

AN ORDINANCE **46794**

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. 6284 REHEARING)

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

Lot 80, NCB 11887
100 Block of W. Sunset Road

Provided that proper replatting is accomplished and that a six foot solid screen fence is erected and maintained along the east and the west property lines, adjacent to the single family dwellings.

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 Building and Zoning Administration 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 17th day of June, 19 76.

Lita Cockrell
M A Y O R

ATTEST: *G. V. Jackson*
C i t y C l e r k

76-29

APPROVED AS TO FORM: *James W. Fisher*
C i t y A t t o r n e y

Nielsen provided

AVIATION	
BUILDING & ZONING	2
CITY WATER BOARD	
COMMERCIAL RECORDER	1
COMMUNITY DEVELOPMENT	
CONVENTION BUREAU	
CONVENTION CENTER	
FINANCE DIRECTOR	
ASSESSOR	1
BUDGET	
CONTROLLER	
TREASURY DIVISION	
FINANCE-GRANT SECTION	
INTERNAL AUDIT	
PROPERTY RECORDS	
FIRE CHIEF	
HEALTH DIRECTOR	
HEMISFAIR PLAZA	
HUMAN RESOURCES	
LEGAL - CITY ATTORNEY	
BACK TAX ATTORNEY	
TRIAL SECTION	
LIBRARY DIRECTOR	
MANPOWER PROGRAM	
MARKET & PARKING	
MONITORING & EVALUATION	
MUNICIPAL COURTS	
PARKS & RECREATION DEPT.	
PERSONNEL DIRECTOR	
PLANNING DEPARTMENT	1
POLICE CHIEF	1
PRESS ROOM	
PUBLIC INFORMATION	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIV.	
ENGINEERING - SEWERS	
PURCHASING	
RIGHT OF WAY & LAND ACQUISITION	
TRAFFIC & TRANSPORTATION	

MEETING OF THE CITY COUNCIL DATE: JUN 17 1976

MOTION BY: *Nielsen* SECONDED BY: *Truitt*

ORD. NO. 46794 ZONING CASE 6284

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
PHIL PYNDUS PLACE 1		✓	
ROBERT P. "BOB" BILLA PLACE 2		✓	
HENRY G. CISNEROS PLACE 3		absent	
REV. CLAUDE BLACK PLACE 4		absent	
GLEN HARTMAN PLACE 5		absent	
AL ROHDE PLACE 6		✓	
RICHARD TENIENTE PLACE 7		✓	
DR. D. FORD NIELSEN PLACE 8		✓	
LILA COCKRELL PLACE 9 (MAYOR)		absent	

provided that proper platting is accomplished and that a 6' solid screen fence is erected and maintained along the ^{east} west property line

76-29

DATE May 26, 1976

TO: CITY CLERK

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 6284 Rehearing NAME Linden Company

The rezoning and reclassification of:

Lot 80, NCB 11887
100 Block of W. Sunset Road

FOR INFORMATION ONLY

Located on the north side of Sunset Road,
being 603.0' west of the intersection of
Sunset Road and Broadway, having 72.6' on
Sunset Road and a depth of 300'.

FROM: "A" Single Family Residential District

TO: "R-3" Multiple Family Residential District

The Planning and Zoning Commission has recommended that this request of
change of zone be approved by the City Council.

BUILDING AND PLANNING ADMINISTRATION

APPLICANT: Linden Company

ZONING CASE 6284

DATE OF APPLICATION: October 13, 1975

Appeal Case

Yes _____

No XXX

LOCATION OF PROPERTY

Lot 80, NCB 11887
100 Block of W. Sunset Road

FOR INFORMATION ONLY

Located on the north side of Sunset Road, being 603.0' west of the intersection of Sunset Road and Broadway, having 72.6' on Sunset Road and a depth of 300'.

ZONING CHANGE REQUESTED

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

ZONING COMMISSION PUBLIC HEARING ON NOVEMBER 5, 1975

Information Presented by Applicant

Mr. Jerry Kelfer, representing the applicant, stated his client is the owner of the subject property and of the Fontana and Tara Apartments. He stated his client would like the requested change in zoning to construct two unlighted tennis courts to provide a recreation facility for the tenants of the above-mentioned apartment complexes. Mr. Kelfer further stated he felt this would be the highest and best use for the subject property at the present time.

IN OPPOSITION

Mr. Roy G. Arnold stated he is opposed to the requested change in zoning because he feels the proposed use will ruin his home. He further stated he has had alot of problems with the drainage in this area and he feels the proposed use would only further jeopardize his home and his privacy.

