

THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN THE
COUNCIL CHAMBER, CITY HALL, ON THURSDAY,
MAY 20, 1965, 8:30 A.M.

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The regular meeting of the City Council was called to order by the Presiding Officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, JONES, JAMES, COCKRELL, TREVINO and BREMER; ABSENT: GATTI.

65-476 The invocation was given by the Very Reverend Joseph P. Sammon, O.M.I. Pastor, Saint Mary's Catholic Church.

Minutes of the May 13th meeting were approved.

65-476 Mayor McAllister read a proclamation designating the week of May 24, 1965, as Realtor Week in recognition of their contributions by carrying out responsibilities in the Build America Better program through which realtors continue to aid the Nation's cities in warring on blight and slum areas. The Mayor congratulated the realtors and presented the proclamation to Mr. Bob White, President of the San Antonio Real Estate Board.

65-476 The Mayor then recognized Mr. Sam Jorrie, Chairman of the Mayor's Commission on Mental Retardation Planning.

Mr. Jorrie introduced members of the Commission who were present, Miss Lasca Fortassain, Mrs. Rix Rutland, Mrs. Jack Allensworth and Dr. Robert Rast. He stated this group, along with others, had worked hard and long to prepare a report on mental retardation facilities in the community and in Bexar County, as well as facilities available at military bases. He presented the Mayor with a copy of the report, the original of which had been forwarded to the Governor two weeks ago as scheduled.

Mayor McAllister accepted the report and congratulated Mr. Jorrie and those who worked, and thanked them for the fine work they have done on this very important subject.

65-476 The Mayor then introduced Mr. Jose de la Jarra, an official visitor of the State Department who is the Secretary to the Council of Ministry of Lima, Peru, and is visiting this country to study municipal government. He was accompanied by Mr. Raul Morejon, State Department Interpreter.

Mayor McAllister then presented Mr. de la Jarra with a certificate making him Alcalde of LaVillita, and expressed best wishes for a pleasant visit in San Antonio.

65-477 First zoning case heard was Case No. 2357, to rezone Lot 2, NCB 13485 and Lot 2, NCB 13486, located northwest and southwest of the intersection of Burkedale Boulevard and Pecan Grove Boulevard from "C" Residence District to "F" Local Retail District; and Lot 13, NCB 13728 and Lot 1, NCB 13803, located northeast and southeast of the intersection of Burkedale Boulevard and Pecan Grove Boulevard from "C" Residence District and "A" Residence District to "E" Office District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

On motion of Dr. Parker, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Parker,

Trevino and Bremer; NAYS: None; ABSENT: Gatti.

65-477

AN ORDINANCE 33,286

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, NCB 13485 AND LOT 2, NCB 13486 FROM "C" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT; AND LOT 13, NCB 13728 AND LOT 1, NCB 13803 FROM "C" RESIDENCE DISTRICT AND "A" RESIDENCE DISTRICT TO "E" OFFICE DISTRICT.

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65-478 Next heard was Case No. 2439, to rezone Lot 10, NCB 11790, located northwest of the intersection of North Loop Road and San Pedro Avenue (U. S. Highway 281 N) from "A" Residence District to "F" Local Retail District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

On motion of Dr. Calderon, seconded by Mr. Jones, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Parker, Trevino and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 33,287

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 10, NCB 11790 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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65-479 Next heard was Case No. 2245, to rezone Lot 8, NCB 10578, located on the north side of East Commerce Street (U. S. Highway 90) approximately 390' east of the intersection of East Commerce Street and East Houston Street, from "A" Residence District to "F" Local Retail District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

On motion of Mr. Jones, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 33,288

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, NCB 10578 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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65-480 Next heard was Case No. 2311, to rezone Lot 8, Blk 5, NCB 9305, located on the east side of Logwood Avenue 167.23' south of S. W. Military Drive, from "C" Residence District to "J" Commercial District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

On motion of Dr. Parker, seconded by Mr. Jones, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 33,289

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, BLK 5, NCB 9305 FROM "C" RESIDENCE DISTRICT TO "J" COMMERCIAL DISTRICT.

