

AN ORDINANCE 2019-01-17-0093

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 2.96 acres out of CB 4718 from "RE MLOD-1 MSAO-1" Residential Estate Camp Bullis Military Lighting Overlay Military Sound Attenuation Overlay District to "C-2 CD MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay District Military Sound Attenuation District with Conditional Use for Office Warehouse (Flex Space) - Outside Storage Not Permitted and 2.911 acres out of CB 4718 from "RE MLOD-1 MSAO-1" Residential Estate Camp Bullis Military Lighting Overlay Military Sound Attenuation Overlay District to "C-2 MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay District Military Sound Attenuation 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 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 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.

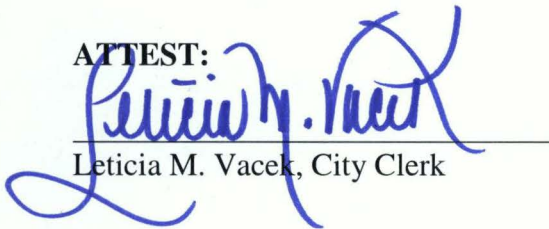
SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective January 27, 2019.

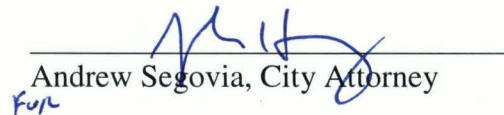
PASSED AND APPROVED this 17th day of January 2019.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney
for

METES AND BOUNDS

TRACT 1

Being 2.960 acres of land, more or less, out of the J.I. Smith Survey No. 1002 ½, Abstract No. 1122 and the Jacob Metzler Survey No. 24 ¾, Abstract No. 521, Bexar County, Texas, and being out of the remainder of a 8.529 acre tract as described in a Special Warranty Deed recorded in Volume 15999, Page 1359, Official Public Records, Bexar County, Texas, said 2.960 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (monument of record dignity), for the South corner of this 2.960 acres, same being the southwest corner of the Heritage Montessori Academy, LLC, 21.27 acres (Volume 18315, Page 1536), and on the northeast line of a Variable Width Greenbelt (Volume 9581, Page's 211-217), same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 2.960 acres and said Variable Width Greenbelt, North 50 degrees 25 minutes 15 seconds West (called North 50 degrees 26 minutes 55 seconds West), a distance of 325.66 feet (called 325.83 feet) for the southwest corner of this 2.960 acres, same being on the East Right-of-Way line of Kyle Seale Parkway (86' R.O.W.), and for the northeast corner of said Variable Width Greenbelt;

THENCE along the East Right-of-Way line of said Kyle Seale Parkway, the following courses and distances:

Along an arc to the left, having a radius of 793.00 feet, an arc length of 203.25 feet (called 203.44 feet), a chord length of 202.69 feet, a chord bearing of North 41 degrees 23 minutes 41 seconds East, a delta angle of 14 degrees 41 minutes 06 seconds to a 1/2 inch iron rod found for an angle corner;

North 34 degrees 07 minutes 53 seconds East (called North 34 degrees 06 minutes 14 seconds East), a distance of 163.09 feet to a 1/2 inch iron rod set for the North corner of this 2.960 acres, same being the West corner of Tract 2, surveyed this same date;


THENCE along the line common to this 2.960 acres and said Tract 2, South 55 degrees 53 minutes 35 seconds East, a distance of 368.70 feet to a 1/2 inch iron rod set for the East corner of this 2.960 acres, same being the South corner of said Tract 2, and along the northwest line of said Heritage Montessori Academy, LLC, 21.27 acres;

THENCE along the lines common to this 2.960 acres and said Heritage Montessori Academy, LLC, 21.27 acres, the following courses and distances:

South 44 degrees 52 minutes 18 seconds West (called 44 degrees 53 minutes 12 seconds West), a distance of 162.50 feet to a 1/2 inch iron rod found for an angle corner;

South 43 degrees 44 minutes 01 seconds West (called South 43 degrees 41 minutes 54 seconds West), a distance of 238.92 feet (called 238.87 feet) to the **POINT OF BEGINNING**, and containing 2.960 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 hereon 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
December 13, 2018



Exhibit "A"

METES AND BOUNDS

TRACT 2

Being 2.911 acres of land, more or less, out of the J.I. Smith Survey No. 1002 ½, Abstract No. 1122 and the Jacob Metzler Survey No. 24 ¾, Abstract No. 521, Bexar County, Texas, and being out of the remainder of a 8.529 acre tract as described in a Special Warranty Deed recorded in Volume 15999, Page 1359, Official Public Records, Bexar County, Texas, said 2.911 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (monument of record dignity), for the northeast corner of this 2.911 acres, same being the northwest corner of the Heritage Montessori Academy, LLC, 21.27 acres (Volume 18315, Page 1536) and on the South Right-of-Way line of Babcock Road, same also being the **POINT OF BEGINNING**;

