

AN ORDINANCE 2015-10-01-0851

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 Lots 3,4, and 5, Block 13, NCB 3867 from "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District to "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for a Museum on 0.1485 acres out of NCB 3867 and to "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on 0.4501 acres out of NCB 3867.

SECTION 2. A description of the property is attached as **Attachment "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.

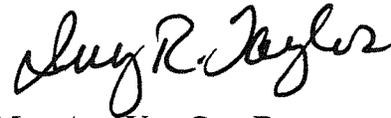
SECTION 4. The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

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.

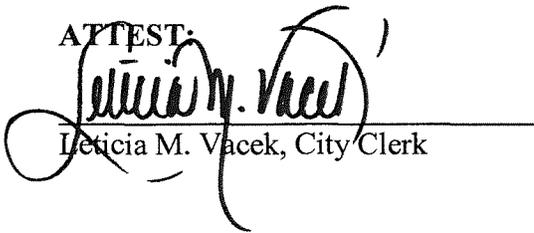
SECTION 7. This ordinance shall become effective October 11th, 2015.

PASSED AND APPROVED this 1st day of October, 2015.



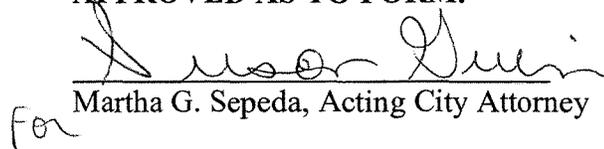
M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Martha G. Sepeda, Acting City Attorney
for

Agenda Item:	Z-4
Date:	10/01/2015
Time:	03:15:10 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2015270 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District to "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with Conditional Use for a Museum on 0.1485 acres out of NCB 3867 and "MF-33 CD NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with Conditional Use for a Non-Commercial parking Lot on 0.4501 acres out of NCB 3867, located at 1106, 1110, and 1112 East Mulberry Avenue. Staff and Zoning Commission recommend Approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				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				

Exhibit A: Property Conditional Zoning for Museum Use

BURY

0.1485 ACRES
(6468 Sq. Ft.)
100010-50343ex3.dwg

FN NO. 100010-50343-4
August 11, 2015
JOB NO. 100010-50343.97

**FIELD NOTE DESCRIPTION
FOR REZONING**

Of a 0.1485 acre (6468 square feet) tract of land, consisting of a portion of Lot 3, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Veronica Zabith in Deed Volume 14736, Page 1779; a portion of Lot 4 and Lot 5, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Mulberry Developers, LLC in Deed Volume 16887, Page 744 and Volume 16887, Page 631, all of the Official Public Records of Bexar County, Texas; said 0.1485 acre tract being more particularly described by Metes and Bounds as follows with all bearings being referenced to the North American Datum, 1983, Texas Coordinate System, South Central Zone;

Beginning, at a found "X" on the Southerly right-of-way line of E. Mulberry Street (50' R.O.W.) and being the Northeast corner of said Lot 5; said point also being the Northwesterly corner of Lot 5, Block 3, New City Block 9021, as conveyed to Brack Hill Investors LLC in Document No. 20130035514 of the Official Public Records of Bexar County, Texas;

Thence, S 48° 55' 40" W, 27.52 feet, along the common line of said Lot 5, Block 13 and Lot 5, Block 3, to a point for corner;

Thence, crossing said Lots 5, Lot 4 and Lot 3, Block 13, along the southern lines of the herein described tract, as follows:

N 41° 04' 20" W, 16.51 feet, to a point for corner;

N 57° 51' 50" W, 64.45 feet, to a point for corner;

S 51° 33' 03" W, 48.09 feet, to a point for corner;

N 59° 03' 03" W, 32.23 feet, to a point for corner;

N 31° 15' 03" E, 34.51 feet, to a point for corner;

N 56° 56' 37" W, 54.66 feet, to a point on the Westerly line of said Lot 3, for the Southwesterly corner of the herein described tract; said point also being the Northeasterly corner of a 1.323 acre tract as conveyed to The San Antonio Children's Museum in Deed Volume 15183, Page 1055 of the Official Public Records of Bexar County, Texas;

Thence, N 33° 06' 49" E, 31.73 feet, along the common line of said Lot 3 and the 1.323 acre tract, to a point on the Southerly right-of-way line of E. Mulberry, for the Northwesterly corner of the herein described tract of land;

Thence, along the Southerly right-of-way line of E. Mulberry and the Northerly lines of Lot3, Lot 4 and Lot 5, as follows:

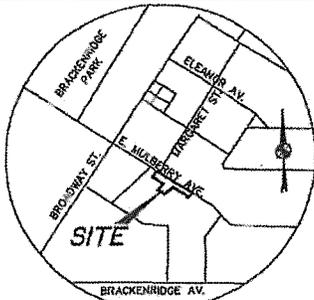
S 58° 10' 28" E, 100.27 feet, to a found 1/4-inch iron rod for corner;

S 57° 49' 23" E, 87.79 feet, to the Point of Beginning, containing 0.1485 acres (6468 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, 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."

