

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JANUARY 20, 1977.

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The meeting was called to order at 9:30 A. M. by Mayor Pro-Tem Henry Cisneros in the absence of Mayor Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN; Absent: COCKRELL.

77-4 The invocation was given by The Reverend Albert Clayton, Jefferson United Methodist Church.

77-4 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-4 The minutes of the meeting of January 13, 1977 were approved.

77-4 PRESENTATION BY SAN ANTONIO CHRISTIAN SCHOOL

A group of students from the San Antonio Christian School accompanied by their teachers were recognized by Mayor Pro-Tem Cisneros.

Mr. Leon Kahler, representing the School, invited Council members to attend a benefit performance on Saturday, January 22, 1977 at the Municipal Auditorium. Students then presented each Council member with letters of prayer and tickets to the performance.

Mayor Pro-Tem Cisneros, on behalf of the City Council, thanked the students and expressed best wishes for a successful benefit.

77-4 ZONING HEARINGS

1. CASE 6726 - to rezone Lots 65 through 68, NCB 15942, and a 2.90 acre tract of land out of NCB 15724, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District, "R-3" Multiple Family Residential District, and "B-1" Business District to "R-2" Two Family Residential District; a 0.29 acre tract of land out of NCB 15724, being further described by field notes filed in the office of the City Clerk, from "R-3" Multiple Family Residential District to "B-1" Business District; a 1.14 acre and a 0.69 acre tract of land out of NCB 15724, being further described by field notes filed in the office of the City Clerk, from "R-3" Multiple Family Residential District and "B-1" Business District to "B-2" Business District; and a 1.20 acre and a 0.87 acre tract of land out of NCB 15724, being further described by field notes filed in the office of the City Clerk, in the 13100 Block of Judson Road, from "R-3" Multiple Family Residential District to "B-3" Business District.

Subject properties are located on the southwest side of Judson Road, being 2372.15' southeast of the cutback between Lookout Road and Judson Road, having a total frontage of approximately 470' on Judson Road and a maximum depth of 925'.

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

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper platting is accomplished, and that a six foot solid screen fence be erected and maintained adjacent to the proposed residential development. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the

passage of the following Ordinance, prevailed by the following vote:
AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS:
None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,587

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 65 THROUGH 68, NCB 15942, AND A 2.90 ACRE TRACT OF LAND OUT OF NCB 15724, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, AND "B-1" BUSINESS DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT; A 0.29 ACRE TRACT OF LAND OUT OF NCB 15724, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; A 1.14 ACRE AND A 0.69 ACRE TRACT OF LAND OUT OF NCB 15724, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT AND "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT; AND A 1.20 ACRE TRACT AND A 0.87 ACRE TRACT OF LAND OUT OF NCB 15724, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 13100 BLOCK OF JUDSON ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED AND MAINTAINED ADJACENT TO THE PROPOSED RESIDENTIAL DEVELOPMENT.

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2. CASE 6733 - to rezone Lot 4, Block 1, NCB 15559, 7628 Marbach Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the south side of Marbach Road, being 822.60' east of the intersection of Wrangler Drive and Mrrbach Road, having 274.20' on Marbach Road and a depth of 160'.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,588

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

CC328

DESCRIBED HEREIN AS LOT 4, BLOCK 1, NCB 15559, 7628 MARBACH ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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3. CASE 6738 - to rezone Lot 4, NCB 11958, 1138 Parkridge Drive from "A" Single Family Residential District to "I-1" Light Industry District, located on the southside of Parkridge Drive, being 150.2' west of the intersection of Eastern Avenue and Parkridge Drive, having 150.2' on Parkridge Drive and a maximum depth of 292.7'.