THENCE along the lines common to this 2.911 acres and said Heritage Montessori Academy, LLC, 21.27 acres, the following courses and distances:

South 43 degrees 58 minutes 31 seconds West (called South 43 degrees 58 minutes 19 seconds West), a distance of 396.47 feet (called 396.71 feet) to a 1/2 inch iron rod found for an angle corner;

South 44 degrees 52 minutes 18 seconds West (called South 44 degrees 53 minutes 12 seconds West), a distance of 235.95 feet to a 1/2 inch iron rod set for the South corner of this 2.911 acres, same being the northeast corner of Tract 1, surveyed this same date;

THENCE along the line common to this 2.911 acres and said Tract 1, North 55 degrees 53 minutes 35 seconds West, a distance of 368.70 feet, to a 1/2 inch iron rod set for the West corner of this 2.911 acres, same being the North corner of said Tract 1 and the on the East Right-of-Way line of Kyle Seale Parkway (86' R.O.W.);

THENCE along the East Right-of-Way line of Kyle Seale Parkway, North 34 degrees 07 minutes 53 seconds East (called North 34 degrees 06 minutes 14 seconds East), a distance of 175.80 feet to a 5/8 inch iron rod found for the lower northwest corner of this 2.911 acres, and the southwest corner of Lot 1, Block 2 (Volume 9680, Page 72);


THENCE along the lines common to this 2.911 acres and said Lot 1, the following courses and distances:

South 67 degrees 21 minutes 11 seconds East, a distance of 364.51 feet to a Cotton Gin Spindle found for an interior angle corner;

North 22 degrees 50 minutes 08 seconds East, a distance of 324.07 feet to a 1/2 inch iron rod set for the upper northwest corner of this 2.911 acres and on the South Right-of-Way line of said Babcock Road;

THENCE along the South Right-of-Way line of said Babcock Road, South 72 degrees 41 minutes 03 seconds East (called South 72 degrees 41 minutes 16 seconds East), a distance of 195.06 feet to the **POINT OF BEGINNING**, and containing 2.911 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 hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.

