

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
TUESDAY, JULY 9, 1974.

* * * *

9:00 AM.

The meeting was called to order by the presiding officer, Mayor Charles L. Becker, with the following members present: COCKRELL, SAN MARTIN, BECKER, BLACK, LACY, MORTON, PADILLA, MENDOZA; Absent: NONE.

74-32 ZONING HEARINGS

C. CASE 5354 - Lots 21 and 22, Block 7, NCB 6549, 2013 Belknap Place, from "B" Two Family Residential District to "O-1" Office District, located on the west side of Belknap Place between Ridgewood Court and Hildebrand Avenue; having 143' on Belknap Place and 49' on both Hildebrand Avenue and Ridgewood Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission had recommended be approved by the City Council.

Mr. Camargo reminded the Council that it had considered this Case last month. Mr. Carlos C. Flores, the applicant, had been led to believe when he purchased this property that he could continue using the garage as an architect's office. At the hearing last month, there had been considerable opposition from neighbors and the Council had postponed a final decision in order to allow time for Mr. Flores and the neighbors to work out an arrangement agreeable to everyone.

Mr. Emanuel Gassman, 308 West Ridgewood, spoke as a representative for the neighbors. He said that there had been a meeting at his home between Mr. Flores and the neighbors. The neighbors understand that Mr. Flores is just starting in business and it would be a severe financial hardship on him to be forced to vacate the premises at this time. It had therefore been agreed that no action would be taken to force the removal of Mr. Flores' office for a two year period ending June 1, 1976. In return, Mr. Flores agreed to withdraw his application for rezoning.

Mr. Tom Finlay, Assistant City Attorney, said that he has discussed this matter with both sides. They have put their agreement in writing. There is a question as to whether or not the use of this property for business is a non-conforming use as defined by the Zoning Code. Since all of the neighbors have agreed to press charges, he said that a motion would be in order to allow the applicant to withdraw his application based upon their written understanding and that the City would agree also that it would recognize non-conforming rights for not more than a two year period.

Mr. Clifford Morton moved that the applicant, Mr. Flores, be allowed to withdraw his application for rezoning based upon the written understanding and that the City agree also that it would recognize non-conforming rights for not more than a two year period.

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The motion was seconded by Mr. Mendoza and on the following roll call vote was passed and approved. AYES: Cockrell, San Martin, Becker, Black, Morton, Mendoza; NAYS: None; ABSENT: Lacy, Padilla.

Mr. Flores said that as requested by the Council he has reached an agreement with Jim's Coffee Shop to allow his employees to park in their lot. This will get those cars off of the street.

Mayor Becker thanked all parties concerned for their cooperation in this matter.

C. CASE 5497 - to rezone Lots 1 and 2, Block 118, NCB 8824, 1738 Wildwood, from "B" Two Family Residential District to "B-3" Business District, located south of Wildwood between Brad and I. H. 10 Expressway; having 50' on Wildwood, 120' on Brad and 170' on I. H. 10 Expressway.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council. The Planning Commission had recommended denial of "B-3" zoning and had approved "R-3" Multiple Family Residential zoning.

Mrs. Daniel Gomez said that she and her husband want to put in a convenience store or recreation center on this property. They asked for "B-3" zoning in order to have on premises consumption of beer if the recreation center is installed. If these businesses aren't successful then they would build apartments.

Council members were reluctant to grant "B-3" zoning in this residential area and discussed the possibility of "B-2" which would allow sale of beer for off premises consumption. At the request of the Council, Mr. Camargo explained in private to Mrs. Gomez what activities are permissible under "B-2" zoning. After the explanation, Mrs. Gomez said that "B-2" zoning would be acceptable.

No one spoke in opposition.

Mrs. Cockrell said that she could not go against the Planning Commission's recommendation in this instance because of the nature of the surrounding neighborhood.

After consideration, Dr. San Martin moved that the request for "B-3" zoning be denied and that the recommendation of the Planning Commission be approved and that the property be rezoned "R-3" Multiple Family Residential District. The motion was seconded by Mrs. Cockrell. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Lacy.

AN ORDINANCE 44,017

AMENDING CHAPTER 42 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 AS LOTS 1 AND 2,
BLOCK 118, NCB 8824, 1738 WILDWOOD,
FROM "B" TWO FAMILY RESIDENTIAL
DISTRICT TO "R-3" MULTIPLE FAMILY
RESIDENTIAL DISTRICT.

* * * *

A. CASE 5321 - to rezone Lots 8 and 12, NCB 11925, 7700 Block of Broadway, from "R-6" Townhouse District to "B-2" Business District, located on the east side of Broadway between Hiler Road and Nottingham Drive; having 300' on Broadway and 110' on both Hiler Road and Nottingham Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. Carl A. Nentwich, 310 West Sunset Road, said that if this request for rezoning is approved he would join with the owners of the property in developing a small retail center. He had an architect's drawing of the proposed building showing 64 parking spaces.

