

AN ORDINANCE 40380

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

* * * * *

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

SECTION 1. That Section 42-22 of Chapter 42 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. 4264)

The rezoning and reclassification of property from Temporary "A" Single Family Residential District to "R-3" Multiple Family Residential District, listed below as follows:

A 19.472 acre tract out of NCB 10614 located on the northside of East Houston Street 985' east of W. W. White Road; having 461.81' on East Houston Street and a maximum depth of 1681.29', being further described by field notes filed in the office of the City Clerk.

SECTION 2. That all other provisions of said Chapter 42, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 42-11.

SECTION 3. That the Director of Planning shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 10th day of Feb 1972.

John G. [Signature]
MAYOR

ATTEST: *J. H. [Signature]*
CITY CLERK

APPROVED AS TO FORM: *Howard L. Walker*
City Attorney

DISTRIBUTION

ITEM NO. B

| DEPARTMENT | DATE | ORD. OR RESOL. | CONTRACT |
|-----------------------|------|----------------|----------|
| AVIATION DIRECTOR | | | |
| BUDGET | | | |
| CITY MANAGER | | | |
| CITY WATER BOARD | | | |
| COMMERCIAL RECORDER | | 1 | |
| CONVENTION BUREAU | | | |
| CONVENTION CENTER | | | |
| FINANCE DIRECTOR | | | |
| ASSESSOR & COLL. | | 1 | |
| CONTROLLER | | | |
| CORPORATION COURT | | | |
| INTERNAL AUDIT | | | |
| PROPERTY RECORDS | | | |
| PURCHASING | | | |
| FIRE CHIEF | | | |
| HEALTH DIRECTOR | | | |
| HOUSING & INS. DIR. | | 1 | |
| HUMAN RESOURCES | | | |
| LEGAL | | | |
| BACK TAX ATTY. | | | |
| CONDEMNATION ATTY. | | | |
| LAND DIVISION | | | |
| LIBRARY DIRECTOR | | | |
| MODEL CITIES | | | |
| MUNICIPAL FACILITIES | | | |
| PARKS & REC. DIR. | | | |
| PERSONNEL DIRECTOR | | | |
| PLANNING DIRECTOR | | 1 | |
| POLICE CHIEF | | | |
| PRESS ROOM | | | |
| PUBLIC INFORMATION | | | |
| PUBLIC WORKS DIR. | | | |
| TRAFFIC & TRANS. DIR. | | | |

MEETING OF THE CITY COUNCIL DATE: FEB 10 1972
 MOTION BY: Becker SECONDED BY: Mendoza
 ORD. NO. 40380 ZONING CASE 4264
 RESOL. _____ PETITION _____

| COUNCIL MEMBER | ROLL CALL | AYE | NAY |
|---|-----------|-----|----------------|
| CAROL R. HABERMAN PLACE NO. 1 | | | X |
| ED H. HILL PLACE NO. 2 | | | X |
| CHARLES L. BECKER PLACE NO. 3 | | ✓ | |
| DR. ROBERT L.M. HILLIARD PLACE NO. 4 | | ✓ | |
| LEO MENDOZA, JR. PLACE NO. 5 | | ✓ | |
| GILBERT GARZA PLACE NO. 6 | | | X |
| PLEAS C. NAYLOR, JR. PLACE NO. 7 | | | <i>Alstair</i> |
| ALVIN G. PAULLA, JR. TEM | | ✓ | |
| JOHN GATTI PLACE NO. 9 MAYOR | | ✓ | |

BRIEFED BY: _____
 ADDITIONAL INFORMATION: Motion to grant
agency -

REMARKS:

72-7

TO: CITY CLERK

DATE January 19, 1972

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 4264

NAME James H. Eaton

The rezoning and reclassification of:

A 19.472 acre tract out of NCB 10614
being further described by field
notes filed in the office of the Planning
Department

FOR INFORMATION ONLY

Located on the northside of East Houston Street
985' east of W.W.White Road; having 461.81'
on East Houston Street and a maximum depth of
1681.29'

FROM: Temp. "A" Single Family Residential District

TO: "R-3" Multiple Family Residential District

This request for notice for public hearing was approved by the Planning Commission on January 19, 1972.

