SG/cla
12/04/2014
# Z-23

CASE NO. Z2014217 ERZD

AN ORDINANCE 2014-12-04-0999

# 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 17.754 acres out of NCB 19221 and NCB 15669 from "C-3 S ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District with a Specific Use Authorization for a Hospital to "MF-33 ERZD MLOD-1" Multi-Family Edwards Recharge Zone Camp Bullis Military Lighting Overlay District.

**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.** 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 50%.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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 8.** 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 9.** 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 10.** This ordinance shall become effective December 14, 2014.

**PASSED AND APPROVED** this 4th day of December 2014.

**M A Y O R**
**Ivy R. Taylor**

**ATTEST:**

Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

For Martha G. Sepeda, Acting City Attorney

| | |
|---|---|
| **Agenda Item:** | **Z-23** |
| **Date:** | 12/04/2014 |
| **Time:** | 02:18:02 PM |
| **Vote Type:** | Motion to Appr w Cond |
| **Description:** | ZONING CASE # Z2014217 ERZD (District 9): An Ordinance amending the Zoning District Boundary from "C-3 S ERZD MLOD" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District with a Specific Use Authorization for a Hospital to "MF-33 ERZD MLOD" Multi-Family Edwards Recharge Zone Camp Bullis Military Lighting Overlay District on 17.754 acres out of NCB 19221 and NCB 15669 located on a portion of the 18900 and 19000 Blocks of Hardy Oaks Boulevard. Staff and Zoning Commission recommend approval. |
| **Result:** | Passed |

| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
|---|---|---|---|---|---|---|---|
| Ivy R. Taylor | Mayor | | x | | | | |
| | District 1 | x | | | | | |
| Keith Toney | District 2 | | 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 | | | x | |
| Michael Gallagher | District 10 | | x | | | | x |

FIELD NOTES
FOR

A 17.754 acre, or 773,347 square feet more or less, tract of land comprised of a portion of the 66.46 acre tract described in Volume 12983, Page 1215 in the Official Public Records of Real Property of Bexar County, Texas, and a portion of the 3.366 acre tract described in Volume 13352, Page 1040 in the Official Public Records of Real Property of Bexar County, Texas, out of Agora Palms Subdivision, an approved but unrecorded plat (Plat No. 080242), and out of the A. Houston Survey No. 94, Abstract 356, County Block 4938, the Seinegas Irrigation and Agriculture Company Survey No. 17, Abstract 726, County Block 4948, and the Stephen Jett Survey No. 92 ½, Abstract 855, County Block 4949, in New City Block 19221 and 15669 of the City of San Antonio, Bexar County, Texas. Said 17.754 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 set ½" iron rod with a yellow cap marked "Pape-Dawson" on the east right-of-way line of Hardy Oak, an 86-foot right-of-way, recorded in Volume 9555, Page 76, in the Deed and Plat Records of Bexar County, Texas, at the northwest corner of said 66.46 acre tract, the southwest corner of the 9.586 acre tract conveyed to B&M Ventana, Ltd. by instrument recorded in Volume 13446, Page 2094 in the Official Public Records of Real Property Bexar County, Texas, and the southwest corner of Classen Crest Subdivision, Unit 4 recorded in Volume 9563, Page 17 in the Deed and Plat Records of Bexar County, Texas;

THENCE: Along and with the north line of said 66.46 acre tract, the south line of said 9.586 acre tract and the south line of said Classen Crest Subdivision, Unit 4, the following bearings and distances:

N 82°48'58" E, a distance of 2.10 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson"

N 73°26'55" E, a distance of 255.46 feet to a found ½" iron rod;

N 78°52'33" E, a distance of 56.86 feet to a found ½" iron rod;

S 83°53'05" E, a distance of 55.29 feet to a found ½" iron rod;

S 71°59'22" E, a distance of 148.84 feet to a found ½" iron rod;

S 61°58'57" E, a distance of 181.21 feet to a found ½" iron rod;



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**Attachment A**

S 66°59'14" E, a distance of 98.78 feet to a found ½" iron rod;

S 68°53'01" E, a distance of 94.99 feet to a found ½" iron rod;

S 63°34'30" E, a distance of 57.96 feet to a found ½" iron rod;

S 58°23'57" E, a distance of 74.82 feet to a found ½" iron rod;

S 61°51'51" E, a distance of 106.63 feet to a found ½" iron rod;

S 75°21'38" E, a distance of 87.40 feet to a found ½" iron rod;

S 88°07'13" E, a distance of 109.61 feet to a found ½" iron rod;

N 81°46'56" E, a distance of 147.21 feet to a found ½" iron rod;

N 72°29'06" E, a distance of 147.18 feet to a found ½" iron rod;

