

AMENDING CHAPTER 35 OF THE CITY CODE THAT  
CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE  
OF THE CITY OF SAN ANTONIO BY CHANGING THE  
CLASSIFICATION AND REZONING OF CERTAIN  
PROPERTY DESCRIBED HEREIN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. THAT SECTION 35-35 OF CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BE AND THE SAME IS HEREBY AMENDED, SO THAT IT SHALL HEREAFTER INCLUDE THE FOLLOWING DESCRIBED CHANGES IN CLASSIFICATION AND THE REZONING OF THE HEREINAFTER DESIGNATED PROPERTY, TO-WIT:

(CASE NO. z89166 )

The rezoning and reclassification of property from "F" Local Retail District to "B-3R" Restrictive Business District and "B-1" Business District, listed below as follows:

F to B-3R

Lots 1, 2 and 6, save and except the east 25 feet of the south 184.3 feet of Lot 6, Block 1, NCB 10617.

F to B-1

The east 25 feet of the south 184.3 feet of Lot 6, Block 1, NCB 10617.

Provided that one-foot non-access easements are imposed along Pelham Avenue and along the south 125 feet of the east property line of Lot 2, NCB 10617.

SECTION 2. THAT ALL OTHER PROVISIONS OF SAID CHAPTER 35, AS AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT, INCLUDING THE PENALTIES FOR VIOLATIONS AS MADE AND PROVIDED IN SECTION 35-24.

SECTION 3. THAT THE DIRECTOR OF PLANNING SHALL CHANGE IN HIS RECORDS AND ZONING MAPS IN ACCORDANCE HERewith AND THE SAME SHALL BE AVAILABLE AND OPEN TO THE PUBLIC FOR INSPECTION.

SECTION 4. THAT THIS ORDINANCE IS NOT SEVERABLE.

PASSED AND APPROVED THIS 2nd DAY OF November 1989.

ATTEST: Karna S. Rodriguez  
CITY CLERK

Lila Cockrell  
MAYOR

APPROVED AS TO FORM: [Signature]  
CITY ATTORNEY

89-47

	ARTS & CULTURAL AFFAIRS
	AVIATION
	BUDGET & RESEARCH
/	BUILDING INSPECTIONS
/	BUILDING INSPECTIONS-HOUSE NUMBERING
	CITY ATTORNEY
	LUIS GARCIA, MUNICIPAL COURT
	REAL ESTATE (FASSNIDGE)
	REAL ESTATE (WOOD)
	TRIAL SECTION
	CITY MANAGER
	KAREN DAVIS, ASST. TO THE MANAGER
	CODE COMPLIANCE
	SPECIAL PROJECTS
	CITY PUBLIC SERVICE
	CITY PUBLIC SERVICE-MAPS & RECORDS
	CITY WATER BOARD
/	COMMERCIAL RECORDER
	COMMUNITY DEVELOPMENT (BASEMENT)
	CONVENTION & VISITORS BUREAU
	CONVENTION FACILITIES
	DOME DEVELOPMENT OFFICE
	DOWNTOWN INITIATIVES
	ECONOMIC & EMPLOYMENT DEVELOPMENT (DEED)
	ENVIRONMENTAL MANAGEMENT
	FINANCE DIRECTOR
/	ASSESSOR
	CONTROLLER
	GRANTS
	RISK MANAGEMENT
	TREASURY
	FIRE DEPARTMENT
	HUMAN RESOURCES & SERVICES
	INFORMATION RESOURCES
	INTERNATIONAL RELATIONS
	LIBRARY
	MARKET SQUARE
	METROPOLITAN HEALTH DISTRICT
	MUNICIPAL CODE CORPORATION (PUBLICATION)
	MUNICIPAL COURTS
	PARKS & RECREATION
	PERSONNEL
/	PLANNING
/	ZONING ADMINISTRATION
	POLICE DEPARTMENT
	PUBLIC UTILITIES
	PUBLIC WORKS
	CAPITAL PROJECTS MANAGEMENT
	CENTRAL MAPPING
	ENGINEERING
	REAL ESTATE (BILL TOUDOUZE)
	TRAFFIC ENGINEERING
	PURCHASING & GENERAL SERVICES
	WATER RESOURCES MANAGEMENT