Mr. Onufry I. Kiolbassa stated he is opposed to the requested change in zoning because the proposed use would only decrease the value of his property. Mr. Kiolbassa further stated the zoning goes with the property; once this property is rezoned, he would have no guarantee that the applicant, will indeed, construct a tennis court.

REBUTTAL

Mr. Kelfer stated that according to a legal opinion obtained from the City Attorney, he was informed that he could construct a recreational facility under the present zoning without changing the zoning classification. Therefore, he would like to withdraw this request at this time.

STAFF RECOMMENDATIONS

Discussion

Sunset Road is a heavily travelled right-of-way which provides an east-west thoroughfare between Jones Maltsberger Road and N. New Braunfels Avenue. There are business nodes already established to the east at the intersection of Broadway and Sunset Road and to the west at the intersection of Everest Avenue and Sunset Road. Considering the established business node a transitional pattern should be created towards the center of this block.

The staff has prepared a recommended zoning scheme for this portion of Sunset Road. This plan indicates the business nodes at the intersections of Everest and Sunset and at Broadway and Sunset Road with "R-3" Multi-family district or an "R-2A" district recommended for the interior of the block. This zoning scheme is included in your package.

Recommendation

Approval
Replat

Traffic and Transportation Department Recommendations

A report from the Traffic Department stated Sunset Road is a secondary arterial on the Major Thoroughfare Plan. Additional right-of-way should be granted if platting is necessary. Adequate off-street parking and access should be provided with development.

Results of Notices Received Before Hearing

There were nineteen notices mailed to the surrounding property owners; three notices were returned in opposition and five notices were returned in favor.

COMMISSION ACTION

By a vote of nine in favor, the Commission postponed action to allow sufficient time for a more thorough study of this case.

ZONING COMMISSION PUBLIC HEARING ON MARCH 24, 1976

Information Presented by Applicant

Mr. Marquis E. Whittington, representing the applicant, stated his client is the owner of the subject property and of the Fontana and Tara Apartments. He stated his client would like the requested change in zoning to construct two unlighted tennis courts to provide a recreation facility for the tenants of the above-mentioned apartment complexes. Mr. Whittington further stated his client would construct a 12' fence on both sides of the proposed tennis

courts, adjacent to the single family residences to protect their privacy. In conclusion, Mr. Whittington stated he felt this would be the highest and best use for the subject property at the present time.

IN FAVOR

Mr. Carl Nentwich stated he has officed at the above-mentioned address for over four (4) years, and during this time there has been a great transition on Sunset Road. He stated this particular area will eventually go commercial in the not-to-far future, therefore, he is in favor of the requested change in zoning.

IN OPPOSITION

Mr. Roy G. Arnold stated he is opposed to the requested change in zoning because he feels the proposed use will ruin his home and would constitute "spot zoning". Mr. Arnold further stated he has had alot of problems with the drainage in this area and he feels the proposed use would only further jeopardize his home and his privacy. He also stated the granting of this request for rezoning would change the character of the neighborhood.

Mr. John E. Chamberlain stated he is very much opposed to the requested change in zoning. He stated he cannot understand why the proponents cannot build their tennis courts under an "R-1" zoning; he feels there must be an ulterior motive for the applicant to request an "R-3" zoning.

Mr. Onufry I. Kiolbassa stated he is sure that the Commission is well aware that this area is residential in character; a very solid residential neighborhood. He stated he is opposed to the requested change in zoning because the proposed use would only decrease the value of his property. Mr. Kiolbassa further stated the zoning goes with the property; once this property is rezoned, he would have not guarantee that the applicant, will indeed, construct a tennis court.

REBUTTAL

Mr. Whittington stated at the time his client purchased the subject property, they were not aware that a drainage problem existed in this area. He also stated the proposed use would not constitute "spot zoning", because it is contiguous with the property owned by his applicant.

STAFF RECOMMENDATIONS

Discussion

On November 5, 1975 the Planning and Zoning Commission considered and postponed action to allow the staff time to obtain a legal opinion as to whether tennis courts for use by adjacent apartments

would be permitted under the present zoning.

It is the opinion of the City Attorney that non-commercial tennis courts are permitted as an accessory use in certain districts and that the property upon which they are located must be zoned the same district as the principal use located on adjacent property.

