

**AN ORDINANCE 2017-03-02-0144**

**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 15.155 acres out of NCB 17727 land located in the 17700 Block of Bulverde Road, from "C-3 ERZD" General Commercial Edwards Recharge Zone District and "C-3 PC-1 ERZD" General Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District and "MF-33 PC-1 ERZD" Multi-Family Bulverde Road Preservation Corridor Overlay 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 the 12<sup>th</sup> day of March, 2017.

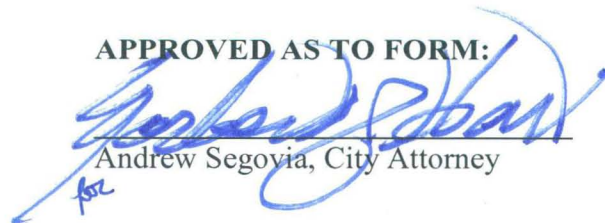
**PASSED AND APPROVED** this 2<sup>nd</sup> day of March 2017.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for  
Andrew Segovia, City Attorney



<b>Agenda Item:</b>	<b>Z-9 ( in consent vote: 17, 18, Z-1, Z-2, P-2, Z-6, P-3, Z-8, P-4, Z-9 )</b>						
<b>Date:</b>	03/02/2017						
<b>Time:</b>	02:04:05 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2016267 ERZD (Council District 10): An Ordinance amending the Zoning District Boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District and "C-3 PC-1 ERZD" General Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District and "MF-33 PC-1 ERZD" Multi-Family Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District on 15.155 acres out of NCB 17727, located in the 17700 Block of Bulverde Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 16081)						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9	x					
Michael Gallagher	District 10		x				x



Z2016267

METES AND BOUNDS DESCRIPTION  
FOR  
ZONING

A 9.562 acre, or 416,510 square feet more or less, tract of land out of Lot 12, Block 2, Fischer 60.91 Acres Subdivision recorded in Volume 9563, Page 185 in the Deed and Plat Records of Bexar County, Texas, in New City Block (N.C.B.) 17727 of the City of San Antonio, Bexar County, Texas. Said 9.562 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

**BEGINNING:** At a point on the west right-of-way line of Bulverde Road, a variable width right-of-way, 110-foot minimum, at the southeast corner of said Lot 12 and the northeast corner of Lot 10, Block 2, of said Fischer 60.91 Acres Subdivision;

**THENCE:** N 89°59'37" W, departing the west right-of-way line of said Bulverde Road, with the south line of said Lot 12, the north line of said Lot 10 and the north line of Lot 9 and Lot 8, Block 2, of said Fischer 60.91 Acres Subdivision, a distance of 556.53 feet to a point;

**THENCE:** N 62°03'31" W, continuing with the south line of said Lot 12, the north line of said Lot 8 and the north line of Lot 7 and Lot 11, Block 2 of said Fischer 60.91 Acres Subdivision, a distance of 420.82 feet to a point on the east right-of-way line of Overlook Loop, a 70-foot right-of-way, dedicated in Volume 9562, Page 185 in said Deed and Plat Records, at the southwest corner of said Lot 12 and the northwest corner of said Lot 11;

**THENCE:** With the east right-of-way line of said Overlook Loop and the west line of said Lot 12, the following bearings and distances:

N 27°56'29" E, a distance of 199.31 feet to a point;

Northeasterly, along a tangent curve to the left, said curve having a radius of 535.00 feet, a central angle of 11°45'14", a chord bearing and distance of N 22°03'52" E, 109.56 feet, for an arc length of 109.75 feet to a point;

N 16°11'15" E, a distance of 57.24 feet to a point;

**THENCE:** N 87°14'40" E, departing the east right-of-way line of said Overlook Loop and the west line of said Lot 12, over and across said Lot 12, a distance of 719.63 feet to a point on the east right-of-way line of said Bulverde Road;

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TBPE Firm Registration #470 | TBPLS Firm Registration #10028800

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Exhibit "A"