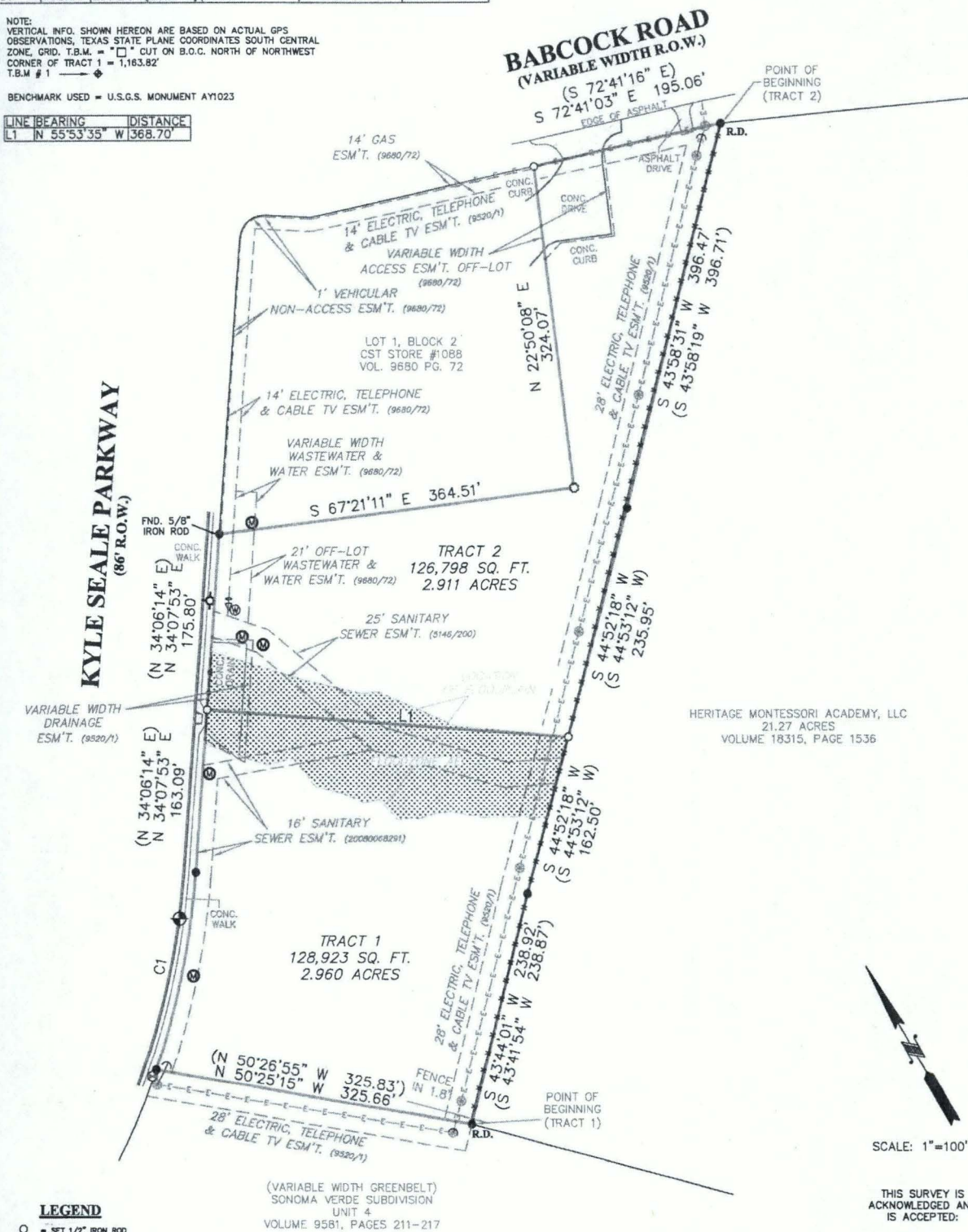

Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
December 13, 2018



NOTE:
VERTICAL INFO. SHOWN HEREON ARE BASED ON ACTUAL GPS
OBSERVATIONS, TEXAS STATE PLANE COORDINATES SOUTH CENTRAL
ZONE, GRID. T.B.M. = "□" CUT ON B.O.C. NORTH OF NORTHWEST
CORNER OF TRACT 1 = 1,163.82'
T.B.M. # 1 →

BENCHMARK USED = U.S.G.S. MONUMENT AY1023





LINE	BEARING	DISTANCE
L1	N 55°53'35" W	368.70'



SCALE: 1"=100'

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

LEGEND

-  = SET 1/2" IRON ROD
-  = FIRE HYDRANT
-  = WATER VALVE
-  = FND. COTTON GIN SPINDLE

NOTE:
NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE:
THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE
COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR
OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY
WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

NOTE:
Bearings shown hereon are based on actual GPS Observations, Texas
State Plane Coordinates, South Central Zone, Grid.

FIRM REGISTRATION NO.
10111700



LAND SURVEYORS, LLC.
P.O. BOX 1845 BOERNE, TEXAS 78008
PHONE (210) 372-9500 FAX (210) 372-9990

G.F. NO.	N/A
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LEGEND

- FIND 1/2" IRON ROD
- RECORD INFORMATION
- BUILDING SETBACK
- RECORD DIGNITY MONUMENT
- POWER POLE
- UNDERGROUND CABLE
- WATER METER
- METAL GUARD RAIL
- WIRE FENCE
- SEWER MANHOLE
- GUY WIRE
- OVERHEAD ELECTRIC

DRAWN BY: BLE

JOB NO.	86580
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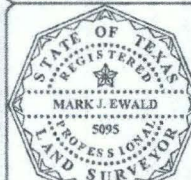
FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EXTENT OF ANY DAMAGE THAT MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as 19060C0240D, dated 09/09/2010. By scrolling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) AE. Because this is a boundary survey, the surveyor does not interpret the FEMA Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION. Any interpretation, which may not agree with the interpretations of FEMA or State or local officials, and which may not agree with the tract's actual conditions more information concerning FEMA's Special Flood Hazard Areas and Flood Zone designations can be found at <https://nms.fema.gov/portal/>.

Property Address: 0 KYLE SEALE PARKWAY
Property Description:

TRACT 1: Being 2.960 acres of land, more or less, out of the J.J. Smith Survey No. 1002 ½, Abstract No. 1122 and the Jacob Metzler Survey No. 24 ½, Abstract No. 521, Bexar County, Texas, and being out of the remainder of a 8.529 acre tract as described in a Special Warranty Deed recorded in Volume 15999, Page 1359, Official Public Records, Bexar County, Texas, said 2.960 acres being more particularly described by metes and bounds attached hereto.

TRACT 2: Being 2.911 acres of land, more or less, out of the J.J. Smith Survey No. 1002 1/2, Abstract No. 1122 and the Jacob Metzler Survey No. 24 3/4, Abstract No. 521, Bexar County, Texas, and being out of the remainder of a 8.529 acre tract as described in a Special Warranty Deed recorded in Volume 15999, Page 1359, Official Public Records, Bexar County, Texas, said 2.911 acres being more particularly described by metes and bounds attached hereto.

Owner: T.B.D.