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

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,589

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 4, NCB 11958, 1138 PARKRIDGE DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

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4. CASE 6740 - to rezone a 0.796 acre tract of land out of NCB 15318, being further described by field notes filed in the office of the City Clerk, in the 5100 Block of Military Drive West, from "R-1" Single Family Residential District to "B-2" Business District, located on the southwest side of Military Drive West, being approximately 295' southeast of the intersection of Rustleaf Drive and Military Drive West, having 150' on Military Drive West and a maximum depth of 264'.

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

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper platting is accomplished. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,590

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 A 0.796 ACRE TRACT OF LAND OUT OF NCB 15318, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 5100 BLOCK OF MILITARY DRIVE WEST, FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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5. CASE 6717 - to rezone Lots 1 and 2, Block 7, NCB 2837, 622 W. Malone Avenue, from "C" Apartment District to "B-1" Business District, located southeast of the intersection of W. Malone Avenue and Frelon Street, having 100' on W. Malone Avenue and 150' on Frelon Street.

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

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that a six foot solid screen fence is erected and maintained along the south property line. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,591

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 7, NCB 2837, 622 W. MALONE, FROM "C" APARTMENT DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE.

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6. CASE 6724 - to rezone Lot 9, Block 11, NCB 1749, 118-120 E. Myrtle Street, from "D" Apartment District to "B-2" Business District, located on the south side of E. Myrtle Street, being 106.2' west of the intersection of E. Myrtle Street and Ogden Street, having 53.1' on E. Myrtle Street and a depth of 160.8'.

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

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,592

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 9, BLOCK 11, NCB 1749, 118-120 E. MYRTLE STREET, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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7. CASE 6735 - to rezone Lot 7, Block 1, NCB 15732, 124 Remount, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the north side of Remount Road, being 469.5' east of the intersection of I. H. 35 Expressway and Remount Road, having 50' on Remount Road and a depth of 270'.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,593

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 7, BLOCK 1, NCB 15732, 124 REMOUNT, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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77-4

LANIER HIGH SCHOOL STUDENTS

Mayor Pro-Tem Cisneros recognized a group of students from Lanier High School and welcomed them to the meeting.

8. CASE 6725 - to rezone Lot 14-B and the east 270.26' of Lots 12 and 13, Block 3, NCB 8988, in the 1000 Block of Old Highway 90 West in the 600 Block of S. W. 40th Street, from "C" Apartment District and "F" Local Retail District to "I-1" Light Industry District, located southwest of the intersection of Old Highway 90 West and S. W. 40th Street, having 333.75' on S. W. 40th Street and 317.75' on Old Highway 90 West.

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

In response to Mr. Pyndus' question, Mr. Camargo explained the position of the staff in regards to this case and the reason they recommended denial. He stated that there still are a number of residences which remain in this area even within the "F" Local Retail. He also stated although there is "I-1" zoning to the northeast of the subject property, the staff is of the opinion that the granting of additional "I-1" zoning would establish a pattern for this area which could be detrimental to future residential and business development in this area. The subject property is also located northeast of the proposed Military Airport Overlay District, which is where the staff would encourage the establishment of industrial zoning.

After discussion, Mr. Pyndus moved to overrule the recommendation of the Zoning Commission and deny the rezoning based on staff's recommendation. Reverend Black seconded the motion.

Dr. Nielsen stated that this area has been discussed before, and he is very familiar with the area. He spoke against the motion.

In response to Mr. Hartman's question, Mr. Camargo stated that the applicant is requesting "I-1" zoning in order that he can have outside storage.

Mr. Jose Luis Amador, the applicant, stated he is the owner of the subject property and would like the requested change in zone so that he can rent this property to an individual who will build a small office. At the present time, his lot is used as a dumping lot.

Mr. Teniente and Mr. Billa spoke against the motion to deny. They stated that this change will improve the area.

Dr. Nielsen then made a substitute motion to approve the recommendation of the Zoning Commission and grant the rezoning, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the south and east property lines. Mr. Teniente seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Black; ABSENT: Cockrell.