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65-481 Next heard was Case No. 2349, to rezone Lot 5, NCB 10777, located on the west side of I. H. 410 approximately 220' north of the cutback to Sinclair Road, from "A" Residence District to "F" Local Retail District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

On motion of Dr. Calderon, seconded by Mr. Jones, the recommendation of the Planning Commission was approved by passage of the following ordinance, the vote being as follows: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 33,290

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, NCB 10777 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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65-482 Next taken up was the continued hearing on Case No. 2421, to rezone Lots 1-8 inclusive, Blk 9, NCB 12318, located on the south side of Culebra Avenue between Benrus Boulevard and Griggs Avenue, from "C" Residence District to "F" Local Retail District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be denied by the City Council. He explained this case was continued from May 6, 1965, in order for the applicant and the protestant in the case to reach an amicable agreement.

Mr. Marcos Zertuche, attorney representing the applicant, Mr. David M. Palous, stated that an agreement prohibiting the consumption of beer on the property had not been reached with the opponent in the case. He stated that Mr. Castro, who will construct the commercial business, has been in business forty years and has never sold beer. He informed the Council that he is being

displaced by the HemisFair. He showed a sketch of the proposed building which would blend in with the neighborhood.

After discussion of the matter the Council felt that the zoning should not be granted unless a restriction was written into the deed which is in escrow at the title company.

After consultation with his clients, Mr. Zertuche agreed to produce a statement from the title company to that effect, and on motion of Mr. Jones, seconded by Mrs. Cockrell, action on Case No. 2421 was continued for one week to May 27, 1965. The motion prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

65-483 PUBLIC HEARING ON PROPOSED NEW ZONING ORDINANCE:

Mayor McAllister announced the next order of business would be the hearing with regard to the new zoning ordinance.

Assistant City Manager Harner stated the members of the Planning Commission were present and that Mr. Paul Rose, Chairman of the Planning Commission was prepared to make their report.

Mr. Rose then stated: "Mr. Mayor and members of the Council, my name is Paul P. Rose and I am standing before you as Chairman of the Planning and Zoning Commission this morning to bring to your attention again, and ask your consideration, in connection with the adoption and approval of the new City zoning ordinance concerning and pertaining to new city zoning regulations, classifications and new districts. The City Council hearing, which was held on December 3, 1964; this ordinance was presented at that time and subsequent to then action was postponed, and subsequent to that day numerous hearings have been held by the Commission and various other interested parties in connection with this ordinance and each was given an opportunity to be heard. We hereby submit this ordinance to the City Council, the final report and the recommendations of the Planning Commission pertaining to the proposed changes and revisions of the comprehensive zoning ordinance of the City of San Antonio. The only thing we can add in addition, and that is, we urge that this Council consider this ordinance this morning so that the relief can be granted to certain of our people in this town and we can get on with our work. Are there any questions? Thank you."

The Mayor then asked if there are other members of the Zoning Commission that care to be heard, and then if there are any citizens that care to raise objections or ask consideration of changes, and stated the Council would be glad to hear from them at this time.

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COMMENTS OF LESTER L. KLEIN AT PUBLIC HEARING OF PROPOSED
COMPREHENSIVE ZONING ORDINANCE OF CITY OF SAN ANTONIO
HELD ON MAY 20, 1965

Mr. Mayor and members of the City Council, my name is Lester Klein, and I am appearing before you today on behalf of the outdoor advertising industry at the request of Rollins Outdoor Advertising Company. I have with me, Mr. Tom O'Neil, who is the Manager of Rollins Outdoor Advertising. Mr. Mayor, I want to say that we wrote a letter to the City Manager advising him of our problem in this proposed new ordinance, and we stated that we would be glad to discuss it with him or any member of the Planning Commission or any other designated person. I believe that Mr. Daniels also did this same thing. We have never been given the opportunity to sit down until today and present our problem.

Rollins has recently purchased land and completed a new plant in San Antonio at an expenditure in excess of \$100,000. They employ local people and purchase their materials and equipment locally. They pay local land owners thousands of dollars each year for use of their land. The lease money paid enhances the value of properties and results in more taxes paid to the City as well as increasing the economy of our City. Rollins is a substantial tax payer in San Antonio who furnishes facilities free of charge to many worth-while civic, public and charitable activities within our City.

