

AN ORDINANCE

47694

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. 6374)

The rezoning and reclassification of property from "B" Two Family Residential District to "B-3" Business District, listed below as follows:

The remaining portions of Lots 4 and 5,  
Block 5, NCB 10937

700 Block of Hot Wells Blvd.

Provided that proper replatting is accomplished, if necessary.

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 17<sup>th</sup> day of February, 1977.

*Lila Cockrell*  
M A Y O R

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

77-10

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

DISTRIBUTION

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	
PRESS ROOM	
PUBLIC INFORMATION	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIV.	
ENGINEERING - SEWERS	
PURCHASING	
RIGHT OF WAY & LAND ACQUISITION	
TRAFFIC & TRANSPORTATION	
EQUAL EMPLOYMENT OPPORTUNITY	

ITEM NO. 12  
 MEETING OF THE CITY COUNCIL DATE: FEB 17 1977  
 MOTION BY: Len SECONDED BY: Ryn  
 ORD. NO. 47694 ZONING CASE 6374  
 RESOL. \_\_\_\_\_ PETITION \_\_\_\_\_

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

*replat. if necessary*

77-10

DATE January 17, 1977

TO: CITY CLERK

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 6374 NAME Nova Mortgage Company

The rezoning and reclassification of:

The remaining portions of Lots 4 and 5,  
Block 5, NCB 10937  
700 Block of Hot Wells Blvd.

FOR INFORMATION ONLY

Subject property is located west of the  
cutback between I.H. 37 Expressway and  
Hot Wells Blvd., having 286.69' on I.H.  
37 Expressway; 189.47' on Hot Wells Blvd.;  
and 66' on the cutback between I.H. 37  
Expressway and Hot Wells Blvd.

FROM: "B" Two Family Residential District.

TO: "B-3" Business District.

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

DEPARTMENT OF BUILDING AND ZONING

APPLICANT: Nova Mortgage Company

DATE OF APPLICATION: January 6, 1976

LOCATION OF PROPERTY

The remaining portions of Lots 4 and 5, Block 5, NCB 10937  
700 Block of Hot Wells Blvd.

FOR INFORMATION ONLY

Subject property is located west of the cutback between I.H. 37 Expressway and Hot Wells Blvd., having 286.69' on I.H. 37 Expressway; 189.47' on Hot Wells Blvd.; and 66' on the cutback between I.H. 37 Expressway and Hot Wells Blvd.

ZONING CHANGE REQUESTED

From "B" Two Family Residential District to "B-3" Business District.

ZONING COMMISSION PUBLIC HEARING ON FEBRUARY 4, 1976

Information Presented by Applicant

Mr. Jack Mitchell, representing Nova Mortgage Company, stated he would like the requested change in zoning for the erection of an advertising sign on the subject property. He stated this sign would remain on the property just as long as the property is not sold. If sold, the lease would be terminated.

IN OPPOSITION

Mr. R. N. Baylor, stated he is not opposed to the proposed use, however, he is opposed to the uses that are permitted under the requested "B-3" zoning classification, i.e., a bar or lounge that would dispense alcoholic beverages.

REBUTTAL

Mr. Miller stated he would like to assure Mr. Baylor that no lounge or bar would be operating on the subject property.

STAFF RECOMMENDATIONS

Discussion

The property in question is located at the intersection of two major thoroughfares, Hot Wells Blvd. and I.H. 37 Expressway. To the east "B-3" Business District zoning has been established at the southeast and northeast corners of Hot Wells Blvd. and I.H. 37 Expressway. As in the past, the staff has no objections to the concentration of business zoning at major intersections in an attempt to discourage strip commercial development along the major thoroughfares.

ZONING CASE 6374

Appeal Case

Yes

No XXX

Recommendation

Approval

Traffic and Transportation Department Recommendations

A report from the Traffic Department states that I.H. 37 is a controlled access facility under the jurisdiction of the State Department of Highways and Public Transportation. Hot Wells Blvd. is a neighborhood collector feeding into I.H. 37. Access to the subject property is entirely within the jurisdiction of the State Department of Highways and Public Transportation. Adequate off-street parking would be required with development. The subject property is of inadequate size to provide the parking.

Results of Notices Received Before Hearing

There were fifteen notices mailed to the surrounding property owners; two notices were returned in opposition, and five notices were returned in favor. Three notices were returned "Indifferent, and two notices were returned "Unclaimed".

COMMISSION ACTION

By a vote of six in favor and three voting against, the Commission recommended denial of "B-3" Business District.