AN ORDINANCE 47,594

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 14-B AND THE EAST 270.26' OF LOTS 12 AND 13, BLOCK 3, NCB 8988, IN THE 1000 BLOCK OF OLD HIGHWAY 90 WEST, IN THE 600 BLOCK OF S. W. 40TH STREET, FROM "C" APARTMENT DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH AND EAST PROPERTY LINES.

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10. CASE 6720 - to rezone Lot 45, Block 3, NCB 11967, 319 Wolfe Road, from "A" Single Family Residential District to "B-3" Business District, located on the north side of Wolfe Road, being 156.7' east of the intersection of Plymouth Avenue and Wolfe Road, having 90' on Wolfe Road and a depth of 200'.

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

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

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 45, BLOCK 3, NCB 11967, 319 WOLFE ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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11. CASE 6727 - to rezone Lots 16 and 23, NCB 10978, in the 3300 Block of Linn Road, from "B" Two Family Residential District to "O-1" Office District, located on the north side of Linn Road, being 247.2' west of the cutback between Goliad Road and Linn Road, having 180' on Linn Road and a depth of 256.4'.

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

Mr. Camargo further stated that seven affirmative votes are needed to approve this change in zone because of a petition submitted with 20 percent opposition.

Mr. Richard P. Corrigan, attorney representing Mr. Kenneth Reus, stated that his testimony at the Zoning Commission would stand for his presentation.

Mr. George Salazar stated he is opposed to the rezoning and had signed a petition opposing this change. He lives next door to the subject property and feels that the change is detrimental to the area. He also stated that traffic will be increased.

In response to Mr. Pyndus' question, Mr. Camargo stated that the property in question abutts a single family dwelling on the west, and it's opposite single family dwellings to the south. To the east, there is a lumber yard which requires an "I-1" classification under the new zoning ordinance. The requested change would provide a buffer between the residential development to the west and the commercial use to the east.

Mr. Billa stated he is very familiar with this area and suggested as a compromise to approve the change of zone for Lot 23 only, and Lot 16 be left in its present state.

Mr. Richard Corrigan stated that the structure on the subject property is vacant at the present time. His client, Mr. Reus would like the requested change in zoning to remodel the present structure into office type space. This would serve in his opinion as an excellent buffer between the residential area and commercial type uses. As to Mr. Billa's suggestion, Mr. Corrigan stated he had not discussed this matter with his client and could not give an affirmative answer until he spoke to his client.

In response to Dr. Nielsen's comments about outside storage, Mr. Corrigan assured the Council that they will abide by all regulations of the ordinance.

Mr. Salazar stated he would not be in favor of the compromise suggested by Mr. Billa.

Mr. Corrigan stated he contacted his client and he had agreed to this compromise.

Mr. Billa then moved to overrule the recommendation of the Zoning Commission and deny the rezoning of Lot 16 and grant rezoning on Lot 23, provided that a six foot solid screen fence is erected and maintained along the west property line. Mr. Pyndus seconded the motion.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Nielsen; NAYS: Hartman; ABSENT: Cockrell.

AN ORDINANCE 47,596

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 16 AND 23, NCB 10978, IN THE 3300 BLOCK OF LINN ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE.

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9. CASE 6729 - to rezone Lots 1 through 106; Lots 119 through 130; and Lots 143 through 247, NCB 16043, in the 11300 Block of Vance Jackson Road, from Temporary "R-1" Single Family Residential District and "R-6" Townhouse District to "P-1(R-1)" Planned Unit Development Single Family Residential District, located on the northeast side of Vance Jackson Road, being approximately 2,591' northeast of the intersection of Wurzbach Road and Vance Jackson Road, having 600' on Vance Jackson Road and a maximum depth of 2,116.39'.