The present Zoning Ordinance allows Outdoor advertising signs in F local retail districts and all higher classifications, while the proposed ordinance restricts them to B-3 classification (Regional Business Districts) and higher classifications. It is our opinion that the proposed ordinance would unduly and illegally discriminate against the outdoor advertising business by not permitting such signs in the B-2 Classification (Community Business Districts). Many businesses which would now fall within the F local retail districts will come within the new B-2 Classification and will be prohibited from the use of outdoor

advertising signs near their places of businesses. In advertising a motel in B-2, they would want their advertising sign to be placed on streets prior to reaching the motel. Approximately 2/3 of Rollins signs are now located in F Local Retail Districts.

American business can produce sufficient goods and services to maintain a healthy economy with full employment and sufficient profits to support the growth necessary to keep pace with the expanding population and increasing costs of government. But this production cannot be maintained and increased unless such goods and services can be sold through the creation of a demand for them on the part of the consuming public. Outdoor advertising is a very important medium in helping to create this demand.

To eliminate outdoor advertising in B-2 districts or otherwise unfairly restrict outdoor advertising to B-3 or higher classification would greatly lessen the possibility of delivering advertising messages to a very considerable number of prospective purchasers and would greatly harm American business and business in San Antonio in particular.

Outdoor advertising is particularly important to business establishments in the B-2 District on or near streets and highways which cater to the traveling public and which rely largely on outdoor advertising to inform motorists of products for sale and services rendered by their establishments.

Many businesses such as restaurants, motels, hotels, etc. which are included in B-2 Classification rely almost entirely on outdoor advertising placed at various distances from their establishments for the purpose of informing approaching motorists of their services and products. There is no other advertising medium which can be effectively used for this purpose.

Most companies which are interested in outdoor advertising, either to promote their own products and services or because they are engaged in the business of erecting outdoor advertising signs for others feel that it is in their own interest and that of the public to have reasonable regulations on set-back, height, quality of materials etc., which would on one hand

permit properly placed and constructed outdoor advertising signs along streets and highways, and would on the other hand, correct objectionable conditions which now exist in a few places, mainly because of a few businesses which have erected their own signs without the proper professional and technical assistance, and which the new proposed Ordinance still does not correct.

The inclusion of outdoor advertising signs in B-2, B-3, I-1 and I-2 Classifications would be considered fair by most reasonable people, which would on the one hand impose reasonable restrictions along the streets and highways in San Antonio and would on the other hand, preserve individual property rights and outdoor advertising as a valuable advertising medium, as well as continuing to aid the economy of our business men and City. Without outdoor advertising in the B-2 Districts, the businesses which rely on outdoor advertising will stagnate, creating unemployment and economic problems for such businesses and our City.

In reply, you might say that the City does not want to injure these interests, that the proposed new Comprehensive Zoning Ordinance imposes no more than reasonable regulations. This position is rebutted by anyone who will bother to read the list of proposed business uses in B-2 Classification who, although they rely on the usage of outdoor advertising, cannot under the new zoning ordinance have the benefit of outdoor advertising signs. For the most part, the B-3 Classification is made up of businesses which have little use for outdoor advertising.

There are two powers under which the City takes away or regulates private property rights. The first is the power of eminent domain which does not concern us here. The second power is the police power. By this power, a City can take or regulate property without paying any compensation for it. It is universally held that the need of the City under this power must be of direct and prime importance to the public. Despite the foregoing principle, almost every proposed anti-sign law

or zoning law is based on the police power and has as its real purpose, expressed or concealed, the promotion of esthetics. Such laws have been held unconstitutional, except to the very limited extent to which they may have been honestly based on considerations of safety.