Hal B. Lane III 8/12/15
Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
BURY
922 Isom Road, Suite 100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No. 101075-01

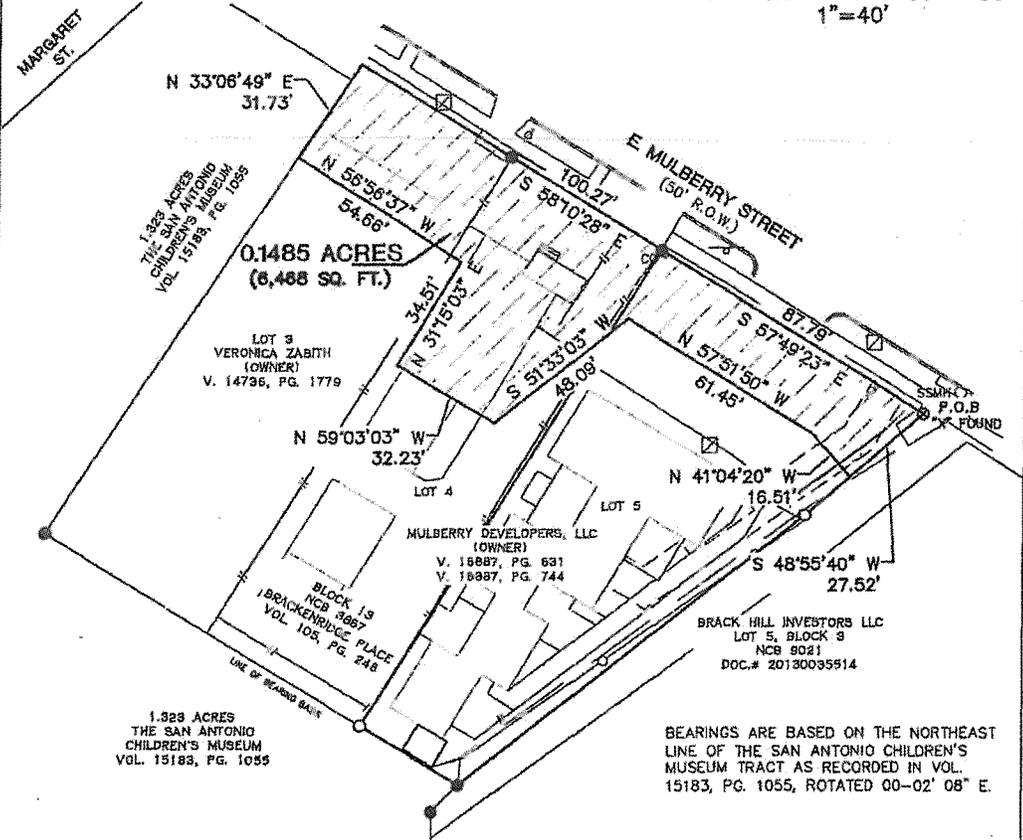
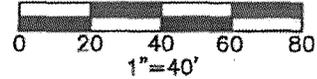




VICINITY MAP
N.T.S.
SAN ANTONIO, TEXAS

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ POWER POLE
- ⊖ DOWN GUY
- CO WASTEWATER CLEANOUT
- ⊕ SIGN
- ⊕ WATER METER
- ⊕ WOOD FENCE
- ⊕ CHAIN LINK FENCE



BURY

221 West 84th Street, Suite 600
Austin, Texas 78751
Tel: 512-299-2013 Fax: 512-228-9005
Toll Free: 800-800-4477
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EXHIBIT

OF A 0.1485 ACRE TRACT LOCATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF LOTS 3-5, BLOCK 13, NCB 3867, BRACKENRIDGE PLACE, CITY OF SAN ANTONIO, A SUBDIVISION OF RECORD IN VOLUME 105, PAGE 248 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