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

Mr. Jack Devore, the applicant, stated the Mission Trace Planned Unit Development was originally approved by the City Council as a special P.U.D. prior to the enactment of a P.U.D. Ordinance. He stated at the time, only a 500' wide strip along the northeast side of Vance Jackson Road was located inside the City limits, which was zoned "R-6" Townhouse District. Mr. Devore further stated the annexation of 1972 took in the balance of Mission Trace which was automatically zoned Temporary "R-1" Single Family Residential District. In conclusion, the applicant stated he would like the requested change in zoning to conform to the present usage of the planned unit development.

In response to Mr. Pyndus' question, Mr. Camargo stated that the change in zone was made in order to conform with the present development which was started prior to annexation and enactment of the P.U.D. Ordinance. This portion of Vance Jackson Road, in the past, has developed into residential uses. The staff has no objections to the change in zoning.

Mr. Jerry R. Holleman spoke in opposition to the change in zone. He stated his property is affected by this change in zoning. He said that an official opinion should be obtained from the City Attorney as to the legality of the P.U.D. Ordinance. He felt that the rezoning of his property without consulting him was illegal.

City Attorney Finlay stated that in his opinion, the P.U.D. Ordinance is legal and there are many properties zoned in this fashion.

Dr. Nielsen stated a legal opinion will not resolve this matter. He further stated that either state legislation or going to court will be the final resolve of this.

Dr. John Corning, 11303 Hollow Tree, also spoke in opposition. He said that Council should not take action until the City Attorney renders a legal opinion on this case.

In rebuttal, Mr. Devore stated that "P-1(R-1)" zoning is a more protective zoning than an "R-6" zoning. He further stated that there is litigation involved. There is a violation on the part of the homeowners of the Association's rules and restrictions, and the Association filed suit against them and received an injunction in favor of the Association against the homeowners. The homeowners are in the process of perfecting their appeals. The lawsuit is strictly a matter between the Association and the homeowners.

In response to Mr. Pyndus' question, Mr. Tom Finlay stated that the legal right of the homeowners with regard to their deeds would not be affected by the change in zone.

After consideration, Mr. Hartman moved to approve the recommendation of the Zoning Commission. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 47,597

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 THROUGH 106; LOTS 119 THROUGH 130; AND LOTS 143 THROUGH 247, NCB 16043, IN THE 11300 BLOCK OF VANCE JACKSON ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "R-6" TOWNHOUSE DISTRICT TO "P-1(R-1)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENTIAL DISTRICT.

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12. CASE 6651 - to rezone the east 88' of Lots 10 and 12, and the east 88' of the south 21.1' of Lot 8, Block 36, NCB 364, 401 W. Evergreen Street, from "D" Apartment District to "B-2" Business District, located northwest of the intersection of W. Evergreen Street and Maverick Street, having 88' on W. Evergreen Street and 133.6' on Maverick Street.

Mr. Gene Camargo, Planning Administrator, stated that this case was withdrawn at the request of the applicant.

13. CASE 6684 - to rezone a 0.3354 acre tract of land out of NCB 12420, being further described by field notes filed in the office of the City Clerk, 6500 Block of Blanco Road, from "D" Apartment District to "B-1" Business District; and a 0.7718 acre tract of land out of NCB 12420, being further described by field notes filed in the office of the City Clerk, 6500 Block of Blanco Road, from "D" Apartment District to "B-2" Business District.

The "B-1" zoning is located northeast of the intersection of Blanco Road and Thames Drive, having 89.75' on Blanco Road and 258.09' on Thames Drive.

The "B-2" zoning is located on the west side of Tudor Drive, having 183.50' on Tudor Drive and a maximum depth of 310.61'.

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

After consideration, Dr. Nielsen moved to approve the recommendation of the Zoning Commission, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along Tudor Drive, and that a non-access easement is imposed along Tudor Drive. Mr. Hartman seconded the motion.

In response to Mr. Pyndus' comment, Mr. Camargo stated that in the staff's opinion, the present zoning pattern established from the intersection of Rector Drive (a private drive), and Blanco Road provides an appropriate transition towards the residential single family development. The staff does not recommend further expansion of the business zoning into the single family area.