Z2016267

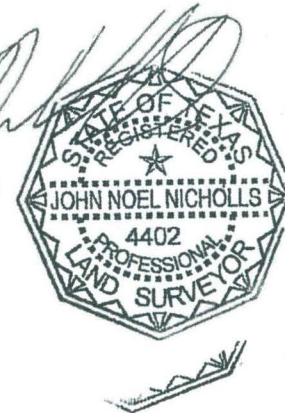
THENCE: With the west right-of-way line of said Bulverde Road, the following bearings and distances:

Southeasterly, along a non-tangent curve to the left, said curve having a radial bearing of S 85°59'52" E, a radius of 1560.00 feet, a central angle of 17°06'18", a chord bearing and distance of S 04°33'01" E, 463.99 feet, for an arc length of 465.72 feet to a point;

S 12°16'33" E, a distance of 104.28 feet to the POINT OF BEGINNING, and containing 9.562 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared under job number 11134-00 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: August 25, 2016  
JOB NO. 11134-00  
DOC. ID. N:\CIVIL\11134-00\ZONING\11134-00ZN FN 9.562 AC.docx





METES AND BOUNDS DESCRIPTION  
FOR  
ZONING

A 5.593 acre, or 243,632 square feet more or less, tract of land out Lot 3, Block 2, Fischer 60.91 Acres Subdivision recorded in Volume 9563, Page 185 in the Deed and Plat Records of Bexar County, Texas, in New City Block (N.C.B.) 17727 of the City of San Antonio, Bexar County, Texas. Said 5.593 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found iron rod with cap marked "MBC" on the east line of the 10.52 acre tract described in Volume 15485, Page 1518 in the Official Public Records of Real Property of Bexar County, Texas, at the northwest corner of said Lot 3 and the southwest corner of Lot 1, Block 7, Bulverde Road Apartments recorded in Volume 9636, Page 58 in said Deed and Plat Records;

THENCE: S 00°52'49" E, with the west line of said Lot 3, the east line of said 10.52 acre tract and the east line of Lot 2, Block 1, Northern Hills United Methodist Church II recorded in Volume 9551, Page 18 in said Deed and Plat Records, a distance of 491.29 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: N 87°14'40" E, departing the west line of said Lot 3 and the east line of said Lot 2, over and across said Lot 3, a distance of 696.11 feet to a point on the east line of said Lot 3 and the west right-of-way line of Overlook Loop, a 70-foot right-of-way, dedicated in Volume 9562, Page 185 in said Deed and Plat Records;

THENCE: With the east line of said Lot 3 and the west right-of-way line of said Overlook Loop, the following bearings and distances:

S 16°11'15" W, a distance of 33.22 feet to a point;

Southwesterly, long a tangent curve to the right, said curve having a radius of 465.00 feet, a central angle of 11°45'14", a chord bearing and distance of S 22°03'52" W, 95.22 feet, for an arc length of 95.39 feet to a point;

S 27°56'29" W, a distance of 214.73 feet to a point;

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Southwesterly, along a tangent curve to the left, said curve having a radius of 535.00 feet, a central angle of  $13^{\circ}30'23''$ , a chord bearing and distance of S  $21^{\circ}11'18''$  W, 125.83 feet, for an arc length of 126.12 feet to a point, at the southeast corner of said Lot 3 and the northeast corner of Lot 4, Block 2, of said Fischer 60.91 Acres Subdivision;

THENCE: N  $89^{\circ}59'37''$  W, departing the east line of said Lot 3 and the west right-of-way line of said Overlook Loop, with the south line of said Lot 3 and the north line of said Lot 4, a distance of 498.14 feet to a point on the east line of said Lot 2, at the southwest corner of said Lot 3 and the northwest corner of said Lot 4;

THENCE: N  $00^{\circ}52'49''$  W, with the west line of said Lot 3 and the east line of said Lot 2, a distance of 393.69 feet to the POINT OF BEGINNING, and containing 5.593 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit map prepared under job number 11134-00 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: August 25, 2016  
JOB NO. 11134-00  
DOC. ID. N:\CIVIL\11134-00\ZONING\11134-00 ZN FN 5.593 AC.docx