In American Jurisprudence Volume 25, page 902

"The legislative authority, in the exercise of the police power, may prohibit the use of premises adjacent to a highway in such manner as endangers the safety of travelers upon the highway. For this purpose, it may adopt reasonable regulations governing the erection and maintenance of buildings and structures on such premises. It may prohibit the erection or compel the removal of a billboard or other structures which endanger the safety of travelers by obstructing their view. The right to regulate the use of the premises extends no further than is necessary to secure the safety of travelers, and as a rule, cannot be based upon merely esthetic considerations. (authorities cited)"

Now I know that this situation is something you don't want to hurt anyone that you don't have to, and we are merely bringing this problem to you to show you that here we have an established business in San Antonio. We are property owners and serve local interests. We serve an area in which we are now in, and here by this new ordinance without ever meeting with us, without - only to the effect that our letters that we sent in would be given consideration, they now propose to take us out of an area in which we are doing practically all our business and place us over in an area in which has practically no use for our product, and that is our concern. On the other hand, they are taking all of the merchants that are in this area and saying other than your property, you are not allowed to do any advertising in outdoor advertising signs. Now we say that this is wrong. Now, not everyone has the same tastes where the city is concerned and while some may find outdoor advertising objectionable, in B-2 Community

Business Districts, there are many who would find it objectionable to have included in the B-2 classification which it does include, such as parking lots, garages, fish markets, rooming and boarding houses, tamale and tortilla manufacturers, tourist homes. There are people who might find that those are objectionable. I might point out to you that in the new ordinance, although there are many liquor stores, it is not even listed in any of the uses. Now I don't know whether the Zoning Commission intends that by not listing them maybe they will go away, but they are certainly not listed. There are more liquor stores in retail areas than many of these businesses that they have listed. Now I would say there that certainly there are people that may object to having a liquor store, but on the other hand, they are not prohibiting them. I am sure that they won't prohibit them in a retail area.

I earnestly request that you will review the proposed business uses allowed in the B-2 District and having done so, that you will, before final passage, include outdoor advertising signs in the B-2 Classification (Community Business Districts).

**REMARKS OF JOHN A. DANIELS ON BEHALF OF DELTA
OUTDOOR SIGNS BEFORE THE CITY COUNCIL AT THE
HEARING ON THE PROPOSED ZONING ORDINANCE**

MR. MAYOR AND MEMBERS OF THE CITY COUNCIL:

Since my name was mentioned, I would like to clarify some of the history of this. We got wind of this ordinance some time yast year and wrote a letter to the Director of Planning in which we spelled out our thoughts as we saw it, and stated that we would like to discuss it with him. Also we wanted to be advised of a hearing before the Council. Since that time we have met with the Director of Planning and with the Assistant City Manager. We have had some good give and

take sessions. We simply haven't resolved any of our problems. I was not aware of the Planning Commission setting any particular time to hear this objection relative to this particular phase of the ordinance, although I was advised on April 1st, by Mr. Taylor, that the Planning Commission has refused our request and recommendations concerning it would be made to the Council. Let me tell you a little bit about this firm and our ideas about this ordinance.

I represent Delta Outdoor Signs of this City, which is an entirely local owned and operated firm. Some principal stockholders are Joe Olivares, Louis Sirianni, Ray Dennison and Dee Catacalos. This firm has its offices in a building just remodeled by principals of this firm on East Elmira, off of McCullough. This company is in the business of outdoor signs. It leases property from property owners, builds a sign structure, and then leases the space to advertisers whose copy is then applied to the sign by Delta. Some typical advertisers are bread companies, milk companies, restaurants, automobile companies, radio stations, and many other firms desiring to keep their products and names before the public. This firm employs local people, and purchases all its lumber, plywood, paint, posters, paper and supplies locally.

There is probably no other commercial activity which is so affected by this or any other zoning ordinance as the outdoor sign business, because of the thousands of locations this business utilizes throughout the City. There are other categories of business uses with numerous locations throughout the City, but none of the magnitude of the outdoor sign business.

