Z-10, Z-11, Z-13, P-1, Z-14, Z-15 )
<b>Date:</b>	06/20/2019
<b>Time:</b>	02:45:08 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	ZONING-Z-2019-10700114 (Council District 9): Ordinance amending the Zoning District Boundary from "MXD GC-3 MLOD-1 MLR-2 ERZD" Mixed Use District U.S. 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "MXD CD S GC-3 MLOD-1 MLR-2 ERZD" Mixed Use District U.S. 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District with Conditional Use for Outdoor Display and Specific Use Authorization for a Transportation Testing Track on 2.825 acres out of CB 4865, located at 26150 US Highway 281 North. Staff recommends Approval. Zoning Commission recommendation pending the June 18, 2019 hearing.
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3		x				
Dr. 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			x	
Clayton H. Perry	District 10		x				

SG/lj  
06/20/2019  
Item No. Z-15

# Exhibit “A”

METES AND BOUNDS DESCRIPTION  
FOR  
ZONING

A 2.825 acre tract of land out of that 9.318 acre tract described in deed to David Martinez and Dolores Martinez recorded in Volume 8465, Page 1600 and out of a 20.289 acre tract described in deed to Attraction Enterprises, LLC recorded in Volume 14707, Page 1082 all of the Official Public Records of Bexar County, Texas, out of the H.J. Huppertz Survey 417A, Abstract 934, County Block 4865 of Bexar County, Texas. Said 2.825 acre tract being more fully described as follows:

COMMENCING: At a found ½" iron rod on the east right-of-way line of US Highway 281, a 400-foot right-of-way, the northwest corner of said 20.289 acre tract and the southwest corner of said 9.318 acre tract;

THENCE: S 89°56'06" E, departing the east right-of-way line of said US Highway 281, along and with the common line of said 9.318 acre tract and the said 20.289 acre tract, a distance of 539.76 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: Departing said common line, over and across said 9.318 acre tract, the following bearings and distances:

N 58°22'37" E, a distance of 185.10 feet to a point;

S 31°37'23" E, a distance of 100.00 feet to a point;

S 58°22'37" W, at a distance of 23.11 feet passing said common line, continuing, over and across said 20.289 acre tract, for a total distance of 460.13 feet to a point;

THENCE: Continuing over and across said 20.289 acre tract, the following bearings and distances:

S 58°19'38" W, a distance of 79.53 feet to a point;

S 52°42'11" W, a distance of 71.98 feet to a point;

S 35°52'37" W, a distance of 66.90 feet to a point;

S 19°03'03" W, a distance of 71.98 feet to a point;

S 13°25'35" W, a distance of 79.57 feet to a point;

S 13°22'37" W, a distance of 214.05 feet to a point on the south line of said 20.289 acre tract and the north line of a 5.017 acre tract described in deed to BLB Plus, LLC recorded in Volume 16425, Page 1156 of the Official Public Records of Bexar County, Texas;

THENCE: S 89°52'05" W, along and with the south line of said 20.289 acre tract and the north line of said 5.017 acre tract, a distance of 182.50 feet to a point on the east right-of-way line of US Highway 281 also being the southeast corner of a 0.0094 of an acre tract conveyed to The State of Texas by deed recorded in Volume 18349, Page 1738 of the Official Public Records of Bexar County, Texas;

THENCE: Northerly, departing the south line of said 20.289 acre tract, the north line of said 5.017 acre tract, along and with the east right-of-way line of said US Highway 281, along a non-tangent curve to the right, said curve having a radius of 5510.00 feet, a central angle of 01°21'53", a chord bearing and distance of N 04°55'55" E, 131.24 feet, for an arc length of 131.25 feet to a point;

THENCE: Departing the east right-of-way line of said US Highway 281, over and across said 20.289 acre tract, the following bearings and distances:

N 89°53'19" E, a distance of 40.86 feet to a point;

N 50°38'15" E, a distance of 94.13 feet to a point;

N 13°22'37" E, a distance of 42.50 feet to a point;

N 13°25'35" E, a distance of 84.48 feet to a point;

N 19°03'03" E, a distance of 91.68 feet to a point;

N 35°52'37" E, a distance of 96.48 feet to a point;

