

AN ORDINANCE 5 553 0

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. 8851 P.P. )

The rezoning and reclassification of property from "B" Residential District to "B-3" Business District and "B-2" Business District, listed below as follows:

"B" To "B-3"

A 1.010 acre tract of land out of NCB 12681 and NCB 12683, being further described by field notes filed in the Office of the City Clerk.

"B" to "B-2"

A 9.990 acre tract of land out of NCBS 12677, 12679, 12681, 12683 and 12685, being further described by field notes filed in the Office of the City Clerk.

In the 8700 block of I.H. 35 South Expressway.

Provided that a 6-foot solid screen fence is erected and maintained along the rear property line, and a one-foot non-access easement is imposed along the rear property line abutting the street. Also provided that there is a 35-foot setback from the rear property line.

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 8th day of July, 1982.

*Henry Cisneros*  
M A Y O R

ATTEST: *Norme S. Rodriguez*  
C i t y C l e r k

APPROVED AS TO FORM: *Joe H. Law*  
C i t y A t t o r n e y

FIELD NOTE DESCRIPTION

11.000 ACRE TRACT

AN 11.00 ACRE TRACT LYING IN SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF N.C.B. 12677, N.C.B. 12679, N.C.B. 12681, N.C.B. 12683 AND N.C.B. 12685, SAID 11.000 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 35, SAID POINT BEING THE MOST NORTHWESTERLY CORNER OF N.C.B. 12685 AND THE HEREIN DESCRIBED TRACT;

THENCE, N 64° 54' 32" E, ALONG AND WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35, A DISTANCE OF 692.12 FEET TO A POINT FOR THE MOST NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 02° 37' 57" W, A DISTANCE OF 936.76 FEET TO A POINT FOR THE MOST SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF N.C.B. 12683 AND THE NORTHERLY BOUNDARY OF AN EXISTING VARIABLE WIDTH DRAINAGE RIGHT-OF-WAY;

THENCE, N 88° 33' 00" W, ALONG AND WITH THE NORTHERLY BOUNDARY OF THE VARIABLE WIDTH DRAINAGE RIGHT-OF-WAY, A DISTANCE OF 612.80 FEET TO A POINT FOR THE MOST SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT ALSO BEING THE MOST SOUTHWESTERLY CORNER OF N.C.B. 12685;

THENCE, N 02° 37' 57" E, ALONG AND WITH THE WESTERLY BOUNDARY OF N.C.B. 12685, A DISTANCE OF 627.42 FEET TO THE POINT OF BEGINNING OF THE HEREINBEFORE DESCRIBED 11.000 ACRE TRACT.

3/31/82

KLR:DMD

JOB NO. 8215



CITY COUNCIL

DATE; JULY 8, 1982

TO: CITY CLERKS

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 8851 P.P. NAME Guerra Enterprise

The rezoning and reclassification of:

Location: An 11.0 acre tract of land out of NCB 12677, NCB 12679, NCB 12681, NCB 12683 and NCB 12685, being further described by field noted filed in the Office of the Planning Department, Zoning Administration. In the 8700 Block of I.H. South Expressway.

FOR INFORMATION ONLY

Subject property is located on the southside of I.H. 35 South Expressway, being approximately 1413' northeast of the intersection of Palm Beach Drive and I.H. 35 Expressway, having 692.12' on I.H. 35 Expressway and a maximum depth of 936.76'.

CITY CLERK  
JUL 14 1982

FROM: "B" Residence 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 Planning and Zoning

APPLICANT: Guerra Enterprise

ZONING CASE NO. 8851 P.P.

STATUS OF APPLICANT: Buyer

APPEAL CASE

YES \_\_\_\_\_

NO XX

OWNER OF PROPERTY: Gene Trapman

OWNER CONCUR WITH THIS REZONING REQUEST:

YES XX

NO \_\_\_\_\_

DATE OF APPLICATION:

LOCATION OF PROPERTY:

An 11.0 acre tract of land out of NCB 12677, NCB 12679, NCB 12681, NCB 12683 and NCB 12685, being further described by field notes filed in the Office of Planning Department, Zoning Administration. In the 8700 Block of I.H. South Expressway

FOR INFORMATION ONLY

Subject property is located on the southside of I.H. 35 South Expressway, being approximately 1413' northeast of the intersection of Palm Beach Drive and I.H. 35 Expressway, having 692.12' on I.H. 35 Expressway and a maximum depth of 936.76'.

REQUESTED CHANGE IN ZONING

From "B" Residence District to "B-3" Business District.

ZONING COMMISSION PUBLIC HEARING HELD ON April 20, 1982

Information Presented by Applicant

Mr. Encarnacion Guerra, 14018 Shire Road, stated that they are requesting the change in zoning because they propose to build a party house. He further stated that they would lease the party house for debuts and weddings. He stated that they would also like to sell alcoholic beverages on the premises. He stated that they have a contract for the purchase of the property subject to the change in zoning.