Outdoor signs are now authorized by the present zoning ordinance in what is known as "F" local retail. This is a zoning district which contains grocery stores, restaurants, motels, drug stores, 5¢ & 10¢ stores, banks and the like including, as I mentioned, outdoor signs. These types of businesses serve the needs of the broad, broad cross-section of the public. The new B-2 classification in the proposed ordinance is called "Community Business Districts", and is similar to our present "F" local retail district. Outdoor signs, however, are not in this B-2 classification at present, but are proposed to be in B-3 districts

which are called "Regional Business Districts". The B-3 classification is a cleaned-up present "J" zoning district. "J" generally covers wholesale firms, certain types of manufacturing, and is a district which, of course, is less frequently found than the "F". In other words, the present "J" and the proposed B-3 districts involve activities which are of less frequent use by customers than the present "F" and the proposed B-2 district. On page 68 of the proposed zoning ordinance, which describes the B-3 classification, it states, "These districts are large and within convenient driving distance of the group of communities and neighborhoods they will serve." To include outdoor signs in the B-3 district would be catastrophic to this business. Approximately 65% of the present signs of Delta are located in "F" local retail. This means that most of our signs are now located where the people are and along the way where people go to get to the uses found in the "F" local retail districts. That is the only purpose for our signs. We need to be where the people are. It would greatly injure us if we are thrown in the B-3 classification, which will cater to the less frequently used business activities.

We feel that outdoor signs are a vital part of American business. Continued production is dependent upon continued demand, and there is no question but that outdoor signs help to maintain and create that demand. We think this industry should not be discouraged but, rather, should be encouraged and protected, within the public interest. It may be that there might be some additional ordinances that you may want to enact, referring to the quality of construction and maintenance. This we understand and appreciate. We submit to you that restricting outdoor advertising to less frequently used locations is not in the interest of the public, and certainly, not in the interest of the outdoor sign business. We realize that one reason, and probably the basic one, that is given for this proposed change is that outdoor signs simply aren't pretty, they are not aesthetic and, therefore, they should be in classifications that will be granted less frequently. There are outdoor signs and other types of business activities, which do not contribute to aesthetics. This is true of telephone and utility facilities, signs with little taste or quality and some buildings. We build substantial signs. We build handsome signs. Some firms do not. Some businesses have a habit of building handsome buildings. Others do not.

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The gist of our argument is that if we are restricted to the B-3 area (Regional Business District), you are, in effect, severely limiting the number of locations that we could have in the City of San Antonio, because the wording of the ordinance itself suggests that there will be less frequent B-3 zoning than in the B-2 classification (Community Business District), which corresponds to our present "F" local retail district. Our growth will be impeded. We urge that you encourage this industry. We do not ask that you do anything special for us. We simply ask that you do not injure us, or take away a privilege that we now enjoy by being in the "F" local retail district, which is substantially the present counterpart of the B-2 district. We ask that you allow us to continue to grow and prosper. We ask that you include outdoor signs in the B-2 classification as well as in the other classifications proposed.

Assistant City Manager Dave Harner: There is one point probably I should make here because it may come up again. Mr. Daniels did not stress this point. On page 68 in the description of the regional business district, we had had other questions regarding wording this and there has been a slight rewording in that in the copies you have the reference to eliminates the word "large" and to add the description that these districts will include things such as service stations. I say this since it might come up again since others have raised this same question.

TESTIMONY AND COMMENTS BY BILL E. HENDERSON, EXECUTIVE SECRETARY, SAN ANTONIO MANUFACTURERS ASSOCIATION, MADE BEFORE JOINT MEETING OF THE CITY COUNCIL OF SAN ANTONIO AND CITY OF SAN ANTONIO PLANNING COMMISSION, AT THE PUBLIC HEARING ON THE PROPOSED CITY OF SAN ANTONIO ZONING ORDINANCE, HEARING HELD - 9 a.m., THURSDAY, MAY 20, 1965, COUNCIL CHAMBERS, CITY HALL, CITY OF SAN ANTONIO.

Your honor, members of the City Council and members of the Planning Commission, ladies and gentlemen

Speaking on behalf of the members of the San Antonio Manufacturers Association's Zoning and Codes Committee; the Executive Committee; our Board of Directors; and, all members of this Association, we wish to express our appreciation for the opportunity afforded us to appear before this hearing today.