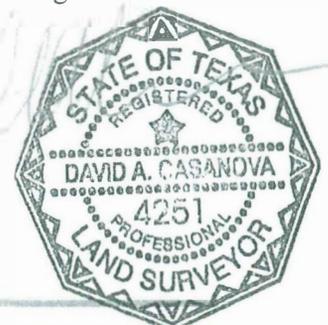
N 52°42'11" E, a distance of 91.68 feet to a point;

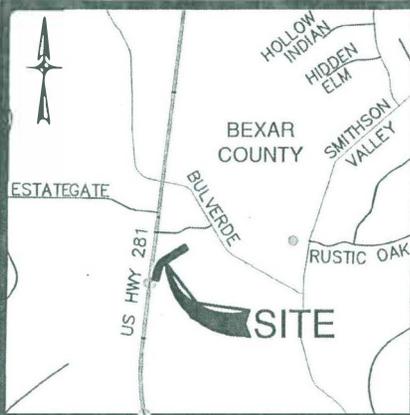
N 58°19'38" E, a distance of 84.25 feet to a point;

N 58°22'37" E, a distance of 275.30 feet to the POINT OF BEGINNING and containing 2.825 acres in Bexar County, Texas. Said tract being described in conjunction with an exhibit prepared under job number 8522-05 by Pape-Dawson Engineers, Inc.

“This document was prepared under 22TAC663.21, 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.”

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: May 6, 2019  
JOB NO. 8522-05  
DOC. ID. N:\CIVIL\8522-05\Zoning\WORD\ZN-8522\_FN-2.825 AC.docx





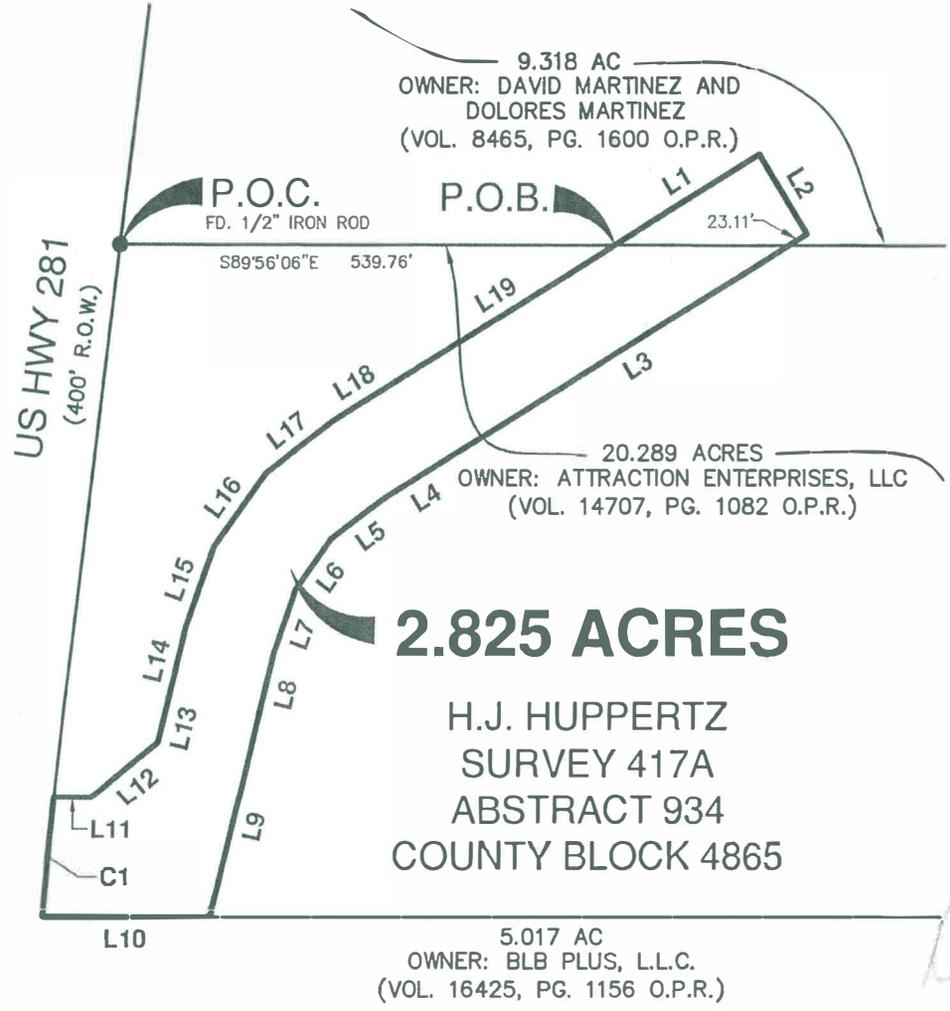
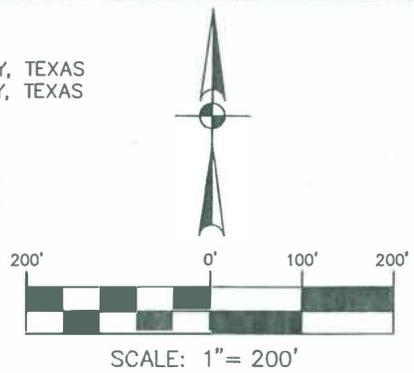
**LOCATION MAP**  
NOT-TO-SCALE