Mr. Ken Bently, Architect, described the proposed development and said that it was designed to compliment the neighborhood. He said also that this property is not suitable for residential use because of the high noise level.

Mr. Robert Comer, 107 Hiler Road, spoke in opposition. He said that this development would create too much traffic and expressed fear that once it is zoned for business there would not be any control left.

Mr. B. L. Smith, 104 Hiler Road, also spoke in opposition. He said that Broadway is narrow at this point and a business would create too much danger for children walking to school. He said that he would not object to apartments.

Mr. Nentwich spoke in rebuttal and said that the proposed development would not hurt the neighborhood.

Mr. Alvin G. Padilla, Jr. said that this property was rezoned to "R-6" Townhouse District 18 months ago at the owner's request but nothing was ever done about it. He questioned what would be done if it were now rezoned to business.

Mr. Clifford Morton discussed with Mr. Nentwich the idea of "B-1" zoning at the north and south ends of the property and "B-2" zoning for the center portion. After discussion this seemed to be a good compromise.

Mr. Morton moved that the north 75' of Lot 8 and the south 75' of Lot 12 be zoned "B-1" Business District and the remaining portion of the property be zoned "B-2" Business District, provided that a six foot solid screen fence is erected on the east property line, and that the owners of the property include in the conveyance a restriction that no convenience store or other business handling beer or liquor be permitted in this property for 20 years. The motion was seconded by Mr. Mendoza.

By the following roll call vote, the motion failed to carry the required six affirmative votes and was thus defeated and the rezoning denied. AYES: Becker, Black, Lacy, Morton, Mendoza; NAYS: Cockrell, San Martin, Padilla; ABSENT: None.

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B. CASE 5582 - to rezone the east 72.5' of Lots 1, 2, and 3, Block 1, NCB 2350, 1716 Monterey Street, from "B" Two Family Residential District to "B-2" Business District, located on the south side of Monterey Street, being 72.5' east of the intersection of Trinity Street and Monterey Street; having 72.5' on Monterey Street and a depth of 143.1'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. John Daniels, Attorney for the applicant, Mr. Efrain M. Alcorta, said that Mr. Alcorta has operated the Progresso Grocery Store two blocks away at Durango and Trinity Streets for over 30 years. With the expansion program underway for Lanier High School, his property is being taken from him for this project. He has acquired property on Monterey Street which he intends to convert and use for his business. Mr. Alcorta will reside with his aunt who is building a residence next door.

Mr. Daniels submitted a petition signed by all but one property owner within 200 feet of the subject property asking that the request be approved. Another petition signed by residents in the area was also submitted supporting the application.

Mr. Mike Garcia, speaking for the Mexican-American Unity Council, said that there is a neighborhood improvement program underway now and this property is in the area. In the remodeling the general appearance of the building would be maintained. He asked that the application be approved.

Mr. Alcorta then spoke. He said that the Urban Renewal Agency is taking his property so he is forced to relocate. From a business standpoint the most sensible thing to do is to stay in the neighborhood where his customers live. He asked that his application be approved.

Council expressed the feeling that this is spot zoning. However, in view of the circumstances and the petition submitted, it was felt that Mr. Alcorta had a very good case. No one spoke in opposition.

After consideration, Mr. Mendoza made a motion that the recommendation of the Planning Commission be overruled and the property be rezoned. Mr. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 44,018

AMENDING CHAPTER 42 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 AS THE EAST 72.5'
OF LOTS 1, 2, AND 3, BLOCK 1, NCB 2350,
1716 MONTEREY STREET, FROM "B" TWO FAMILY
RESIDENTIAL DISTRICT TO "B-2" BUSINESS
DISTRICT.

* * * *

D. CASE 5480 - to rezone Lots 83, 84, 85 and 86, Block 5, NCB 9009, 289 Mandalay Drive, from "B" Two Family Residential District to "B-2" Business District, located northeast of the intersection of Mandalay Drive and San Pedro Avenue; having 95' on Mandalay Drive and 130' on San Pedro Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. Marvin Kline said that originally he had asked for "B-3" zoning so that an auto parts store could be operated on the property. However, since the application was made the zoning ordinance has been changed to permit this use in "B-2" zoning. He, therefore, said that he would amend his application and ask for "B-2" zoning.

Mr. Kline had a map of the area showing existing zoning and pointing to the many automobile businesses on San Pedro Avenue. He said that this property is not suitable for residential use because of the heavy traffic and noise.

Mr. Herbert Oliver, the owner, also spoke requesting approval of the application.

The following persons spoke in opposition:

Mrs. Max Stern, 309 West Mandalay
Mr. Barney Franza, 321 West Mandalay
Mrs. Jo Huff, 284 Thorain

The opponents said that this is a good residential neighborhood and they were opposed to business zoning. Each agreed however that "O-1" Office District would be acceptable.