Reasons for Action

1. The subject property is located west of the cutback between I.H. 37 Expressway and Hot Wells Blvd.
2. There were fifteen notices mailed out; two notices were returned in opposition; and five notices were returned in favor.
3. A letter from the State Department of Highways and Public Transportation was submitted and indicated opposition to the requested change in zoning.
4. There was one person present in opposition to this request at the public hearing.
5. It is felt that the granting of this request would adversely affect the character of the neighborhood.

RESULTS OF NOTICES FOR COUNCIL HEARING ON MARCH 18, 1976

There were sixteen notices mailed to the surrounding property owners; one notice was returned in opposition and five notices were returned in favor. One notice was returned "Unclaimed".

CITY COUNCIL ACTION ON MARCH 18, 1976

The City Council on this date referred this request back to the Zoning Commission for reconsideration of "B-3" and to allow the applicant time to include the adjacent property with access to Hot Wells Blvd.

ZONING COMMISSION PUBLIC HEARING ON JANUARY 11, 1977

Information Presented by Applicant

Mr. Laurel Joiner, representing the owner of the subject property, stated his client would like the requested change in zoning for the construction of a strip center and a convenience store. He stated there will be no consumption of alcoholic beverages "on premises"; it will be sold to-go only.

IN OPPOSITION

There was no one present in opposition.

STAFF RECOMMENDATIONS

Discussion

On February 4, 1976, the Planning and Zoning Commission considered a request for "B-3" Business District on Lot 5, which had no access to either I.H. 37 or Hot Wells Blvd. At this hearing, the Commission recommended denial of this request. The recommendation was appealed to the City Council on March 18, 1976. At this hearing, before the City Council, the Council referred this request back to the Zoning Commission for reconsideration of "B-3" and to allow the applicant time to include the adjacent property with access to Hot Wells Blvd.

The property in question is located at the intersection of two major thoroughfares, Hot Wells Blvd. and I.H. 37 Expressway. To the east, "B-3" Business District zoning has been established at the southeast and northeast corners of Hot Wells Blvd. and I.H. 37 Expressway. As in the past, the staff has no objections to the concentration of Business zoning at major intersections in an attempt to discourage strip commercial development along the major thoroughfares.

Recommendation

Approval

Traffic and Transportation Department Recommendations

A report from the Traffic Department states that Hot Wells Blvd. is a secondary arterial on the Major Thoroughfare Plan. Access is not available to the I.H. 37 exit ramp. Proper access and adequate off-street parking is required.

Results of Notices Received Before Hearing.

There were sixteen notices mailed to the surrounding property owners; one notice was returned in opposition, and five notices were returned in favor. Three notices were returned "Indifferent", two notices were returned "Unclaimed".

COMMISSION ACTION

By a vote of seven in favor and two being absent, the Commission recommended approval of "B-3" Business District.