Appearing today here with me is Mr. William Northway, Chairman of the San Antonio Manufacturers Association's Zoning and Codes Committee; and, Mr. Joe Kincaid, Past President of our Association, member of the Board of Directors, and, member of this Committee.

The businessmen and manufacturers who make-up our Zoning and Codes Committee have taken time from their busy daily schedules to voluntarily serve on this study Committee and they have spent many long hours and days of study and evaluation of the proposed ordinance. Their time found them giving most serious study and consideration to the proposed revisions which have been presented for their study and in the preparation of the reports made by our Association in filing several recommendations for change.

We greatly and deeply appreciate your understanding and cooperation in our requests concerning this ordinance and most specifically for the time given us to make it possible to give thorough study to the ordinance and subsequently submit our report of recommended changes.

Your thoughtful consideration in extending the public hearing on December 20, 1964, is indicative to our Association of this City Council's dedication to the establishment and continuance of a sound and effective local government policy. We commend you highly for this degree of philosophy and thinking.

We would like to commend to you Mr. Steve Taylor, Director of City Planning, and, Mr. Seymour Dreyfus, member, City Planning Commission. Both of these gentlemen were most cooperative in providing us with whatever information it was that our Committee requested and felt that it needed. This also is indicative of the desire on the part of our local city government to establish a sound program of betterment for our City.

As we have stated, both verbally and through the submission of our written reports, we have felt strongly that there were areas where change was needed to better our industrial climate in our City. We are most gratified and thankful that certain of our recommendations have been adhered to and taken under advisement.

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However, we have found it very difficult indeed to exercise our "voice" on the many revisions submitted because these have been altered many times and changes at such a rapid spasmodic pace hindered our Committee's objectives of thorough study as a group.

Just this morning, as I arrived, I was handed four additional revisions that were submitted which the Committee has not had the opportunity to study or make their evaluations.

We maintain a strong conviction that there are still areas within the proposed zoning ordinance where changes are needed and in order to properly evaluate the "changes" proposed, we should be granted the opportunity to bring these before our Committee for their study, discussion and consideration.

It is not our intention to take of your time this morning and submit long verbal oration on each and every point our Committee feels are areas -where considerable and serious thought should be taken to make this a sound and workable ordinance. We, like you, have but one desire -- to have a City where it will be a real pleasure and a great deal of happiness for work, for play, and for life itself.

We do have an ordinance at the present and therefore we feel that there is nothing at all in the way of an emergency to pass an ordinance where faults do lie, just to pass an ordinance. Our request for another delay, we feel, is beneficial for it will allow the continued study and evaluation of those "weak" areas and in the final analysis will bind together an ordinance that will be a tribute to the wisdom given in the planning and building of our City.

The Mayor recognized Mr. Jim Uptmore, representing H. B. Zachry Properties.

Mr. Uptmore: Mr. Mayor, members of the Council and members of the Planning Commission, and ladies and gentlemen. I was not planning to come up here at this point. We have Mr. Ralph Brite who is representing a number of business people located within the City of San Antonio and we have some very definite recommendations and suggestions that we would like to make to you and to the Council, and for clarification of those, I think that I would like to turn this over to Mr. Ralph Brite and let him more or less coordinate this.

Mr. Ralph Brite: Mayor, members of the Council. My name is Ralph Brite, and together with Mr. George Manning, also an attorney here, we represent the subdivision committee of San Antonio Home Builders Association. I think that some of you know this committee of the Home Builders Association has worked with the Planning Commission, and I think that they have made many recommendations and many have been adopted. We have some, though, that we feel need very serious consideration. Let me say, we are here in a spirit of being helpful and not being obstructive, because certainly the Home Builders Association must satisfy their customers, the home owners of San Antonio, who are probably the most important category in the city. Let's say they pay taxes. Now I want to say first that Mr. Manning and I, when we first went into the ordinance with the committee, we had several questions we weren't able to resolve in reading the ordinance, and we were very fortunate in obtaining an appointment from Mr. Wolf, the City Attorney. He went over it with us and I think we suggested one or two changes that perhaps were adopted although I'm not sure. I haven't seen the latest revision. However, frankly, we were a little concerned about whether or not when this ordinance is passed, whether that immediately made every piece of property in the City a non-conforming use. We really couldn't tell at this time by reading the ordinance. As I understand it, after conferring with Mr. Wolf, and I believe that he suggested a change, as I understand the situation, when this ordinance is passed, eventually or whenever it is; that of course, you still maintain the old classification and that it is only upon the subsequent hearings of certain districts and the Council then perhaps adopts the new classifications and applies it to these particular districts. I believe that that is the correct meaning of the ordinance.