Approved: _____

20.94 acres, more or less, out of the J. Diaz Survey No. 1334, Bexar County, Texas, consisting of the following two tracts:

TRACT 1

A tract of land out of the Ackermann 69 acre tract in NCB 10614, San Antonio, Bexar County, Texas; and being more particularly described as follows:

BEGINNING at an iron pin set in the north R.O.W. line of St. Hedwig Road N. $89^{\circ} 39' 15''$ E. 745.90 feet from the intersection of the north R.O.W. line of St. Hedwig Road with the East R.O.W. line of Loop 13 (W.W. White Road), said iron pin being at the southwest corner of this tract and at the southeast corner of an undeveloped 50 foot street;

THENCE N. $0^{\circ} 26' 05''$ W. 1277.37 feet along the east line of said 50 foot street to an iron pin in the north line of said Ackerman 69 acre tract at the northwest corner of this tract;

THENCE N. $89^{\circ} 20'$ E. 699.55 feet along the north line of said Ackerman tract to an iron pin at the northeast corner of the tract, said iron pin being also at the northwest corner of the San Antonio Independent School District tract;

THENCE S. $0^{\circ} 32' 10''$ E. 1281.29 feet along the west line of said school tract to an iron pin in the north R.O.W. line of St. Hedwig Road at the southeast corner of this tract and at the southwest corner of said school tract;

THENCE S. $89^{\circ} 39' 15''$ W. 701.81 feet along the north R.O.W. line of St. Hedwig Road to the point of beginning, and containing 20.578 acres of land; SAVE AND EXCEPT HOWEVER, the following described tract, to-wit:

A tract of land containing 1.104 acres out of the southwest corner of the above described 20.578 acres described as follows, to-wit:

BEGINNING at the southwest corner of the said above described 20.578 acre tract, being the beginning point of said tract;

THENCE N. $0^{\circ} 26' 5''$ W. with west line of said 20.578 acres, 200 ft. to point in said west line;

THENCE N. $89^{\circ} 39' 15''$ E. 240 ft. to point for northeast corner of this tract;

THENCE S. $0^{\circ} 26' 5''$ E. 200 ft. to point in South line of said 20.578 acre tract;

THENCE S. $89^{\circ} 39' 15''$ W. with said south line 240 feet to place of beginning, said excepted tract containing 1.104 acres

TRACT 2

A 50 foot strip of land lying on the west side of a 20.990 acre tract; being out of the Ackermann 69 acre tract in N.C.B. 10614, San Antonio, Bexar County, Texas; and being more particularly described as follows:

BEGINNING at a point in the north R.O.W. line of St. Hedwig Road, N. $89^{\circ} 39' 15''$ E. 695.90 feet from the intersection of the north R.O.W. line of St. Hedwig Road with the east R.O.W. line of Loop 13 (W.W. White Road);

THENCE N. $0^{\circ} 26' 05''$ W. 1277.08 feet along the west line of this 50 foot strip to a point in the north line of said Ackermann 69 acre tract;

THENCE N. $89^{\circ} 20'$ E. 50 feet along the north line of said Ackermann tract to an iron pin at the northwest corner of 20.990 acre tract;

THENCE S. $0^{\circ} 26' 05''$ E. 1277.37 feet along the west line of said 20.990 acre tract to an iron pin in the north R.O.W. line of St. Hedwig Road;

THENCE S. $89^{\circ} 39' 15''$ W. 50 feet along the north R.O.W. line of St. Hedwig Road to the place of beginning, and containing 1.400 acres

ZONING CASE 4264

Appeal Case

APPLICANT: James H. Eaton

Yes _____

No XXX

DATE OF APPLICATION: April 20, 1971

LOCATION OF PROPERTY:

A 19.472 acre tract out of NCB 10614
being further described by field
notes filed in the office of the Planning
Department

FOR INFORMATION ONLY

Located on the northside of East Houston Street
985' east of W.W. White Road; having 461.81'
on East Houston Street and a maximum depth of
1681.29'

ZONING CHANGE REQUESTED:

From Temporary "A" Single Family Residential District
to "R-3" Multiple Family Residential District

ZONING COMMISSION PUBLIC HEARING ON JUNE 2, 1971:

Information Presented by Applicant:

Mr. James H. Eaton, 242 Readwell Drive, applicant told the Commission he is requesting a change in zoning to construct an FHA Apartment Project on the rear part of the subject property. These apartments would consist of approximately 90 units and this is not a subsidized housing program, but would be financed under a conventional loan. Also, he is requesting a change in zoning to construct a service station and small shopping center on the portion fronting E. Houston Street. Mr. Eaton presented a sketch and stated the requested "B-3" zoning would consist of an ice house, Stop & Go, a small cleaners, and a filling station.