Mr. Pyndus spoke against the motion to approve based on staff's recommendation.

No citizen appeared to speak in opposition.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus; ABSENT: Cockrell.

AN ORDINANCE 47,598

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 A 0.3354 ACRE TRACT OF LAND OUT OF NCB 12420, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 6500 BLOCK OF BLANCO ROAD, FROM "D" APARTMENT DISTRICT TO "B-1" BUSINESS DISTRICT; AND A 0.7718 ACRE TRACT OF LAND OUT OF NCB 12420, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 6500 BLOCK OF BLANCO ROAD, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATting IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG TUDOR DRIVE, AND THAT A NON-ACCESS EASEMENT BE IMPOSED ALONG TUDOR DRIVE.

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14. CASE 6713 - to rezone Lot 85, Block 12, NCB 3098, 2402 McCullough Avenue, from "B" Two Family Residential District and "R-3" Multiple Family Residential District to "B-2" Business District; and Lots 7 and 8, Block 2, NCB 1708, in the 200 Block of E. Woodlawn Avenue from "B" Two Family Residential District to "B-2" Business District.

Subject properties are located on the east side of McCullough Avenue between E. Woodlawn Avenue and E. Craig Place, having 243.50' on McCullough Avenue; 405' on E. Woodlawn Avenue; and 295' on E. Craig Place.

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

Mr. Paul Casseb stated that a proposed new postal facility is to be constructed on this subject property. He presented traffic circulation plans as well as plans for the new facility. He also read a letter from the Monte Vista Historic Association in favor of this request.

Mr. Rohde moved to uphold the recommendation of the Zoning Commission and grant the rezoning, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the east property line. Reverend Black seconded the motion.

Mr. Pyndus stated that the Council has letters signed by Mr. Stewart Fischer, Director of Traffic and Transportation, stating that the proposed use on the subject property would create serious traffic problems.

Mr. Casseb stated that they have a revised plan for traffic circulation and are prepared to discuss Mr. Fischer's objections to the proposed use.

Mr. Rohde stated that zoning codes do not apply to government offices. The Post Office as a matter of courtesy has asked the City Council to approve this zoning. He further stated that this facility is very much needed in the area.

Mr. Teniente also stated that this is not a new facility but a relocation of a facility which already has traffic on Main Avenue.

Mrs. Pat Osborne, Historic Preservation Officer, stated that she has been in contact with officials of the Monte Vista Association and they are not opposed to the proposed use of the subject property.

Mr. Stewart Fischer, Director of Traffic and Transportation, read memorandums addressed to the City Council on this zoning case about the traffic situation at this location. He does not recommend that the zoning be approved.

Mr. Pyndus spoke against the motion to approve based on the zoning staff's recommendation as well as the Traffic and Transportation's recommendation.

No citizen appeared to speak in opposition.

In response to Dr. Cisneros' comment, Mr. Fischer stated that the Post Office can build on this location without the zoning change; or they can find another site.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus; ABSENT: Cockrell.

AN ORDINANCE 47,599

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 85, BLOCK 12, NCB 3098, 2402 MCCULLOUGH AVENUE, FROM "D" APARTMENT DISTRICT AND "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND LOTS 7 AND 8, BLOCK 2, NCB 1708, IN THE 200 BLOCK OF E. WOODLAWN AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATting IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

* * * *

15. CASE 6722 - to rezone Lot 2, Block 6, NCB 15590, 7050 S. W. Military Drive, from "B-2" Business District to "B-3" Business District, located on the east side of S. W. Military Drive, being approximately 225.03' north of the intersection of S. W. Military Drive and Westward Drive, having 158.22' on S. W. Military Drive and a maximum depth of 245'.

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

Mr. Camargo also stated that this is an appeal case and would require seven affirmative votes to overrule the recommendation of the Zoning Commission and grant the rezoning.