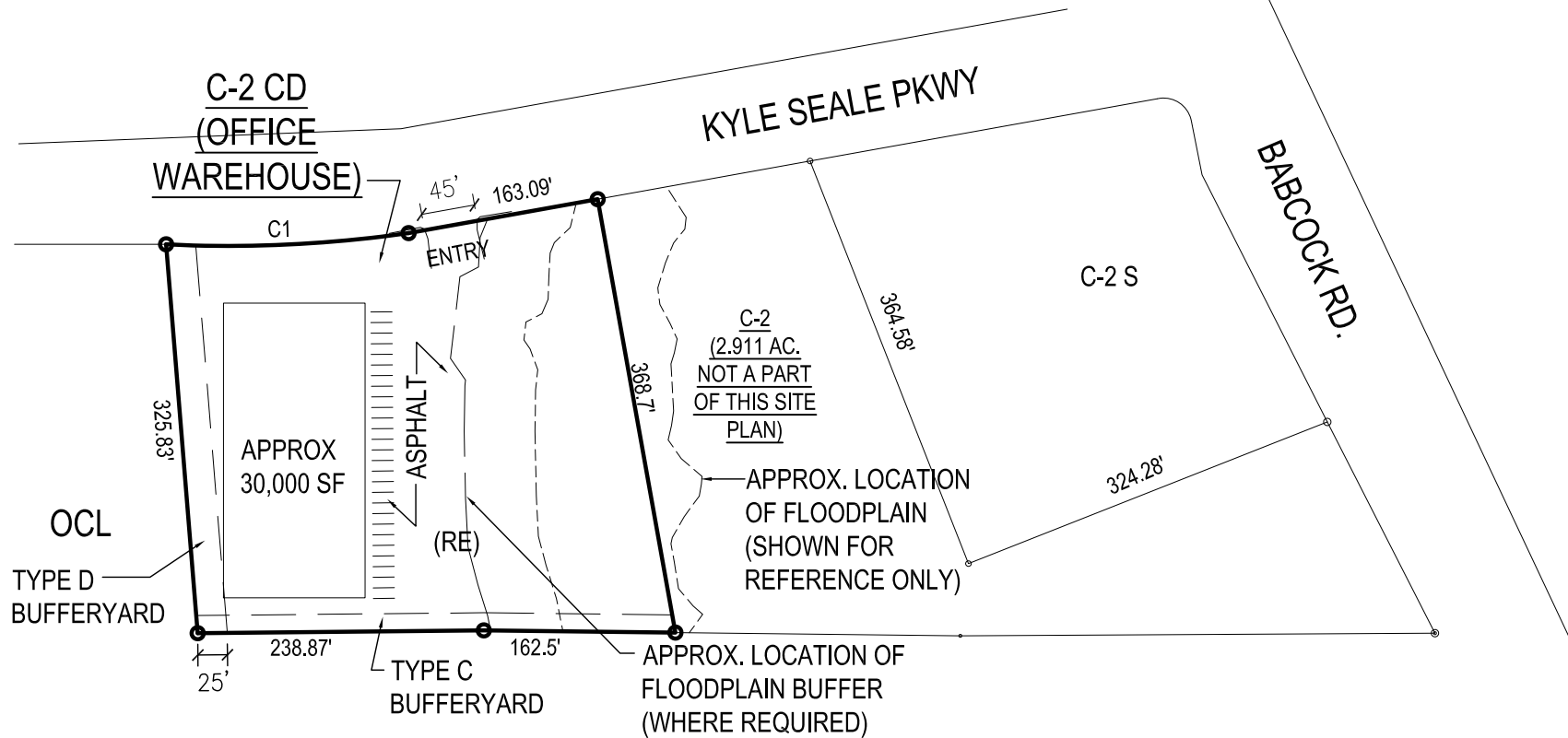


I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

DATE: 12/13/2018

Z2018348 CD



RE

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	14d 41m 06s	793.00'	203.44'	102.28'	n41d 27m 12s E	202.69'

- PROPERTY: 2.96 ACRES (128,923 S.F.)
- LEGAL DESCRIPTION: A PORTION OF CB 4718 P-2A, EXC. NE 364.58 FT X 324.28 FT (NON ADJ. REMAINS)
- CURRENT ZONING: RE MLOD-1
- REQUESTED ZONING: C-2 CD MLOD-1 (CONDITIONAL USE FOR OFFICE WAREHOUSE, FLEX SPACE)
- IMPERVIOUS COVER: UP TO 125,000 S.F.
- PARKING: 1 SPACE PER 2,000 SF GFA: 30,000 SF GFA = 15 SPACES REQUIRED; 28 PROVIDED

CONDITIONAL USE SITE PLAN: KYLE SEALE PKWY

SCALE: 1" = 150'

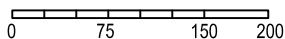


Exhibit "B"

I, BIJAN BONAKCHI, FOR 1604 UT PROPERTIES, LLC, 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.