Now I have with me one sheet which I would like to pass out at this time, because I would like to have the Council follow. When we get down to it there are not too many important items that we feel that should be changed or amended.

CHANGES IN PROPOSED ZONING ORDINANCE SUGGESTED BY
SUB-DIVISION COMMITTEE OF SAN ANTONIO HOMEBUILDERS ASSOCIATION

1. That Section 42-74, which defines B-3 Districts, be amended by deleting the second sentence in such paragraph on page 68 for the reason that such sentence makes the general definition of B-3 Districts unduly restrictive, and such part of the general description of B-3 Districts conflicts with some of the usages permitted under B-3 Districts in the Permitted Use tables.
2. Section 42-75 on page 68, dealing with the B-4 Central Business District, should be amended to be named Major Business Districts, and the definition of a B-4 District, under Section 42-75, should be amended by omitting the last sentence in such description so as to allow more than one major business district in the City of San Antonio. It is also suggested that Section 42-75 be amended by adding the word "normally" between the word "is" and the word "surrounded" in line 6.

If the above changes in the description and definition of B-3 and B-4 Districts are made, it is believed that many of the objections to the particular classification under the Permitted Use tables will be alleviated; however, it is the belief of this Committee that gasoline filling stations should be permitted under the B-2 classification.

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3. Section 42-37, Subsections C(3) and C(4), is unduly harsh and confiscatory in providing that a non-conforming use will automatically terminate by the non-operation or non-use of a non-conforming use, or a vacancy of the premises, for a period of six or more calendar months.
4. In connection with the non-conforming use provisions of the ordinance, it is suggested that Section 42-35 may be of doubtful validity in requiring the owner of a non-conforming land or structure to file a registration statement within three years from the effective date of the ordinance. Presumably the failure to file such registration statement would constitute a violation of the ordinance and Section 42-36(b) provides that the violation of the ordinance shall terminate immediately the right to operate a non-conforming use.

Item 1, and I would like to read items one and two, and then I would like to ask, if I may, that Mr. Pat Legan, one of the members of the Committee, give his ideas on that. I won't take too much time but I want to elaborate this just a little. Item 1, that's Section 42-74, which defines B-3 Districts be amended by deleting the second sentence in such paragraph on Page 68 for the reason that such sentence makes the general definition of B-3 District unduly restrictive and such part of the general description of B-3 District conflicts with some of the useages permitted under B-3 Districts in the forbidden use tables. Now, I did hear some reference just a second ago that perhaps that description had been changed. Is that correct, Mr. Wolf? Did you make some mention that that had been changed?

Mayor: It now reads, I believe the sentence you are referring to is the one that says these districts are large.

Mr. Brite: Yes, we would like to have that changed.

Mayor: The way it is worded at the moment is that these districts are within the immediate driving distance of neighborhoods which they serve. Also, there has been included such uses as service stations in the definition.

Mr. Brite: Well, it may be, Mr. Mayor, that will satisfy that first one, but of course, we would like to discuss it and see.

No. 2, Section 42-75 on Page 68 dealing with the B-4 Central Business District, should be amended to be named Major Business Districts and the description of B-4 District under Section 42-75 should be amended by omitting the last sentence in such description so as to allow more than one major business district in the City of San Antonio. It is also suggested that Section 42-75 be amended by adding the word "normal" between the word "is" and the word "surrounded" in line 6.

Now, if it pleases the Council, I would like to at this time ask Mr. Pat Legan - you know he is with the Ray Ellison Enterprises and who is a member of the Sub-committee - to discuss, briefly this Item 1 and 2.