MULBERRY DEVELOPERS, LLC
&
VERONICA ZABITH

DATE: 08-12-15

SCALE: 1"=40'

DRAWN BY: HL

FILE: 100110-00143 E-0.dwg

PROJECT No: R010010-0003

Exhibit B: Property with Conditional Zoning for a non-commercial parking lot

Z2015270

BURY

0.4501 ACRES
(19,605 Sq. Ft.)
100010-50343ex4.dwg

FN NO. 100010-50343-5
August 11, 2015
JOB NO. 100010-50343.97

**FIELD NOTE DESCRIPTION
FOR REZONING**

Of a 0.4501 acre (19,605 square feet) tract of land, consisting of a portion of Lot 3, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Veronica Zabith in Deed Volume 14736, Page 1779; a portion of Lot 4 and Lot 5, Block 13, New City Block 3867, Brackenridge Place, as conveyed to Mulberry Developers, LLC in Deed Volume 16887, Page 744 and Volume 16887, Page 631, all of the Official Public Records of Bexar County, Texas; said 0.4501 acre tract being more particularly described by Metes and Bounds as follows with all bearings being referenced to the North American Datum, 1983, Texas Coordinate System, South Central Zone;

Commencing, at a found "X" on the Southerly right-of-way line of E. Mulberry Street (50' R.O.W.) and being the Northeast corner of said Lot 5; said point also being the Northwesterly corner of Lot 5, Block 3, New City Block 9021, as conveyed to Brack Hill Investors LLC in Document No. 20130035514 of the Official Public Records of Bexar County, Texas;

Thence, S 48° 55' 40" W, 27.52 feet, along the common line of said Lot 5, Block 13 and Lot 5, Block 3, to the **Point of Beginning** for the herein described tract of land;

Thence, along the common line of said Lot 5, Block 13 and Lot 5, Block 3, as follows:

S 48° 55' 40" W, 16.72 feet, to a point for corner;

S 51° 35' 40" W, 124.23 feet, to a found 1/2-inch iron rod at the Southeasterly corner of said Lot 5, Block 13, for the Southeast corner of the herein described tract; said point also being the most Easterly corner of a called 1.323 acre tract as conveyed to The San Antonio Children's Museum in Volume 15183, Page 1055 of the Official Public Records of Bexar County, Texas;

Page 2 of 3

Thence, N 58° 19' 16" W, 136.63 feet along the common line of said 1.323 acre tract and Lots 5, 4 and 3, Block 13, to a found 1/2-inch iron rod for the Southwest corner of the herein described tract of land;

Thence, N 33° 06' 32" E, 128.39 feet, along the common line of said 1.323 acre tract and Lot 3, Block 13, to a point for the Northwest corner of the herein described tract;

Thence, crossing said Lot 3, Lot 4 and Lot 5, Block 13, as follows:

S 56° 56' 37" e, 54.66 feet, to a point for corner;

S 31° 15' 03" W, 34.51 feet, to a point for corner;

S 59° 03' 03" E, 32.23 feet, to a point for corner;

N 51° 33' 03" E, 48.09 feet, to a point for corner;

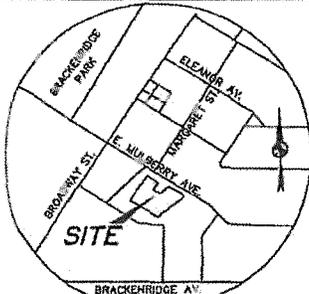
S 57° 51' 50" E, 61.45 feet, to a point for corner;

S 41° 04' 20" E, 16.51 feet, to the Point of Beginning, containing 0.4501 acres (19,605 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, 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."

 8/12/15
Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
BURY
922 Isom Road, Suite 100
San Antonio, Texas 78216
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TBPLS Firm No. 101075-01