**LEGEND:**

- DR DEED RECORDS OF BEXAR COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- PR PLAT RECORDS OF BEXAR COUNTY, TEXAS

**NOTES:**

1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 8522-05 BY PAPE-DAWSON ENGINEERS, INC.
2. "THIS DOCUMENT WAS PREPARED UNDER 22TAC663.21, 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."



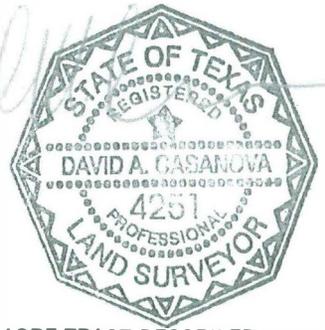
LINE TABLE		
LINE	BEARING	LENGTH
L1	N58°22'37"E	185.10'
L2	S31°37'23"E	100.00'
L3	S58°22'37"W	460.13'
L4	S58°19'38"W	79.53'
L5	S52°42'11"W	71.98'
L6	S35°52'37"W	66.90'
L7	S19°03'03"W	71.98'
L8	S13°25'35"W	79.57'
L9	S13°22'37"W	214.05'
L10	S89°52'05"W	182.50'
L11	N89°53'19"E	40.86'
L12	N50°38'15"E	94.13'
L13	N13°22'37"E	42.50'
L14	N13°25'35"E	84.48'
L15	N19°03'03"E	91.68'
L16	N35°52'37"E	96.48'
L17	N52°42'11"E	91.68'
L18	N58°19'38"E	84.25'
L19	N58°22'37"E	275.30'

**2.825 ACRES**  
H.J. HUPPERTZ  
SURVEY 417A  
ABSTRACT 93A  
COUNTY BLOCK 4865

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	5510.00'	1°21'53"	N04°55'55"E	131.24'	131.25'

**EXHIBIT FOR ZONING**

A 2.825 ACRE TRACT OF LAND OUT OF THAT 9.318 ACRE TRACT DESCRIBED IN DEED TO DAVID MARTINEZ AND DOLORES MARTINEZ RECORDED IN VOLUME 8465, PAGE 1600 AND OUT OF A 20.289 ACRE TRACT DESCRIBED IN DEED TO ATTRACTION ENTERPRISES, LLC RECORDED IN VOLUME 14707, PAGE 1082 ALL OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, OUT OF THE H.J. HUPPERTZ SURVEY 417A, ABSTRACT 93A, COUNTY BLOCK 4865 OF BEXAR COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028600