ITEM NO. 79  
 DATE: NOV 2 1989

MEETING OF THE CITY COUNCIL DATE: \_\_\_\_\_

MOTION BY: Webb SECONDED BY: Dutmer

ORD. NO. 70523 ZONING CASE #28916b

RESOL. \_\_\_\_\_ PETITION \_\_\_\_\_

	ROLL CALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3			X
FRANK D. WING PLACE 4		✓	
WALTER MARTINEZ PLACE 5			absent
BOB THOMPSON PLACE 6			absent
YOLANDA VERA PLACE 7		✓	
NELSON WOLFF PLACE 8		✓	
WEIR LABATT PLACE 9			absent
JAMES C. HASSLOCHER PLACE 10			absent
LILA COCKRELL PLACE 11 (MAYOR)		✓	

1' non-access easements along:  
 A) Pelham Ave.  
 B) S. 125' of E. prop. line of Lot 2, NCB 10617.

89-47

Zoning Case No. Z89166

Date: October 3, 1989

Council District: 72

Appeal: No

Applicant: Phil Garay

Owner: Edgar Davis

Zoning Request: "F" Local Retail District to "B-3R" Restrictive Business District and "B-1" Business District

Property Location:

"F" to "B-3R"

1, 2 and 6 save and except the east 25' of south 184.3' Block 1, NCB 10617

"F" to "B-1"

The east 25' of the south 184.3' of Lot 6, Block 1, NCB 10617

4300 Hwy 90 East

Property is located southwest of the intersection of Highway 90 East and Highway Drive having 277.65 feet on Highway 90 East 178.23 feet on Highway Drive and 143.1 feet on Pelham Avenue.

Zoning Commission Recommendation:

Approval

Zoning Case No.: Z89166

Date: October 3, 1989

Council District: 2

Appeal: No

Applicant: Phil Garay

Owner: Edgar Davis

Zoning Request: "F" Local Retail District to "B-3R" Restrictive Business District and "B-1" Business District

Property Location:

"F" to "B-3R"

1, 2 and 6, save and except the east 15' of the south 184.3, Block 1, NCB 10617.

"F" to "B-1"

The east 25' of the south 134.3' of 6, Block 1, NCB 10617.

Property is located southwest of the intersection of Highway 90 East and Highway Drive, having 277.65' on Highway 90 East, 178.23' on Highway Drive and 143.1' on Pelham Avenue.

Zoning Commission Recommendation:

Approval provided that non-access easements be imposed along Pelham Avenue and along the south 125' of the east line of Lot 2, NCB 10617.

<u>Vote</u>	
FOR	<u>7</u>
AGAINST	<u>2</u>
ABSTAIN	<u>0</u>

Staff Recommendation:

Approval provided a non-access easement is imposed along Pelham Avenue.

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Applicant's Proposal:

Truck sales and service

Discussion:

Property fronts the access road of Highway 90 East. Along this access road, various zonings have been established. There are "I-1" uses to the east and west with the lot in question zoned "F" Local Retail. To the south is a single family subdivision.

Applicant: Phil Garay

Zoning Request: "F" to "B-3"

Mr. Phil Garay, 300 Convent, stated that he was representing Edgar Davis owner of the property. Mr. Davis is willing to amend his request to comply with staff recommendation of "B-3R" Restrictive Business District with one foot non-access easement along Pelham Avenue to allow light truck sales and service.

