

AN ORDINANCE 2017-10-05-0771

**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 3.147 acres out of NCB 13767 and 13806 from "R-6 IH-1 AHOD" Residential Single-Family Northeast Gateway Corridor Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 S IH-1 AHOD" Residential Single-Family Northeast Gateway Corridor Airport Hazard Overlay District with a Specific Use Authorization for an Urban Farm and "R-6 S AHOD" Residential Single-Family Airport Hazard Overlay District with a Specific Use Authorization for an Urban Farm.

**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.** 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 October 15, 2017.

**PASSED AND APPROVED** this 5<sup>th</sup> day of October 2017.

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

| <b>Agenda Item:</b> | <b>Z-5 ( in consent vote: Z-2, P-2, Z-3, Z-4, Z-5, Z-7, Z-8, Z-9, Z-10, Z-11, Z-12, Z-13, Z-15, Z-16, Z-17, P-4, Z-19 )</b>   |                    |            |            |                |               |               |
|---------------------|---|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Date:</b>        | 10/05/2017  |                    |            |            |                |               |               |
| <b>Time:</b>        | 02:19:39 PM   |                    |            |            |                |               |               |
| <b>Vote Type:</b>   | Motion to Approve   |                    |            |            |                |               |               |
| <b>Description:</b> | ZONING CASE # Z2017226 S (Council District 2): An Ordinance amending the Zoning District Boundary from "R-6 IH-1 AHOD" Residential Single-Family Northeast Gateway Corridor Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 S IH-1 AHOD" Residential Single-Family Northeast Gateway Corridor Airport Hazard Overlay District with a Specific Use Authorization for an Urban Farm and "R-6 S AHOD" Residential Single-Family Airport Hazard Overlay District with a Specific Use Authorization for an Urban Farm on 3.147 acres out of NCB 13767 and 13806, located at 402 Earlyway and 307 Overlook Road. Staff and Zoning Commission recommend Approval. |                    |            |            |                |               |               |
| <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> |
| Ron Nirenberg       | Mayor   |                    | x          |            |                |               |               |
| Roberto C. Treviño  | District 1  |                    | x          |            |                |               |               |
| William Cruz Shaw   | District 2  |                    | x          |            |                | x             |               |
| Rebecca Viagran     | District 3  |                    | x          |            |                |               |               |
| Rey Saldaña         | District 4  |                    | x          |            |                |               |               |
| Shirley Gonzales    | District 5  |                    | x          |            |                |               |               |
| Greg Brockhouse     | 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  
10/05/2017  
Item No. Z-5

# **Exhibit “A”**



**METES AND BOUNDS**

Being 3.147 acres of land, more or less, out of the M.A. De Los Santos Survey No. 306, Abstract No. 135, New City Block 13767 and 13806, City of San Antonio, Bexar County, Texas, and being all of Lot 9, Block 5, New City Block 13767, Morningside Park Subdivision, recorded in Volume 3850, Page 25, Deed and Plat Records, Bexar County, Texas, part of a 3.336 acre tract of land described in Warranty Deed recorded in Volume 10462, Page 2172, Official Public Records, Bexar County, and all of a 0.580 acre tract of land described in Warranty Deed recorded in Volume 10463, Page 1340, Official Public Records, Bexar County, Texas, **SAVE AND EXCEPT** that 0.347 acres conveyed in a Warranty Deed recorded in Document No. 20140157992, Official Public Records, said 3.147 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found for the southwest corner of this 3.147 acres, same being the southwest corner of said Lot 9 and the northwest corner of Lot 1 of said Morningside Subdivision, same also being on the northeast Right-of-Way line of Earlyway (platted as Earlyway Drive), a 60 foot Right-of-Way, same also being the **POINT OF BEGINNING**;

**THENCE** along the northeast Right-of-Way line of said Earlyway, North 13 degrees 24 minutes 29 seconds West (called North 13 degrees 45 minutes 48 seconds West), a distance of 39.59 feet (40.08 feet) to a 1/2 inch iron rod found for the lower northwest corner of this 3.147 acres, same being the southwest corner of Lot 9A of said Morningside Subdivision;

**THENCE** along the lines common to this 3.147 acres and said Lot 9A the following courses and distances:

North 77 degrees 21 minutes 50 seconds East (called North 77 degrees 44 minutes 56 seconds East), a distance of 40.00 feet (40.02 feet) to a 1/2 inch iron rod found for an angle corner, same being the southeast corner of said Lot 9A;

North 12 degrees 09 minutes 54 seconds West (called North 12 degrees 40 minutes 23 seconds West), a distance of 11.96 feet (12.15 feet) to a 1/2 inch iron rod found for an angle corner, same being the northeast corner of said Lot 9A;