Reasons for Action

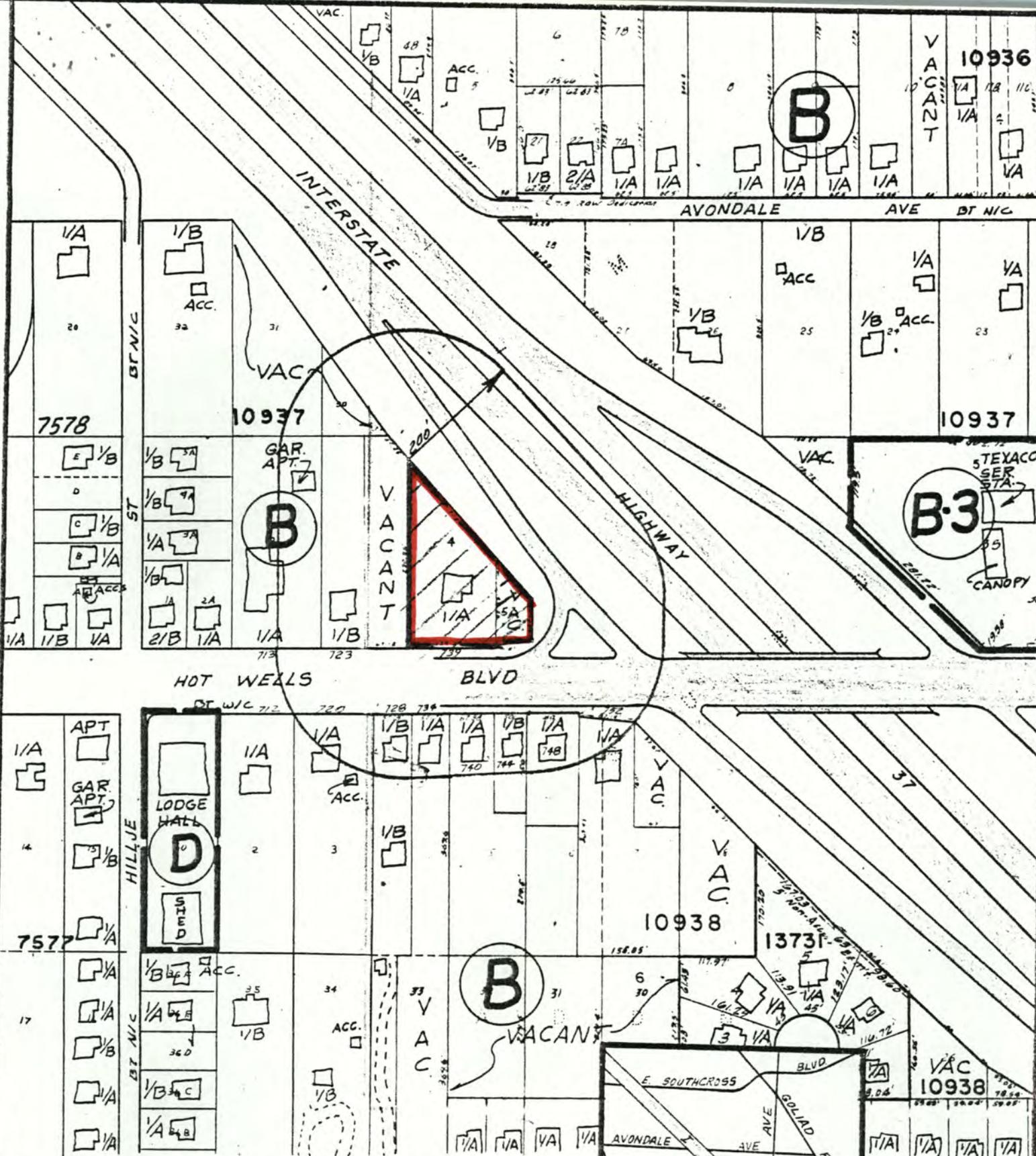
1. The subject property is located in the 700 Block of Hot Wells Blvd., legally known as the remaining portions of Lots 4 and 5, Block 5, NCB 10937.
2. On February 4, 1976, the Planning and Zoning Commission considered a request for "B-3" Business District on Lot 5, which had no access to either I.H. 37 or Hot Wells Blvd., however, at this hearing the Commission recommended denial of this request.
3. It is noted that this recommendation was appealed to the City Council at which time, the Council referred this request back to the Zoning Commission for reconsideration of "B-3" and to allow the applicant time to include the adjacent property with access to Hot Wells Blvd.
4. The property in question is located at the intersection of two major thoroughfares, Hot Wells Blvd. and I.H. 37 Expressway, which conform to the Centers Concept.
5. There were sixteen notices mailed out; one notice was returned in opposition, and five notices were returned in favor.
6. There was no one present in opposition to this request at the public hearing.
7. The staff has recommended approval of the requested change in zoning.

Other Recommendations

It is further recommended that the applicant work with the Traffic Department for proper egress and ingress, and that the property be replatted, if necessary.

RESULTS OF NOTICES FOR COUNCIL HEARING

(To be provided at Council Hearing.)



**ZONING CASE 6374**  
 REQUESTED ZONING CHANGE  
 FROM "B" TWO FAMILY  
 RES. DIST. TO "B-3" BUS. DIST.

DATE FEB. 17, 1977  
 SCALE 0 100' 200' 300' 400'



DEPT. OF BUILDING &  
 ZONING  
 SAN ANTONIO, TEXAS

# Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR  
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared Irene Palencia, who being by me duly sworn, says on oath that she is Office Supervisor of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance #47694 hereto attached has been published in every issue of said newspaper on the following days, to-wit: February 22, 1977.

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Provided that proper replatting is accomplished, if necessary.

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 February, 1977.

LILA COCKRELL  
Mayor

Sworn to and subscribe

ATTEST:

G. V. JACKSON, JR.  
City Clerk

Irene Palencia  
22nd Day of February, 1977.

Betty Lou Davis  
Notary Public in and for Bexar County,  
Texas