In response to Mr. Pyndus, Mr. Camargo stated that the staff had also recommended denial of this change. In the staff's opinion, the granting of this request would only encourage other requests for "B-3" zoning on adjacent lots bringing the "B-3" Business development closer to the single family residences.

Mr. Frank Adelman, representing the applicants, Mr. and Mrs. Foy Farris, stated that his clients would like the requested change in zone to establish a restaurant and lounge. He said that his client had gone before the Zoning Commission without being fully prepared to make his presentation. He had failed to contact neighbors in the area to explain what his intentions were. As a result, the Zoning Commission had recommended against the zoning. He said that the residents in the area do not object and submitted letters to that effect.

Mr. Foy Farris, the applicant, pointed out the commercial zoning in the area that already exists. He said that he has contacted neighbors in the area and has received 22 letters saying that they approve of the rezoning. He asked that his request be approved.

After consideration, Councilman Nielsen moved that the recommendation of the Zoning Commission be overruled and the rezoning approved. The motion was seconded by Mr. Rohde, and on roll call, the motion, carrying with it adoption of the following Ordinance, was passed and approved by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus; ABSENT: Cockrell.

AN ORDINANCE 47,600

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 2, BLOCK 6,
NCB 15590, 7050 S. W. MILITARY DRIVE,
FROM "B-2" BUSINESS DISTRICT TO "B-3"
BUSINESS DISTRICT.

* * * *

The rezoning was approved.

16. CASE 6695 - to rezone Lots 23 and 24, Block 70, NCB 7991, 703 Linden Avenue, from "B" Two Family Residential District to "B-1" Business District, located northwest of the intersection of Kyle Street and Linden Avenue, having 50' on Linden Avenue and 125' on Kyle Street.

Mr. Tom Castillo said that he wanted to build a beauty shop at this location. No opposition has been presented either to the Zoning Commission or to the Council.

Dr. Nielsen asked about the status of a study the staff had been instructed to make regarding one chair beauty shops.

Mr. Camargo said that the proposed ordinance is almost ready for a public hearing.

Reverend Black spoke in favor of the request. He said that this type of rezoning provides self-employment for persons who do not have a large sum of money to invest.

Mr. Pyndus spoke against the ordinance saying that a change in zoning goes with the property. He suggested that action on this case should be delayed until the ordinance covering one chair shops is acted on.

Reverend Black moved that the recommendation of the Zoning Commission be overruled and the rezoning granted. The motion was seconded by Mr. Billa.

Mr. Hartman made a substitute motion that action on this case be postponed. The motion was seconded by Mr. Pyndus. On roll call, the motion failed by the following vote: AYES: Pyndus, Hartman, NAYS: Billa, Cisneros, Black, Rohde, Teniente, Nielsen; ABSENT: Cockrell.

After further consideration, the original motion by Reverend Black failed to carry the required seven affirmative votes as follows: AYES: Billa, Cisneros, Black, Rohde, Teniente, Nielsen; ABSTAIN: Pyndus, Hartman; ABSENT: Cockrell.

The rezoning was denied.

17. CASE 6678 - to rezone Lots 31 and 32, Block 7, NCB 1949, 1704 W. Mulberry Avenue, from "B" Two Family Residential District to "B-3" Business District, located southwest of the intersection of W. Mulberry Avenue and N. Zarzamora Street, having 83.32' on W. Mulberry Avenue, and 155' on N. Zarzamora Street.

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

Mr. Camargo said that he had received a letter from Mr. Matt Garcia, attorney for the applicant, requesting a postponement of this case.

Mr. Teniente said that this case has been postponed once before and to do so again would work a hardship on persons who had come to the hearing.

After discussion, it was decided to delay the hearing of this case until either the applicant or his attorney could be contacted.

(Later in the meeting the hearing resumed).

Mr. Camargo stated that his office had been unable to contact the applicant. After discussion, the Council agreed to hear the case.