South 78 degrees 02 minutes 13 seconds West (called South 76 degrees 04 minutes 55 seconds West), a distance of 8.31 feet to a point for an angle corner, same being on the North line of said Lot 9A at the South common corner of said Lot 9 and Lot 8 of said Morningside Subdivision;

**THENCE** along the line common to this 3.147 acres and said Lot 8 the following courses and distances:

North 33 degrees 28 minutes 38 seconds East (called North 33 degrees 10 minutes 57 seconds East), a distance of 148.79 feet (149.05 feet) to a point for an angle corner, same being the East common corner of said Lots 9 & 8;

North 13 degrees 15 minutes 32 seconds West (called North 13 degrees 36 minutes 31 seconds West), a distance of 18.97 feet to a point for the upper northwest corner of this 3.147 acres from which an erroneous 1/2 inch iron rod found bears South 24 degrees 26 minutes 30 seconds East, a distance of 7.95 feet, said point being the northeast corner of said Lot 8 and the southeast corner of Lot 7 of said Morningside Subdivision, same also being the southwest corner of the Shurgard Texas Ltd. Partnership (Shurgard) 6.328 acres (Volume 7728, Page 1187);

**THENCE** along the line common to this 3.147 acres and said Shurgard 6.328 acres, North 89 degrees 52 minutes 06 seconds East (called North 89 degrees 31 minutes 07 seconds East), at a distance of 512.21 feet (called 514.96 feet) pass a 1/2 inch iron rod found for the northeast corner of said 3.336 acres, same being the northwest corner of said 0.580 acres and the southwest corner of Lot 12 of the D'Angelo Subdivision (Volume 9501, Page 222) and continuing for a total distance of 714.98 feet (called 714.96 feet) to a 1/2 inch iron rod found for the upper northeast corner of this 3.147 acres, same being the northeast corner of said 0.580 acres and the southeast corner of said Lot 12, same also being on the West Right-of-Way line of Overlook (Overlook Drive per plat);

**THENCE** along the West Right-of-Way line of said Overlook, South 00 degrees 58 minutes 01 seconds East (called South 01 degrees 03 minutes 03 seconds East), a distance of 49.78 feet (called 49.73 feet), to a P.K. nail found for the lower northeast corner of this 3.147 acres, same being the northeast corner of the Veronica G. Villegas 0.347 acres (Document No. 20140157992);



**THENCE** along the lines common to this 3.147 acres and said Villegas 0.347 acres the following courses and distances:

South 89 degrees 39 minutes 27 seconds West (called South 89 degrees 05 minutes 58 seconds West), a distance of 200.72 feet (called 200.01 feet) to point for an interior corner of this 3.147 acres, same being the northwest corner of said Villegas 0.347 acres and on the West line of said 0.580 acres, same also being on the East line of said 3.336 acres;

South 00 degrees 04 minutes 22 seconds East (called South 00 degrees 25 minutes 21 seconds East), a distance of 76.00 feet to a metal fence post for an angle corner, same being the southwest corner of said Villegas 0.347 acres and the northwest corner of the Javier A. Deluna, et ux 0.230 acres;

**THENCE** along the line common to this 3.147 acres and said Deluna 0.230 acres, South 01 degrees 56 minutes 25 seconds East (called South 02 degrees 17 minutes 24 seconds East), a distance of 106.55 feet (called 105.86 feet) to a point for the lower southeast corner of this 3.147 acres, same being the southeast corner of said 3.336 acres and the southwest corner of the Jose C. Sanchez 0.250 acres (Volume 17151, Page 735), same also being on the North line of the William B. Wagner 1.317 acres (Volume 4795, Page 1095);

**THENCE** along the line common to this 3.147 acres and said Wagner 1.317 acres, South 89 degrees 40 minutes 41 seconds West (called South 89 degrees 19 minutes 42 seconds West), a distance of 389.43 feet (called 389.56 feet) to a point for an angle point, same being the northwest corner of the Wagner 1.317 acres at the northeast corner of the David Puente, et ux 0.416 acres (Volume 17050, Page 1257), same also being an angle corner of said 3.336 acres;

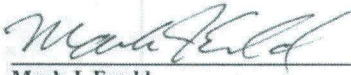
**THENCE** along the line common to this 3.147 acres and said Puente 0.416 acres, South 88 degrees 18 minutes 19 seconds West (called South 88 degrees 47 minutes 33 seconds West), a distance of 75.47 feet (75.91 feet) to a 1/2 inch iron rod found for the lower southwest corner of this 3.147 acres, same being the northwest corner of said Puente 0.416 acres and on the East line of Lot 2 of said Morningside Subdivision;

**THENCE** along the lines common to this 3.147 acres and said Morningside Subdivision the following courses and distances:

North 12 degrees 17 minutes 57 seconds West (called North 13 degrees 18 minutes 54 seconds West), a distance of 69.53 feet to a 1/2 inch iron rod found for an angle corner, same being the East common corner of said Lots 9 & 1;

South 76 degrees 58 minutes 08 seconds West (called South 76 degrees 35 minutes 37 seconds West), a distance of 139.66 feet (139.54 feet) to the **POINT OF BEGINNING**, and containing 3.147 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.