IN FAVOR

Mr. Gene Trapman, 1500 N. St. Mary's, stated that he is the owner of the property and would like to sell the subject property as a whole 56 acres. He stated that traffic will not interfere with the residential area because ingress and egress will be from frontate road.

Mr. Emil Ruiz, 116 Villita, stated that the proposed development for the subject property would be of benefit to the area as there is no other similar type of development in this area.

IN OPPOSITION

Mr. L. H. Caphart, 3215 Fairmeadows, stated that he is opposed to any type of alcholic beverages being sold on the premises. He stated that he is opposed to this type of development in this area.

REBUTTAL

Mr. Guerra stated that there is a 36' easement between the subject property and Mr. Caphart's property and he also plans to build a 6' solid screen fence on the rear of the subject property.

STAFF RECOMMENDATIONS

Discussion

The property in question fronts onto I.H. 35 South Expressway and is located in an area which is predominantly zoned "B" Residence District with single family dwelling to the south.

Recommendation

Denial is recommended by staff which is of the opinion that this request is premature at this time. If this area is to transition it should commence to the northeast at the intersection of I.H. 35 Expressway and Poteet-Jourdanton Highway. Allowing the transition to less intensive zones away from that intersection.

Street dedication to be given if necessary.

TRAFFIC ENGINEERING RECOMMENDATION

The subject property is served by the one-way northbound frontage road of I.H. 35 Expressway. The other streets in the area are not open. Rezoning could cause unwanted traffic through the residential subdivision to the south. Access to the frontage road is controlled by the State Department of Highways and Public Transportation.

RESULTS OF NOTICES RECEIVED BEFORE HEARING

There were twenty-seven notices mailed out to the surrounding property owners, one returned in opposition and one returned in favor.

COMMISSION ACTION

MOTION was made by Mr. Polunsky and seconded by Mrs. Kachtik, to recommend approval of the requested petition from "B" Residence District to "B-3" Business District for the following votes:

Adams, Kachtik, Polunsky, McNeel, Washington voting in the affirmative, with Davies, Meza voting against, Lopez, Oviedo, Rodriguez, Williams being absent. MOTION FAILED.

REASONS FOR ACTION

1. Subject property is located on an 11 acre tract of land out of NCB 12677, NCB 12683, and NCB 12685, in the 8700 Block of I.H. 35 South Expressway.
2. There were twenty-seven notices mailed out, one returned in opposition and one returned in favor.

Other Recommendations

It is further stipulated that a 100' building setback placed along the south property line and a 6' solid screen fence be erected and maintained along the south property line. Also that the street dedication be given if necessary and the property platting be accomplished if necessary.

MOTION FAILED.

SECOND MOTION

MOTION was made by Ms. Davies and seconded by Mr. Meza, that this case be postponed until more Zoning Commissioner's are present.

FOR THE RECORD

Ms. Davies stated that she is concerned about traffic situation and supports the staff's recommendation. She stated that it would be fine if there could be enough Zoning Commissioners present at these meetings that all request for rezoning would get through the process of a public hearing for the following votes:

Davies, Meza, Kachtik, Polunsky, McNeel, Adams, Washington voting in the affirmative with None voting against, Lopez, Rodriguez, Oviedo, Williams being absent.  
MOTION CARRIED.

FOR THE RECORD

Mr. Polunsky stated that obviously through the absence of some Zoning Commissioners who have caused the Commission to postpone a case because there are not enough Commission members present to hear the cases that come before them. He stated that he feels that because of the past history of certain members especially Mr. Williams, he would personally like to see Mr. Williams resign from the Zoning Commission as he is not performing his duties as a Zoning Commissioner.

ZONING COMMISSION PUBLIC HEARING HELD ON May 11, 1982

Information Presented by Applicant

Mr. Encarnacion Guerra, 14018 Shire Road, stated that he is requesting the change in zoning to build an international entertainment center. He further stated that he proposes to construct a high quality facility and it will have a 6' solid screen fence on the rear portion of the property to protect the vehicles. He stated that the only access to the property will be through the access road. He stated that there will be 35' setback from the rear of the property and this portion will be used for parking of the vehicles used by the entertainers.

IN OPPOSITION

There was no opposition present.

STAFF RECOMMENDATIONS

Discussion

On April 20, 1982, the zoning commission postponed this zoning case to allow more members of the commission to be present. The property in question fronts onto I.H. 35 South Expressway and is located in the area which is predominantly zoned "B" Residence District with single family dwellings to the south.

Recommendation

Denial is recommended by staff which is of the opinion that this request is premature at this time. If this area is to change a transitional zoning pattern should be established towards the single family dwellings.

TRAFFIC ENGINEERING RECOMMENDATION

The subject property is served by the one-way northbound frontage road of I.H. 35 Expressway. The other streets in the area are not open. Rezoning could cause unwanted traffic through the residential subdivision to the south. Access to the frontage road is controlled by the State Department of Highways and Public Transportation.