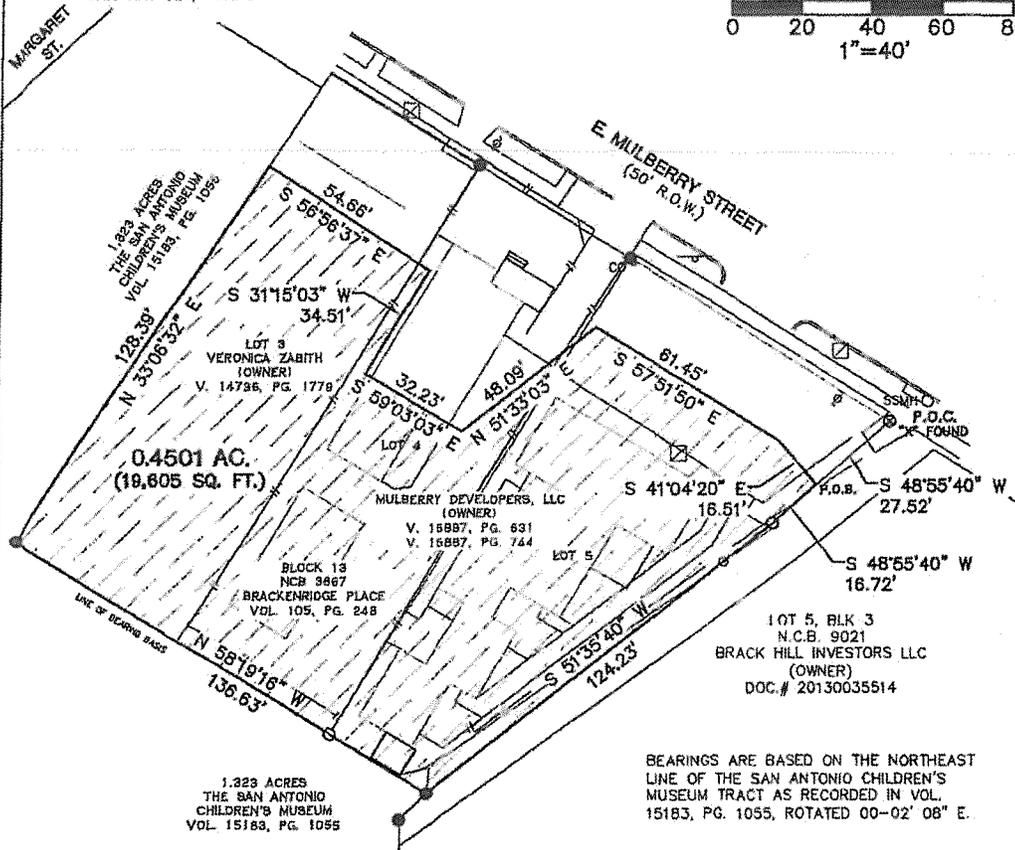
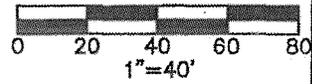




VICINITY MAP
N.T.S.
SAN ANTONIO, TEXAS

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ POWER POLE
- ⊖ DOWN GUY
- ε WASTEWATER CLEANOUT
- ∞° SIGN
- ⊠ WATER METER
- WOOD FENCE
- CHAIN LINK FENCE