IN OPPOSITION

Mr. John Bishop, 4231 Eulalee, stated that he is opposed to the zoning request because Mr. Davis: (1.) has heavy equipment, not light trucks, in "F" zoned lot loaded with diesel fuel, (2.) his trucks back into fence line 2' to 3' from property, (3.) doesn't own Lot 6, (4.) City trucks dump waste, and (5.) welders repairing trucks making a lot of noise and there is no fence, building or shields. In addition, he is afraid children in the neighborhood might get hurt if trucks are allowed on Pelham.

G.O. Tollesfson, 4343 Skelton, stated that he is opposed to the change of zoning because (1.) the noise from the big trucks rocks his house windows, (2.) the welding operation inside and outside of building is against zoning regulations, and (3.) the smell from garbage trucks is very pungent at times.

Ellie Austin, Jr., 302 Highway Drive, stated he and his wife were opposed to rezoning because the neighborhood is a residential district although Mr. Davis wants to make it a business district. Also, he is worried about the neighborhood children. All the neighbors have moved except him, and he has no money to move. There is traffic going in and out at all hours which wake him at night.

REBUTTAL

Mr. Phil Garay, stated he would amend his request to "B-3R" with a 1' non-access easement so there would not be any ingress or egress on Pelham Avenue. The heavy equipment will be relocated on the "I-1" zoning district, and violations will be remedied once equipment is relocated.

There were eighteen notices mailed out to the surrounding property owners, six returned in opposition and two returned in favor.

COMMISSION ACTION

A motion was made by Ms. Prado and seconded by Mr. Bohn to recommend approval of the amended "B-3R" Restrictive District save and except the east 25' of the south 184.3' of Lot 6, Block 1, NCB 10617 to "B-1" Business District for the following reasons:

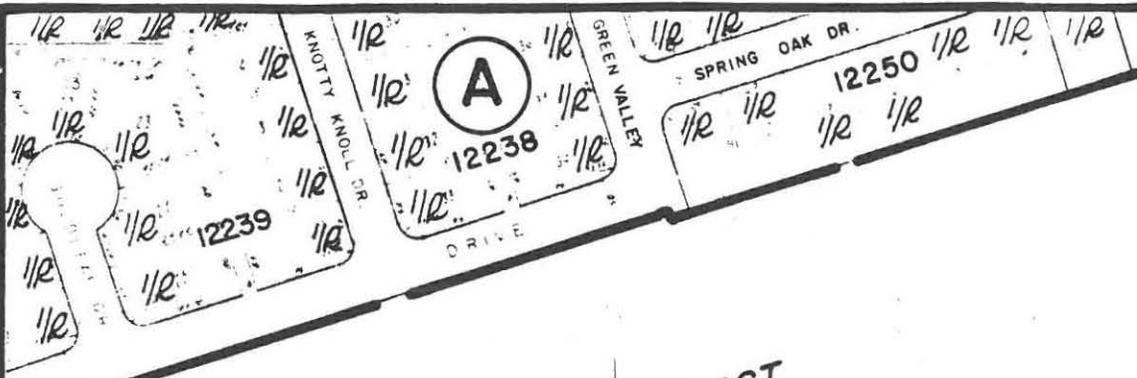
1. Subject property is located on Lots 1, 2 and 6, Block 1, NCB 10617.
2. There were eighteen notices mailed out, six returned in

- opposition, and two returned in favor.  
3. Staff recommended approval of "B-3R".