After consideration, Dr. San Martin moved that the application for "B-2" zoning be denied and that the property be rezoned to "O-1" Office District. The motion was seconded by Mr. Mendoza. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 44,019

AMENDING CHAPTER 42 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 AS LOTS 83, 84, 85,
AND 86, BLOCK 5, NCB 9009, 289 MANDALAY
DRIVE, FROM "B" TWO FAMILY RESIDENTIAL
DISTRICT TO "O-1" OFFICE DISTRICT.

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74-32 The meeting recessed for lunch at 12:15 P. M. and reconvened at 1:30 P. M.

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E. CASE 5122 - to rezone Lots 1, 2, 3, 4, and 5, Block 1, NCB 8269, 4500 Martin Street, from "C" Apartment District to "B-3" Business District, located northwest of the intersection of Martin Street and N.W. 26th Street; having 100' on Martin Street and 120' on N.W. 26th Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. M. M. Pena, Attorney for the applicant, Mr. Julio Hernandez, said that Mr. Hernandez intends to operate an industrial supply business. He displayed a map to show existing businesses in the area and other business zoning. He said that his client would be willing to accept "B-2" zoning to insure that no beer parlor could go in there.

Mr. Padilla said that this is a clean business and would generate very little traffic as most companies would order supplies by telephone.

No one spoke in opposition.

After consideration, Mr. Padilla made a motion that the application for "B-3" zoning be denied and that the property be rezoned to "B-2" zoning. The motion was seconded by Dr. San Martin. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Blak Lacy, Morton, Padilla, Mendoza; NAYS: Cockrell; ABSENT: None.

AN ORDINANCE 44,020

AMENDING CHAPTER 42 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 AS LOTS 1, 2, 3, 4,
AND 5, BLOCK 1, NCB 8269, 4500 MARTIN
STREET, FROM "C" APARTMENT DISTRICT TO
"B-2" BUSINESS DISTRICT.

* * * *

F. CASE 5539 - to rezone Lot 193, NCB 8597, 5443 El Paso Street, from "C" Apartment District to "B-1" Business District, located northeast of the intersection of El Paso Street and S. W. 34th Street; having 67.5' on El Paso Street and 112' on S. W. 34th Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Ms. Maria A. Estrada, the applicant, said that this property is her father's residence. She intends to renovate the garage and convert it into a one operator beauty shop. She submitted a petition signed by the neighbors requesting that the application be approved.

Mr. Manuel Arteaga said that he wasn't necessarily opposed to the beauty shop but feared that if this business zoning is granted then others in the neighborhood will also apply for rezoning and then the whole neighborhood will be business.

Speaking in favor of the rezoning were Mr. Ruben L. Alonzo and Mr. Gregorio M. Cruz.

Mrs. Cockrell expressed concern that this would be spot zoning and that it might indeed start others in the area to seek rezoning.

After consideration, Mr. Mendoza made a motion that the recommendation of the Planning Commission be overruled and that the property be rezoned. Mr. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: Cockrell, San Martin; ABSENT: None.

AN ORDINANCE 44,021

AMENDING CHAPTER 42 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 AS LOT 193, NCB 8597,
5443 EL PASO STREET, FROM "C" APARTMENT
DISTRICT TO "B-1" BUSINESS DISTRICT.

* * * *

H. CASE 5524 - to rezone Tract A, NCB 10841 (3.57 acres), 3503 S. W. W. White Road, from "A" Single Family Residential District to "I-1" Light Industry District, located southwest of the intersection of Jo Marie Drive and S. W. W. White Road; having 420.7' on Jo Marie Drive and 369.3' on S. W. W. White Road.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. J. L. Rodriguez, representing the applicant, Mr. Leon Feingold, stated it is intended that a convenience store be erected on the front of this property and a mini-warehouse on the rear portion. He said that this could be accomplished with "B-3" zoning rather than "I-1" and would accept the change.

Mr. V. T. Holmes said that he had come to represent other people in opposition to this rezoning but wished to withdraw from the discussion.

No one spoke in opposition.

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After consideration, Mr. Mendoza made a motion that the recommendation of the Planning Commission be overruled and that the property be rezoned to "B-3" zoning. Mr. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: Cockrell; ABSENT: None.

AN ORDINANCE 44,022

AMENDING CHAPTER 42 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 AS TRACT A, NCB 19841
(3.57 ACRES), 3503 S. W.W. WHITE ROAD,
FROM "A" SINGLE FAMILY RESIDENTIAL
DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

I. CASE 5540 - to rezone the west 62.25' of Lot 20, NCB 7447, 6200 Block of Commerce Street, from "C" Apartment District to "B-3" Business District, located on the north side of Commerce Street, being approximately 530.3' west of the intersection of Hortencia Avenue and Commerce Street having 62.25' on Commerce Street and a depth of 350'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

No one spoke in opposition.

After consideration, Mrs. Cockrell made a motion that the recommendation of the Planning Commission be upheld and the rezoning denied. The motion was seconded by Dr. San Martin. On roll call the motion prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Padilla, Mendoza.

There being no further business to come before the Council, the meeting was adjourned. 2:25 pm.

A P P R O V E D

M A Y O R

ATTEST:

C i t y C l e r k

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