N 81°24'46" E, a distance of 75.98 feet to a found ½" iron rod, at the southwest corner of said 3.366 acre tract, the southeast corner of said 9.586 acre tract, and the southeast corner of said Classen Crest Subdivision, Unit 4,

THENCE: N 11°54'22" W, departing the north line of said 66.46 acre tract, along and with the west line of said 3.366 acre tract, the east line of said 9.586 acre tract, and an east line of said Classen Crest Subdivision, Unit 4, a distance of 100.73 feet to a found ½" iron rod, at the northwest corner of said 3.366 acre tract and the southwest corner of the 101.85 acre tract conveyed to Bonnie Calmbach Schwarz, Alva Calmbach Rahe, and Helen Calmbach Schoolcraft by instrument recorded in Volume 16181, Page 2461 in the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the north line of said 3.366 acre tract and the south line of said 101.85 acre tract the following bearings and distances:

N 82°48'05" E, a distance of 30.32 feet to a found ½" iron rod;

S 89°44'46" E, a distance of 147.27 feet to a found ½" iron rod;

N 89°04'42" E, a distance of 211.98 feet to a found ½" iron rod with a cap marked "Vickrey";

S 82°13'38" E, a distance of 144.04 feet to a found ½" iron rod with a cap marked "Vickrey";

N 86°21'24" E, a distance of 129.80 feet to a found ½" iron rod with a cap marked "Vickrey";

N 84°31'18" E, a distance of 40.13 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", from which a found ½" iron rod with a cap marked "Vickrey" on the north line of said 3.336 acre tract and the south line of said 101.85 acre tract bears N 84°31'18" E, a distance of 32.92 feet;

THENCE: S 32°00'05" W, departing the north line of said 3.366 acre tract and the south line of said 101.85 acre tract, over and across said 3.366 acre tract and said 66.46 acre tract, a distance of 233.10 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", on the north right-of-way line of Agora Palms Drive, a proposed 70-right-of-way;

THENCE: Continuing over and across said 66.46 acre tract, along and with the north right-of-way line of said proposed Agora Palms Drive, the following bearings and distances:

Southwesterly, along a non-tangent curve to the left, said curve having a radial bearing of S 32°02'51" W, a radius of 435.00 feet, a central angle of 66°09'21", a chord bearing and distance of S 88°58'10" W, 474.83 feet, for an arc length of 502.27 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 55°53'30" W, a distance of 247.26 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

Southwesterly, along a tangent curve to the right, said curve having a radius of 365.00 feet, a central angle of 35°18'28", a chord bearing and distance of S 73°32'44" W, 221.38 feet, for an arc length of 224.93 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 88°48'02" W, a distance of 807.11 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

Southwesterly, along a tangent curve to the left, said curve having a radius of 435.00 feet, a central angle of 15°55'09", a chord bearing and distance of S 83°14'23" W, 120.47 feet, for an arc length of 120.86 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 75°16'49" W, a distance of 278.36 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

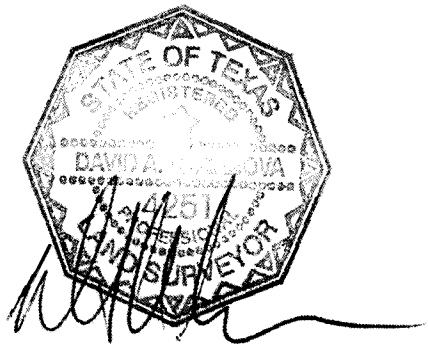
Southwesterly, along a tangent curve to the right, said curve having a radius of 365.00 feet, a central angle of 26°26'37", a chord bearing and distance of S 88°30'07" W, 166.97 feet, for an arc length of 168.46 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 78°16'34" W, a distance of 26.50 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 30°56'23" W, a distance of 68.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the east right-of-way line of said Hardy Oak and the west line of said 66.46 acre tract;

THENCE: Along and with the east right-of-way line of said Hardy Oak and the west line of said 66.46 acre tract, the following bearings and distances:

Northeasterly, along a non-tangent curve to the right, said curve having a radial bearing of S 71°49'45" E, a radius of 757.00 feet, a central angle of 07°34'00", a chord bearing and distance of N 21°57'15" E, 99.90 feet, for an arc length of 99.97 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 64°15'43" W, a radius of 1243.00 feet, a central angle of 20°01'27", a chord bearing and distance of N 15°43'33" E, 432.20 feet, for an arc length of 434.41 feet to the POINT OF BEGINNING, and containing 17.754 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9227-14 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: July 11, 2014
Revised: July 18, 2014
Revised: October 14, 2014
JOB NO. 9227-14
DOC. ID. N:\Survey14\14-9200\9227-14\Word\9227-14.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00