BURY

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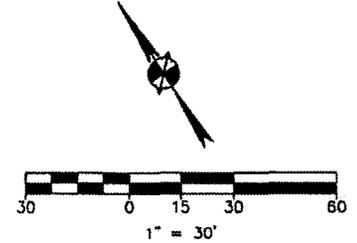
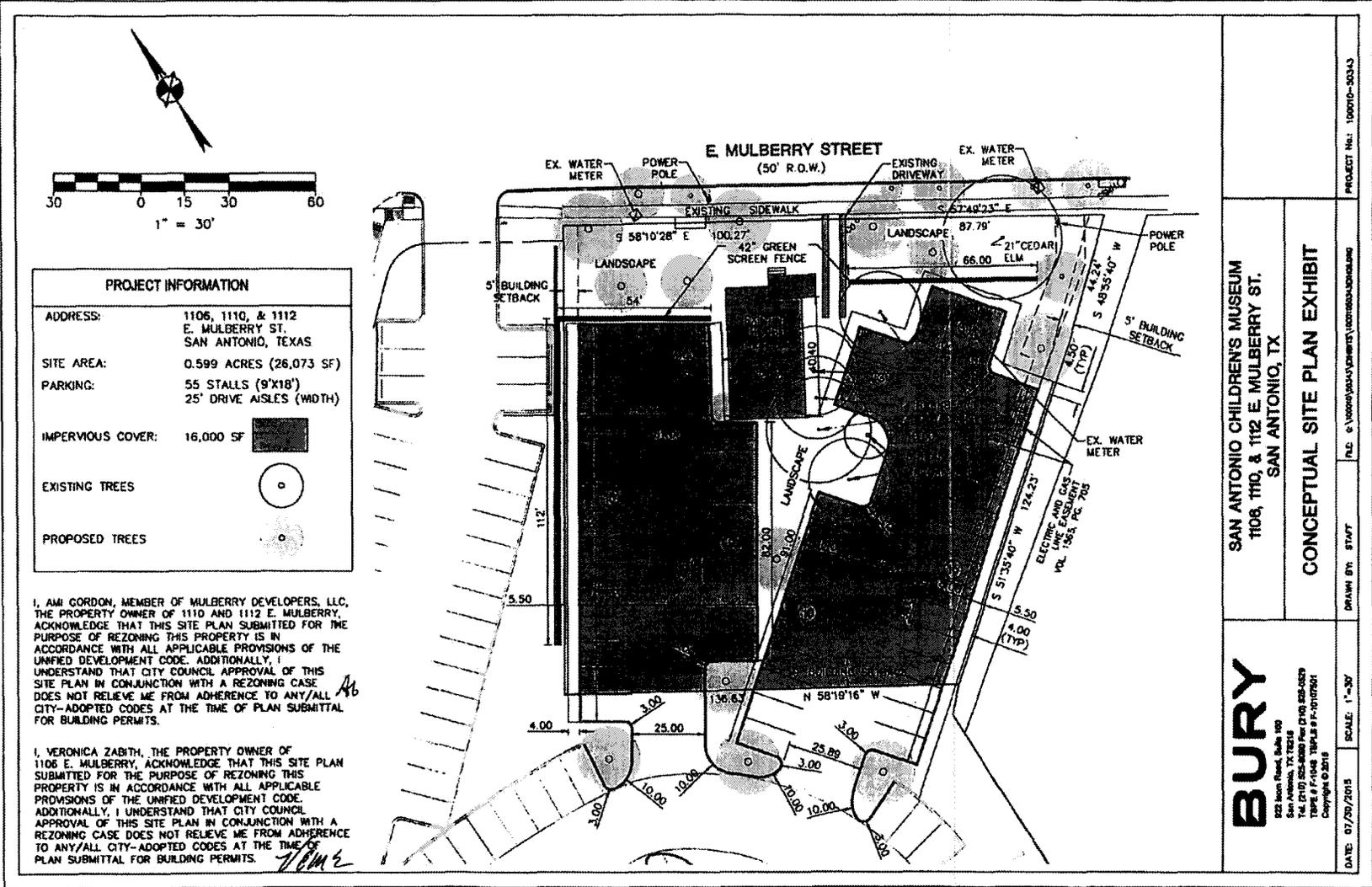
EXHIBIT

OF A 0.4501 ACRE TRACT LOCATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF LOTS 3-5, BLOCK 13, NCB 3887, BRACKENRIDGE PLACE, CITY OF SAN ANTONIO, A SUBDIVISION OF RECORD IN VOLUME 105, PAGE 248 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

MULBERRY DEVELOPERS, LLC
&
VERONICA ZABITH

DATE: 08-12-15	SCALE: 1"=40'	DRAWN BY: HBL	FILE: 100019-1502-EXHIBIT-4.dwg	PROJECT No: 10000910-50250
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11/11/2010 09:57:11 AM User: hbl\hbl.dwg, made by gonz on Aug 11 10:23:44 AM



PROJECT INFORMATION	
ADDRESS:	1106, 1110, & 1112 E. MULBERRY ST. SAN ANTONIO, TEXAS
SITE AREA:	0.599 ACRES (26,073 SF)
PARKING:	55 STALLS (9'x18') 25' DRIVE AISLES (WIDTH)
IMPERVIOUS COVER:	16,000 SF
EXISTING TREES	
PROPOSED TREES	

I, AMI GORDON, MEMBER OF MULBERRY DEVELOPERS, LLC, THE PROPERTY OWNER OF 1110 AND 1112 E. MULBERRY, 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 THIS 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.

I, VERONICA ZABITH, THE PROPERTY OWNER OF 1106 E. MULBERRY, 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 THIS 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.

SAN ANTONIO CHILDREN'S MUSEUM
1106, 1110, & 1112 E. MULBERRY ST.
SAN ANTONIO, TX

CONCEPTUAL SITE PLAN EXHIBIT

BURY
222 Haven Road, Suite 100
San Antonio, TX 78204
Tel: (210) 521-2200 Fax: (210) 521-2229
TDD: (210) 521-2200
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DATE: 07/29/2015 SCALE: 1"=30'
DRAWN BY: STAFF
P.L.C. & LANDSCAPE ARCHITECTS/PLANNERS
PROJECT No.: 100010-50343

Attachment B