

ORDINANCE 2022-11-03-0863

**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 Lot 13, Block 1, NCB 17428, located at 18326 Tuscany Stone, from "C-3 MLOD-1 MLR-1 ERZD" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District to "C-2 CD MLOD-1 MLR-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District with a Conditional Use Authorization for a Nightclub with Cover Charge (three) 3 or More Days Per Week.

**SECTION 2.** 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.

**SECTION 3.** The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**SECTION 4.** 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 the percentage prescribed by the San Antonio Water System (SAWS) in accordance with Chapter 34.

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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 9.** 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 10.** 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 11.** This ordinance shall become effective November 13, 2022.

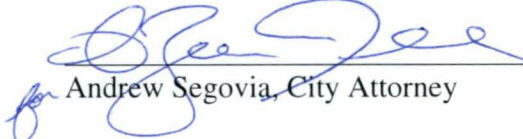
**PASSED AND APPROVED** this 3<sup>rd</sup> day of November, 2022.

  
**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

  
Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**

  
for Andrew Segovia, City Attorney





## City of San Antonio

### City Council Meeting November 3, 2022

16.

2022-11-03-0863

ZONING CASE Z-2022-10700189 CD ERZD (Council District 9): Ordinance amending the Zoning District Boundary from "C-3 MLOD-1 MLR-1 ERZD" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District to "C-2 CD MLOD-1 MLR-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District with a Conditional Use Authorization for a Nightclub With Cover Charge 3 or More Days Per Week on Lot 13, Block 1, NCB 17428, located at 18326 Tuscany Stone. Staff, SAWS and Zoning Commission recommend Approval.

Councilmember McKee-Rodriguez moved to Approve on the Consent Agenda. Councilmember Viagran seconded the motion. The motion carried by the following vote:

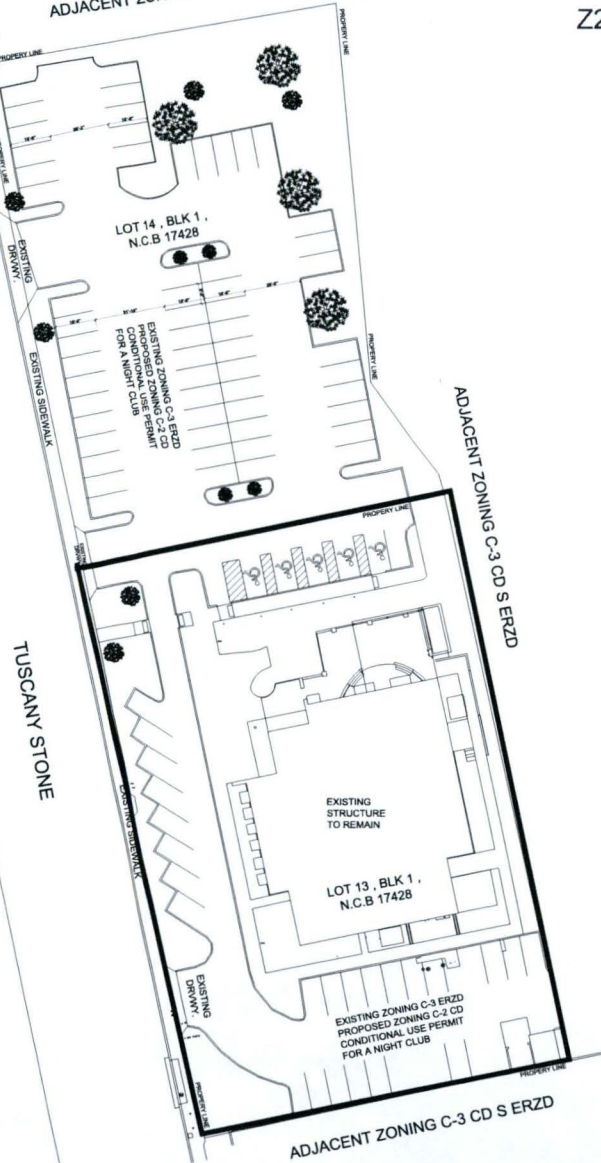
**Aye:** Nirenberg, Bravo, McKee-Rodriguez, Viagran, Castillo, Cabello Havrda, Pelaez,

**Absent:** Courage, Perry  
Rocha Garcia, Sandoval

# **Exhibit “A”**

ADJACENT ZONING C-3 CD S ERZD

Z2022-10700189 CD ERZD



I, Otoniel Avila, The property owner, acknowledge that this site plan submitted for 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.

PROJECT INFORMATION	
LOT 14	
LOT SIZE	36,481.50 SQ-FT
IMPERVIOUS COVER	23,820 SQ-FT
PARKING AREA	23,820 SQ-FT
PARKING SPACES	59
LOT 13	
LOT SIZE	44,256.96 SQ-FT
BUILDING SIZE LOT 14	8,545 SQ-FT
IMPERVIOUS COVER TOTAL	23,465 SQ-FT
PARKING AREA	14,920 SQ-FT
PARKING SPACES	30
SETBACKS	
FRONT	0
SIDE	0
REAR	0
LANDSCAPE BUFFERS	N/A

From: C-3 MLOD-1 MLR 1 ERZ D

To: C-2 CD MLOD-1 MLR 1 ERZD w/ a conditional use permit for a nightclub with Cover Charge 3 or more days a week

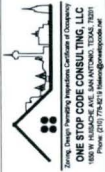
Exhibit "A"

1.016 acres

1 SITE PLAN  
SCALE: 1:30



DESIGNER :



**HOTEL DISCOTHEQUE**  
18326 TUSCANY STONE  
SAN ANTONIO, TEXAS 78258

DRAWN BY: K.F.L.

CHECKED BY: F.D.L.

DATE: 7/05/22

COMMENTS:

REVISIONS:

SHEET:

C-1