Sunset Road is a heavily travelled right-of-way which provides as east-west thoroughfare between Jones Malstberger Road and N. New Braunfels Avenue. There are business nodes already established to the east at the intersection of Broadway and Sunset Road and to the west at the intersection of Everest Avenue and Sunset Road. Considering the established business node a transitional pattern should be created towards the center of this block.

The staff has prepared a recommended zoning scheme for this portion of Sunset Road. This plan indicates the business nodes at the intersections of Everest and Sunset and at Broadway and Sunset Road with "R-3" Multi-family district or an "R-2A" district recommended for the interior of the block.

Recommendations

Approval
Replat

Traffic and Transportation Department Recommendations

A report from the Traffic Department stated Sunset Road is a secondary arterial on the Major Thoroughfare Plan. Additional right-of-way should be granted for a 60' right-of-way facility. Adequate off-street parking would be required with development along with proper access.

Results of Notices Received Before Hearing

There were twenty notices mailed to the surrounding property owners; two notices were returned in opposition; four notices were returned in favor, in addition, a notice was returned in favor from the Alamo Heights Independent School District.

COMMISSION ACTION

By a vote of six in favor, one voting against, and two being absent, the Commission recommended approval of "R-3" Multiple Family Residential District.

Reasons for Action

- (1) The subject property is located on the north side of Sunset Road, west of the intersection of Sunset Road and Broadway.

- (2) This area was the subject of a recommended zoning plan that had been prepared by the staff in the past; the plan recommended the conversion along this particular block of Sunset Road to "R-3" Multiple Family Residential District or "R-2A" Two Family Residential District; thus,,the proposed change would be in conformity with the plan.
- (3) It is noted that the subject property is adjacent to "R-3" and "D" uses and/or zonings.
- (4) It is felt that Sunset Road is in a period of transition; in the future this area will convert to different zonings than the "A" zoning now in force.
- (5) The staff has recommended approval of the requested change in zoning.

Other Recommendations

It is further recommended that the property be replatted, and that a 6' solid screen fence be erected and maintained along *the east and* the west property lines, adjacent to the single family dwellings.

RESULTS OF NOTICES RECEIVED BEFORE CITY COUNCIL HEARING ON MAY 20, 1976

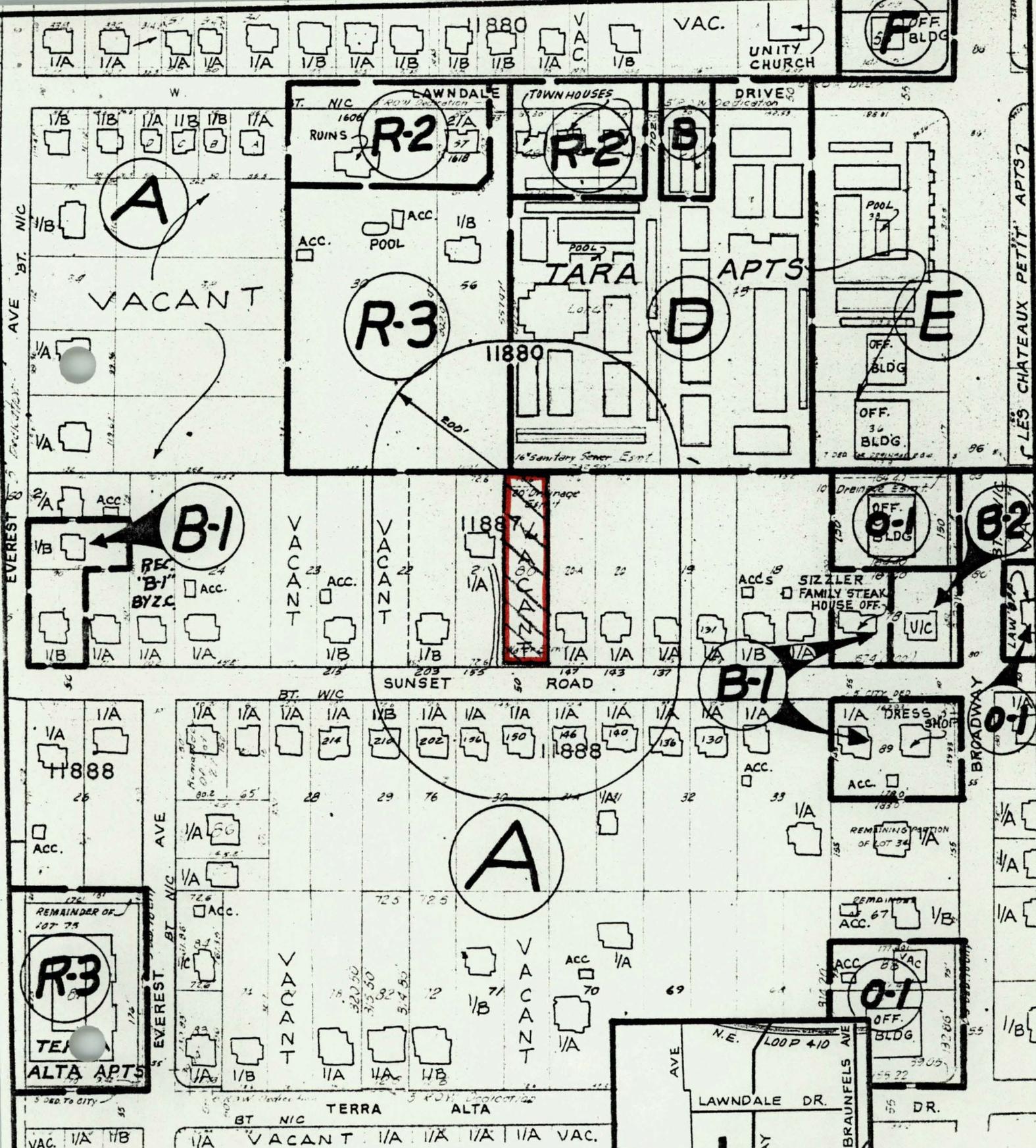
There were twenty notices mailed to the surrounding property owners; two notices returned in opposition and three notices returned in favor. There were two notices returned "indifferent".