Mr. Camargo said that the applicant has been operating at his residence for several years. He applied for rezoning so he could continue his business.

Mr. Earl Post, representing Mrs. Frances McCarthy, a neighbor, spoke in opposition saying that a business at this address would be an intrusion into a residential neighborhood. He urged the Council to deny this request for rezoning.

Mr. Otto Rossi also spoke in opposition.

Councilman Teniente said that this is a bad situation and is a detriment to the neighborhood. He urged denial.

After consideration, Mr. Hartman made a motion to uphold the recommendation of the Zoning Commission and deny the rezoning. Mr. Teniente seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

The rezoning was denied.

Mr. Gene Camargo said that this is a request to remove the stipulation placed by the City Council in 1965. Five affirmative votes are required in this case. The request is for the removal of a 5' non-access easement requirement and the requirement for a 6' masonry wall on Lot 7, NCB 9587 in the 2400 Block of Hiawatha Street.

Ms. Dorothy Lee Burke, the applicant, presented a map showing the property as it presently exists. The request for removal of the stipulations is to allow construction of a shopping center. H.E.B. wants to build a new store and will need to have a means for trucks to service the store. Ms. Burke then asked the persons in the audience in favor of the request to stand.

Mrs. Pat Defilly, 3711 S. Mittman, spoke in favor of the request and urged the Council to approve the request. Also speaking in favor were Lillian Johnson and Bill Haley.

Mr. James B. Calhoun spoke in opposition. He presented a petition in opposition signed by residents in the area immediately adjacent to the property in question.

Also speaking in opposition were Mr. Angelo De Pasquale and Mr. Joe Cumpian.

Mrs. Helen Dutmer also spoke in opposition. She spoke as a member of the Southeast Citizens' Committee. She said that this property is continually coming before the Zoning Commission and the Council and this is a great inconvenience to property owners in the area. The drainage is bad on Gevers Street which needs prompt attention. She recalled the last time this case came up an arrangement was negotiated with Mrs. Burke and this should be allowed to stand. She indicated that Councilman Billa should abstain from voting because his office is in the same place as Mrs. Burke's.

Councilman Billa said that he had not made a commitment as to voting but made it clear that he had no personal interest in the property at all.

Mrs. Burke spoke in rebuttal saying that it would be necessary to remove the easement and wall requirements so that trucks could serve the proposed shopping center. She urged Council to approve her request so that the property can be developed.

After discussion, Councilman Teniente moved that the recommendation of the Zoning Commission be overruled and the request be granted. The motion was seconded by Councilman Nielsen and on roll call, the motion, carrying with it approval of the following Ordinance, was passed and approved by the following vote: AYES: Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cisneros; ABSTAIN: Billa; ABSENT: Cockrell.

AN ORDINANCE 47,601

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY THE REMOVAL OF A PORTION OF A 5' NON-ACCESS EASEMENT AND A 6' MASONRY WALL, WHICH WAS REQUIRED BY THE PLANNING AND ZONING COMMISSION ON MARCH 17, 1965, LISTED BELOW AS FOLLOWS: THE NORTH 5' OF THE EAST 140' OF THE WEST 365' OF LOT 7, NCB 9587, IN THE 2400 BLOCK OF HIAWATHA STREET.

* * * *

The stipulations were removed.

77-4 The meeting recessed for lunch at 12:25 P. M. and reconvened at 2:05 P. M.

77-4

CITIZENS TO BE HEARD

HENRY MUNOZ, JR.

Mr. Henry Munoz, Jr., asked for a review of the City's minimum wage ordinance. Presently the ordinance sets the minimum wage at \$1.40 per hour. He said that insurance rates will be increased again soon and that, along with inflation, is too much for wage earners to bear. He called for a minimum of \$2.60 per hour.

Mayor Pro-Tem Cisneros asked that the City Manager review the legal technicalities involved since the City's minimum is lower than the federal minimum. He also asked that the pay structure be reviewed and to make any recommendations relative to those issues.