The Commission told Mr. Eaton the staff had recommended denial of this "B-3" zoning because of the close proximity of churches and schools in that area, and that there is vacant "F" Retail property west of the subject property.

In OPPOSITION:

Mr. Marvin Leroy Lawson, 4702 Lock Lomond, read a petition signed by 35 people in the neighborhood opposing the requested change in zoning. He stated that in view of a number of schools and churches in that area, "B-3" zoning would be detrimental to the neighborhood, and a liquor store, or some such type of business could be utilized in the "B-3" zoning. Mr. Lawson does not object to the "R-3" zoning, as he feels this would be compatible to the area.

Mr. Gardner S. Kendrick, 1805 N.B.C. Building, representing the San Antonio Independent School District, said that Sam Houston High School is adjacent to the subject property and Portwood Sam Houston High School is across the street, and the School District is opposed to "B-3" business zoning, but does not object to the "R-3" zoning, even though this would increase the student load on the school district. The School District is primarily opposed to the "B-3" zoning because of the traffic situation and this type of zoning would permit on premises consumption of alcohol.

REBUTTAL:

Mr. Eaton told the Commission there would be a setback line fronting E. Houston Street, so the proposed "B-3" zoning would not be set right on E. Houston; and also, he would erect a screening fence between the subject property and the High School.

STAFF RECOMMENDATIONS:

Discussion:

Denial of the requested "B-3" is recommended because of the close proximity of churches and schools. The business zoning should be limited to the more immediate intersection of these major streets. There exists vacant "F" Retail property 300' west of the property in question.

Recommendation:

Approval of "R-3" zoning on all of the subject property is recommended. It is situated between commercial zoning to the west, non-residential uses to the south and east, there is existing "I-1" Industrial to the northwest, and the subject property fronts on a major street to carry the increased density. Platting is also recommended.

Traffic and Transportation Department Recommendations:

A report from the Traffic Department stated that East Houston is a two-lane road built to Farm and Market Road standards. A serious pedestrian problem now exists in the vicinity because of the arrangement of the school plant. The location of commercial and high density development will accentuate the traffic congestion and pedestrian safety problem.

Results of Notices Received Before Hearing:

There were seventeen notices mailed to the surrounding property owners; one was returned in opposition and two in favor.

COMMISSION ACTION:

By a vote of five in favor, three voting negative, and one being absent, the Commission recommended approval of this request.

Reasons for Action:

(1) The subject property is located on E. Houston and W.W. White Road; adjacent to and across the street from two High Schools. (2) Any business development at this particular point would increase the hazard to students crossing East Houston Street. (3) Although the San Antonio Independent School District, and the church were opposed to "B-3" Business zoning, they were agreeable to "R-3" Multiple Family zoning on the subject property. (4) "R-3" zoning would be the highest and best use of the subject property.

Other Recommendations:

The Commission recommended that the property be replatted and the applicant work with the Traffic Department for proper ingress and egress.

RESULTS OF NOTICES FOR COUNCIL HEARING:

(To be provided at Council Hearing.)

Affidavit of Publisher

THE STATE OF TEXAS,

COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared _____

Mrs. Charles D. Treuter

, who being by me duly sworn,

says on oath that he is ~~the~~ ~~publisher~~ of the Commercial Recorder

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the An Ordinance 40380 Case No. 4264 hereto attached has been published in

every issue of said newspaper on the following days, to-wit: _____

February 11, 19 72

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SECTION 3. That the Director of Planning shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 10th day of February 1972.

JOHN GATTI
Mayor

ATTEST:

J. H. INSELMANN
City Clerk

Mrs. Charles D. Treuter

Sworn to and subscribed before me this 11th day of February, 19 72

Ernest G. Carroll

Notary Public in and for Bexar County, Texas

Ernest G. Carroll