CITY COUNCIL ACTION

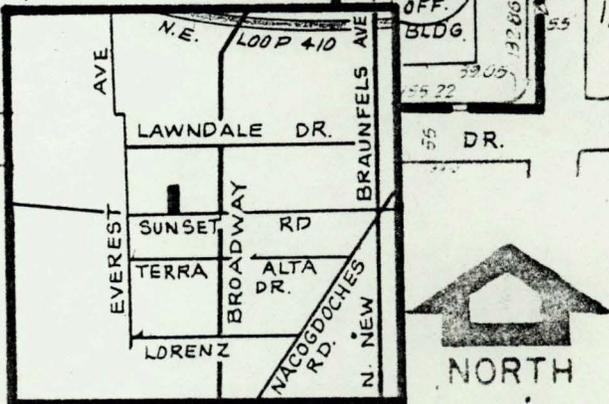
City Council denied the requested change in zoning. Later in the meeting the City Council moved to rescind the action taken earlier and requested that this case be placed on the June 17th agenda.

RESULTS OF NOTICES RECEIVED BEFORE CITY COUNCIL HEARING

(To be provided at Council hearing.)



ZONING CASE 6284 REHEARING
 REQUESTED ZONING CHANGE
 FROM "A" SINGLE FAMILY RES. DIST.
 TO "R-3" MULTIPLE FAMILY RES. DIST.
 DATE JUNE 17, 1976
 SCALE 0 100' 200' 300' 400'



DEPT. OF BUILDING & ZONING
 SAN ANTONIO, TEXAS

Mrs. Agnes M. Whitlock
235 West Sunset Road
San Antonio, Texas 78209

June 15, 1976

City Council:

My reason for voting in favor of the rezoning of
NCB 11887 Lot 80 is that as a property owner on
Sunset Road, I feel it would be a vast improvement
to install tennis courts instead of continuing to
have the property remain a vacant lot.



Agnes M. Whitlock

NCB 11887 W 90ft. of 24 Lots
NCB 11887 E. 55ft. of 24
NCB 11887 W 72.6 ft. of 23
NCB 11887 W 72.6 ft. of 22

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 she is 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 hereto attached has been published in every issue of said newspaper on the following days, to-wit: June 21, 1976.

AN ORDINANCE 46794

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 re-zoning of the hereinafter designated property, to-wit:

CASE NO. 6284 Rehearing

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

Lot 80, NCB 11887

100 Block of W. Sunset Road
Provided that proper replatting is accomplished and that a six foot solid screen fence is erected and maintained along the east and the west property lines, adjacent to the single family dwellings.

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 Building and Zoning Administration 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 17th day of June, 1976.

LILA COCKRELL
Mayor

ATTEST:

G. V. JACKSON, JR.
City Clerk

Mrs. Charles D. Treuter

Sworn to and subscribed before me this 21st day of June, 1976.

Stella Orozco

Notary Public in and for Bexar County,
Texas