MRS. MARTHA CASTILLEJA

Mrs. Martha Castilleja representing St. Gabriel C.O.P.S. organization, spoke concerning the cleaning of vacant lots in the Edgewood area. She invited City Manager Huebner to visit the St. Gabriel area to see the situation and then to meet with her organization on February 2nd.

Mayor Pro-Tem Cisneros said that he has been working with this group and related some of their ideas. He asked that a "B" session item be scheduled on this subject at an early date.

Mr. Billa said that property owners should help clean up these vacant lots and refrain from dumping trash on them.

MRS. DIANE DICKMAN

Mrs. Diane Dickman, representing the San Antonio L.I.F.E. organization, read a prepared resolution requesting that the City Council proclaim Saturday, January 22 to be "PRO-LIFE DAY" in San Antonio.

Councilman Pyndus said that he has presented the resolution to Council members but some of them have requested more time to study it. He urged Council members to attend a City wide service at Milam Park on January 22 after which there would be a candlelight march to Robert B. Green Hospital.

Mayor Pro-Tem Cisneros explained the Council's policy of waiting one week to act on a proposed resolution.

HELEN DUTMER

Mrs. Helen Dutmer said that she took exception to a personal attack leveled at her during a zoning case hearing earlier in the day.

Mayor Pro-Tem Cisneros apologized for any offense taken by Mrs. Dutmer and explained Council policy regarding personal remarks during a Council meeting.

77-4 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde; NAYS: None; ABSENT: Teniente, Nielsen, Cockrell.

AN ORDINANCE 47,602

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A GRANT OF \$4,368,267.00 TO THE U.S. DEPARTMENT OF LABOR SUPPORTING THE CONTINUATION OF THE EMERGENCY JOBS PROGRAM IN THE ALAMO MANPOWER CONSORTIUM DURING THE PERIOD FROM JANUARY 1, 1977 TO SEPTEMBER 30, 1977; DESIGNATING A FUND APPROPRIATING THE AMOUNT OF \$5,115,322.00 FOR THE PERIOD AND ADOPTING A BUDGET THEREFOR, AUTHORIZING PERSONNEL POSITIONS IN CITY DEPARTMENTS IN THE PROJECT, AND AUTHORIZING AGREEMENTS WITH CONSORTIUM MEMBERS AND CITY DEPARTMENTS FOR OPERATING IN THE PROGRAM.

* * * *

77-4

CLEANING OF VACANT LOTS

Mr. Pyndus said that there seems to be a great amount of federal money available for public works but it appears to be extremely difficult to use any of it for the cleaning of vacant lots. He asked that the City Manager attempt to put a program together using some of these funds for a City wide cleanup.

77-4 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Nielsen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,603

ACCEPTING THE LOW QUALIFIED BID OF SCOTT & JENNISON, INC. IN THE AMOUNT OF \$107,578.00 FOR CONSTRUCTION ON THE MITCHELL LAKE RE-LIFT STATION; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT COVERING SAID WORK; APPROPRIATING THE SUM OF \$115,905.00 IN FUND 41-003, PROJECT NO. 003026; AND AUTHORIZING PAYMENT AS HEREIN PROVIDED.

* * * *

77-4 The Clerk read the following letter:

January 14, 1977

Honorable Mayor and Members of the City Council
City of San Antonio, Texas

Madam and Gentlemen:

The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

January 13, 1977

Petition submitted by Ms. Winona Hill, 226 Belmont Street, along with signatures of other residents in the neighborhood, requesting relief from various problems on Belmont Street.

/s/ G. V. JACKSON, Jr.
City Clerk

* * * *

January 20, 1977
el

00321

00322

There being no further business to come before the Council,
the meeting was adjourned at 2:55 P. M.

A P P R O V E D

Lila Lockull

M A Y O R

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

January 20, 1977
el

-17-