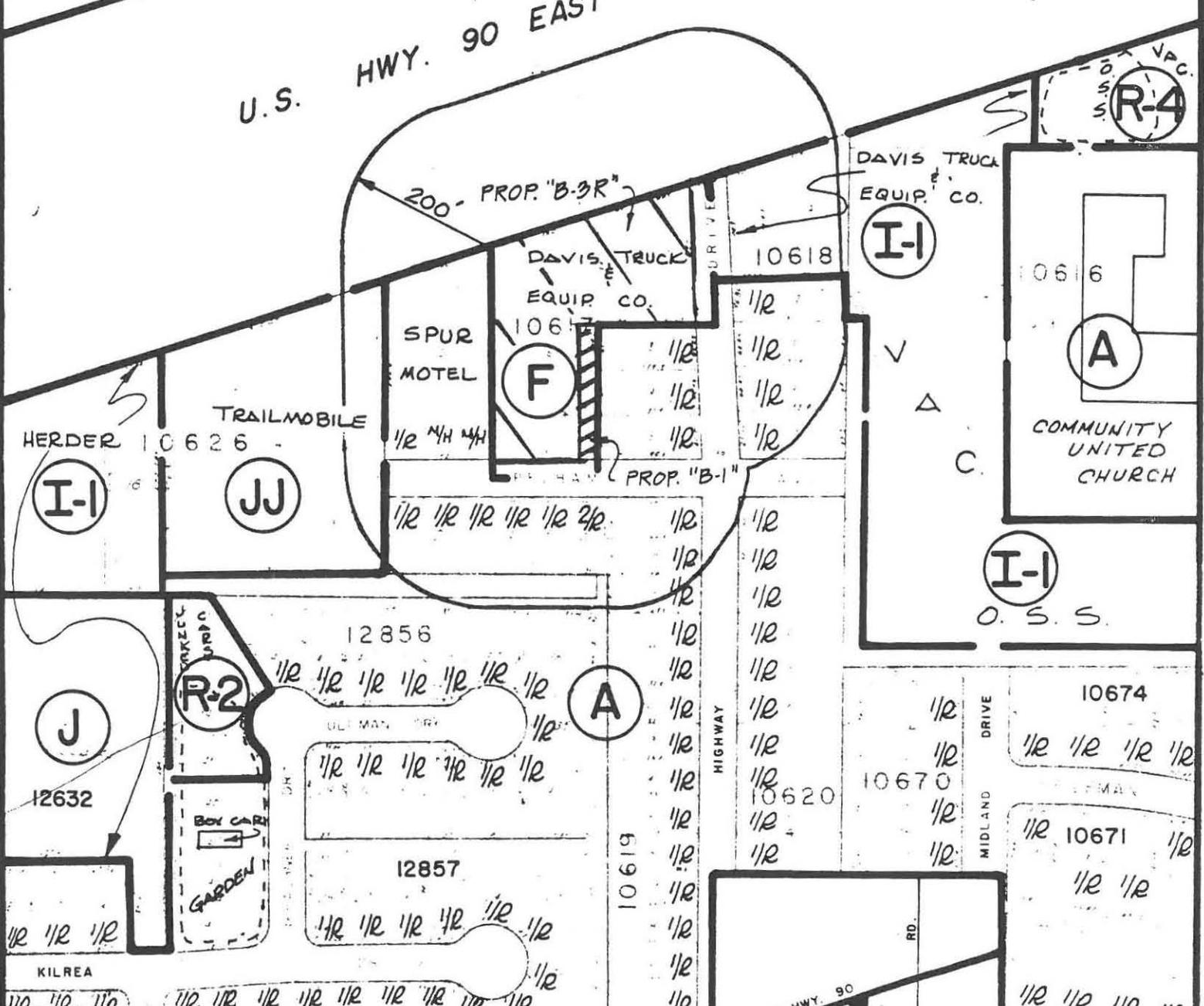
It is further stipulated that non access easements be imposed along Pelham Avenue and along the south 125' of the east line of Lot 2, NCB 10617.

AYES: Gossen, Bohn, Smith, Burney, Estrada, Miller and Prado  
NAYS: Grant and Perez

THE MOTION CARRIED.



NOTICED MAILED  
 IN OPPOSITION  
 BY \_\_\_\_\_



**ZONING CASE Z89166**  
 CITY COUNCIL DISTRICT NO: 2 TRACT 1309  
 REQUESTED ZONING CHANGE FROM "F" TO "B-3R" & "B-1"  
 GRID 18-58

DATE NOV. 2, 1989



DEPARTMENT OF PLANNING  
 SAN ANTONIO, TEXAS