  
Mark J. Ewald  
Registered Professional Land Surveyor  
Texas Registration No. 5095  
September 6, 2016



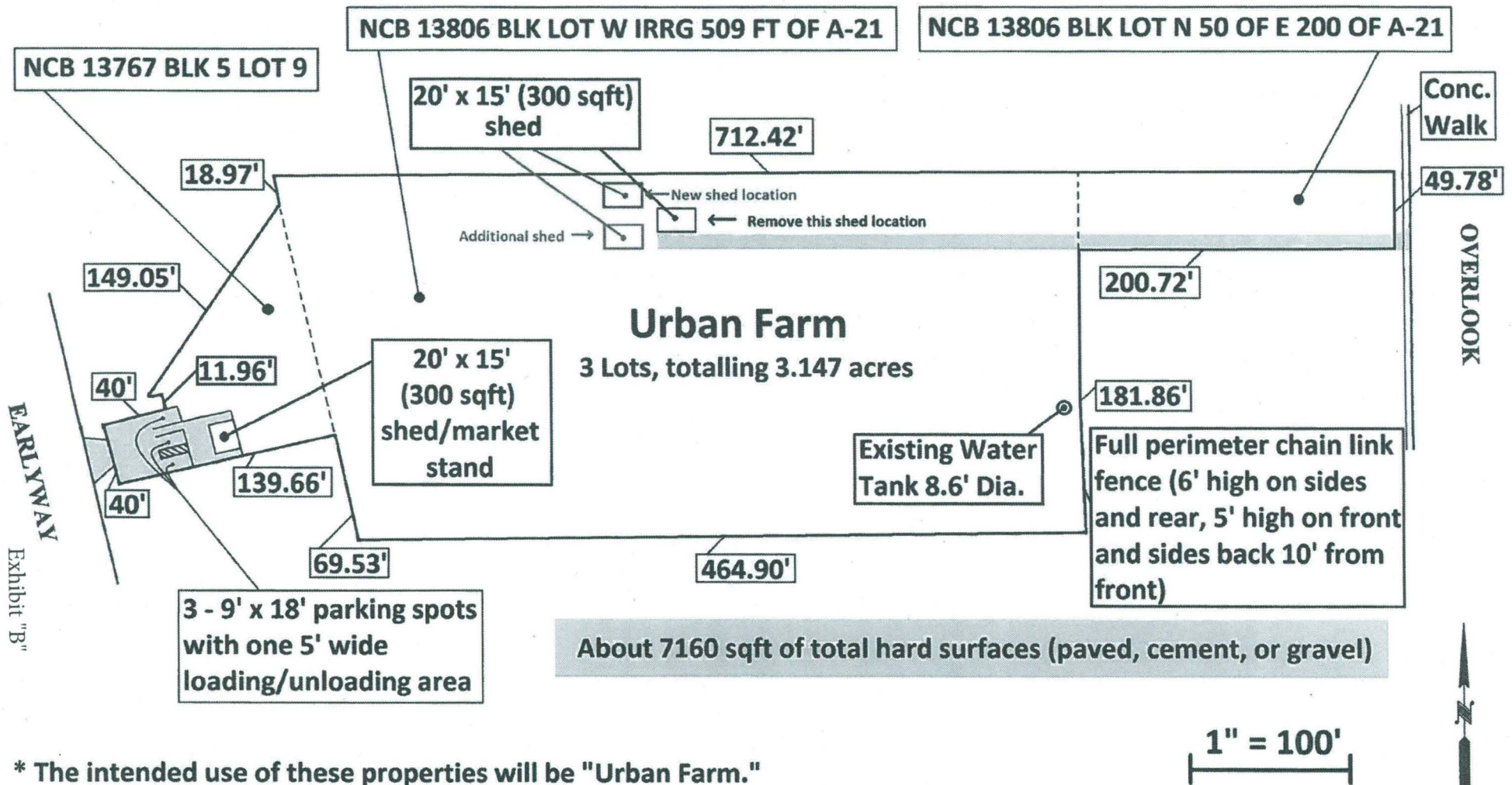
SG/lj  
10/05/2017  
Item No. Z-5

# **Exhibit “B”**



Urban Farm Site Plan: 402 EARLYWAY DR / 307 OVERLOOK RD SAN ANTONIO, TX 78233

22017226



\* The intended use of these properties will be "Urban Farm."

\* All 3 lots are zoned R-6. Front setback is 10'. Side setbacks are 5'. Rear setback is 20'.

I, David McArdle, 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.