MAY 6, 2019

SHEET 1 OF 1  
JOB No.: 8522-05

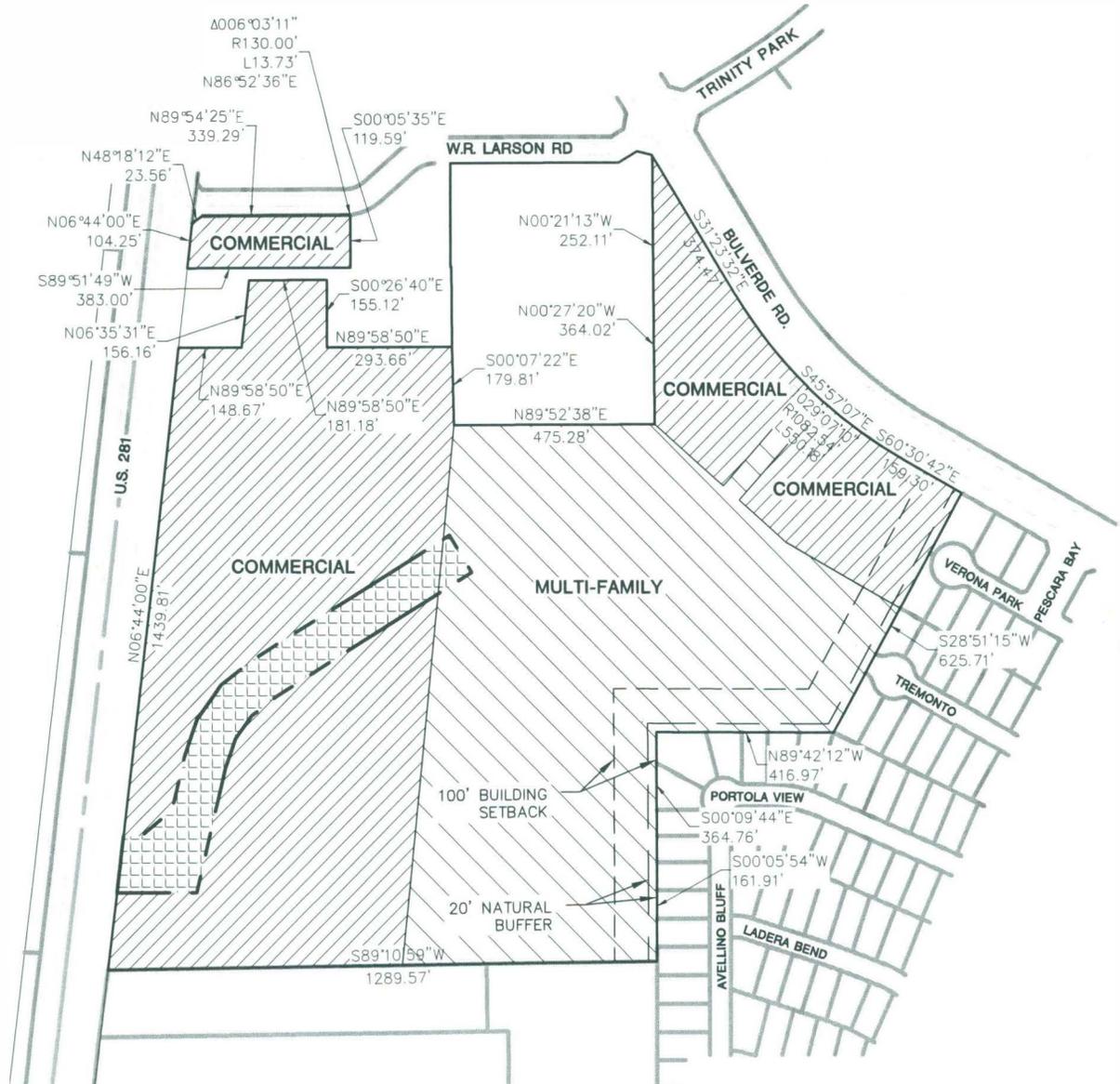
Date: May 07, 2019, 2:53pm User ID: CTenison File: N:\CIVIL\8522-05\Zoning\ZN--8522-05\_05719.dwg

REFERENCE:

SG/lj  
06/20/2019  
Item No. Z-15

# Exhibit “B”

MXD and Conditional Use Site Plan: Z2019-10700114 CD S ERZD



**LEGEND**



2.83 AC MXD CD S GC-3 ML0D-1 MLR-2 ERZD (conditional use for outdoor display and specific use authorization for a transportation testing track)



27.16 AC COMMERCIAL (C2)



21.11 AC MULTI-FAMILY (18 UNITS PER ACRE)

**Exhibit "B"**

I, David Martinez, 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 the plan submittal for building permits.



SCALE: 1" = 400'



Date: May 08, 2019, 1:43pm User: ID: 87763438 File: P:\85122\05\Design\Exhibits\190508\_Mxd\_Zoning\_Exhibit.dwg

JOB NO. 8522-05  
 DATE MAY 2019  
 SHEET

**D&D MACHINERY**  
 SAN ANTONIO, TEXAS  
 MXD USE EXHIBIT

**PAPE-DAWSON ENGINEERS**

2000 NW LOOP 410 | SAN ANTONIO, TEXAS 78213 | PHONE 210.375.9000  
 FAX 210.375.9010  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470