RESULTS OF NOTICES RECEIVED BEFORE HEARING

There were twenty-seven notices mailed out to the surrounding property owners, none returned in opposition and none returned in favor.

COMMISSION ACTION

MOTION was made by Mr. Rodriguez and seconded by Mr. Oviedo, to recommend approval of the requested petition from "B" Residence District to "B-3" Business District for the following votes:

Rodriguez, Oviedo, Kachtik, Adams, Polunsky, McNeel, Lopez, Meza, Davies voting in the affirmative, with None voting against, Washington, Williams being absent. MOTION CARRIED.

REASONS FOR ACTION

1. Subject property is located on an 11.0 acre tract of land out of NCBs 12677, 12679, 12681, 12683 and 12685, in the 8700 Block of IH 35 South Expressway.
2. It is this Commissioner's opinion, that the granting of this zoning will not be detrimental to the area as the property fronts onto IH 35.
3. There were twenty-seven notices mailed out, none returned in opposition and none returned in favor.

Other Recommendations

It is further stipulated that a 6' solid screen fence be erected and maintained along the rear property line and a one foot non-access easement along the rear property abutting the street. Also, that there be a 35' setback from the rear property line.

FOR THE RECORD

Mr. Lopez stated that he would be voting for the motion, it is his opinion that this area has been trying to develop and in other areas of the city surrounding Loop 410 there is Business zoning fronting onto 410.

Mr. Meza stated that in view of the location of the property and it would be an investment for the surrounding area, he will be voting for the motion.

RESULTS OF NOTICES FOR COUNCIL HEARING FOR JUNE 3, 1982

There were twenty-six notices mailed out to the surrounding property owners, none in opposition, one in favor plus one in favor outside the 200' radius.

The City Council postponed this case for 30 days in order to allow the applicant time to work with the neighbors.

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 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 #55530 hereto attached has been published in every issue of said newspaper on the following days, to-wit: July 27, 1982.

## PUBLIC NOTICE

AN ORDINANCE 55530

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. 8851 P.P.]

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"B" to "B-2" - A 9.990 acre

of land out of NCBs 12677, 12681, 12683 and 12685, being further described by field notes filed in the Office of the City Clerk.

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Provided that a 6-foot solid screen fence is erected and maintained along the rear property line, and a one-foot non-access easement is imposed along the rear property line abutting the street. Also provided that there is a 35-foot setback from the rear property line.

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 8th day of July, 1982.

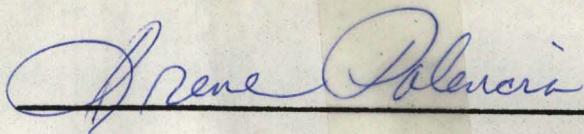
HENRY CISNEROS  
MAYOR

ATTEST:

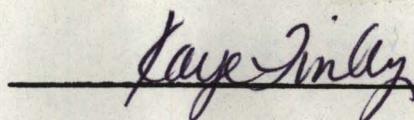
Norma S. Rodriguez  
City Clerk

APPROVED AS TO FORM:  
Jane H. Macon  
City Attorney

7/27



Sworn to and subscribed before me this 27th Day of July, 1982.



Notary Public in and for Bexar County,  
Texas

AVIATION	
BUDGET & RESEARCH	
BUILDING INSPECTIONS	2
CITY WATER BOARD	
CITIZEN ACTION & PUBLIC INFORMATION	
COMMERCIAL RECORDER	1
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	1
CONTROLLER	
TREASURY DIVISION	
GRANT SECTION	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE CHIEF	
HEMISFAIR PLAZA	
HUMAN RESOURCES & SERVICES	
LEGAL-CITY ATTORNEY	
LIBRARY DIRECTOR	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	
PARKS & RECREATION	
PERSONNEL DIRECTOR	
PLANNING	1
POLICE CHIEF	
PUBLIC UTILITIES SUPERVISOR	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
WASTEWATER ENGINEERING	
RIGHT-OF-WAY & LAND ACQUISITION	
TRAFFIC ENGINEERING DIVISION	
PURCHASING	
ZONING ADMINISTRATION	1

ITEM NO. 21  
 JUL 8 1982

MEETING OF THE CITY COUNCIL DATE: \_\_\_\_\_

MOTION BY: King SECONDED BY: Hassloch

ORD. NO. 55530 ZONING CASE #8851 P.P.

RESOL. \_\_\_\_\_ PETITION \_\_\_\_\_

COUNCIL MEMBER	ROLL CALL	AYE	NAY
MARIA A. BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
BERNARDO EURESTE PLACE 5		absent	
BOB THOMPSON PLACE 6		✓	
JOE ALDERETE, JR. PLACE 7		absent	
G.E. "ED" HARRINGTON PLACE 8		✓	
VAN ARCHER PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

Provided that a 6-foot solid screen fence is erected and maintained along the rear property line, and a one-foot non-access easement is imposed along the rear property line abutting the street. Also provided that there is a 35-foot setback from the rear property line.

82-30