Mr. Legan: Mr. Mayor and members of the City Council. I'll try to be brief and possibly the statement that Mr. Wolf has made has cured one of the major problems that was troubling us. But if I might put up as my remarks, a few words as regards to this particular subject, which I don't believe I've heard anyone touch thus far - unless I'm mistaken, the zoning laws under which the Council has operated all these years, have never attempted a philosophical definition of the

different zones into which the City was divided. That is to say, the definition of an "F" Local Retail District under the present ordinance is simply confined to a statement of what businesses can be operated in that particular district. Now the same is true with the "J", and the manufacturing districts and so forth. Now for the first time, a fundamentally different philosophy is being imbedded in the proposed ordinance. This may be a good philosophy. I don't quarrel with it, as being essentially good or essentially bad. But I think that the Council should recognize what it is doing when it accepts the recommendation of the Planning Commission in this type of ordinance.

For the first time the Council is going to set out, at least in a general way, the standards and definitions of a particular district. That is to say, take Fort Sam Houston on Page 67, we have the B-2 District which is called a community business district. It states that these districts are composed of land and structures occupied by or suitable for furnishing retail goods, such as groceries, drugs and services, such as shoe repairing to satisfy the usual household needs of the surrounding neighborhood. Generally located on one or more thoroughfares, these districts are within convenient distance of most of the areas they will serve. Now, that is essentially the definition of the B-2. The B-2 District is denominated a regional business district. Now it is my understanding that the title of a definition is construed as a part of the definition. It is bound to have some meaning or the Council wouldn't have used it in the final ordinance. In any court tests of rezoning or classifications, this will be important. Now a regional business district in common understanding, is a large area composed of a great number of businesses, adjacent to each other or on the same tract of ground similar to North Star Mall, Wonderland, McCreless - areas like this. This is a regional business district. A community business district is something much smaller than a regional business district.

B-3 District is defined as composed of land and structures used to furnish, in addition to the retail goods and services found in community business districts, such less frequently needed goods as clothing, and automobiles and such less frequently needed services as fur finishing and storage. The wider range of retail goods and services to satisfy all of the household and personal needs of the residents of a group of communities and neighborhoods. Now, stopping right there, you still have a very consistent definition of a very large regional center, which satisfies all of the household requirements, potentially, and includes such things that you would use only once a year such as fur finishing and storage.

Now bearing in mind ladies and gentlemen, that the Council itself is going to be bound by these definitions until and unless it amends these definitions, in your rezoning work and in your reclassification and certainly that the Planning Commission is going to be bound by these definitions in passing upon the continuous rezoning problems caused by the growth of this City, which is after all a living organism. The only constant thing is change and growth.

The next sentence which may or may not have been cured by a proposed amendment here which we have not seen, these districts are large and within convenient driving distance of a group of communities and neighborhoods that they will serve. Now, taking this definition of B-3 all together, you get the picture of a very large regional shopping center. Now, the problem that we see in these definitions, and I'm not here addressing myself to whether you have put something in B-3 or B-2 or you want to move it around later on. I'm talking about something new that we are doing in defining the districts philosophically as to use.

I submit to you that a lot more study should be given these definitions than has apparently been given them. For example, many instances of free standing non-objectionable uses, such as a bowling alley, will be limited to a B-3. A drive-inn restaurant such as these new glorified hamburger places, or your ordinary dairy queen, is limited to a B-3 District. Now if a B-3 District means what this ordinance says to me that it means, it would no longer be possible to put a dairy queen any place other than a Regional shopping center. Now, the same thing is true in reference to filling stations, about which the Commission has received many complaints about putting filling stations in B-3. With this definition of B-3, a filling station could no longer be put and maybe you don't want it there, I don't know, but I don't think it could be put any longer on an acre of land at the off-ramp of a freeway, even though there were what we call "F" Local Retail uses behind it, because how are you going to rezone a one acre piece of land B-3 to permit a filling station and call that a regional business district. Now, I don't think that this could stand up in court if property owners cared to challenge it, and there must be many instances in which they will care to challenge the rezoning.

I think these definitions are the Pandora's Box and a two edged sword that can make the growth of the city and the function of the Council extremely difficult in their present form. I don't think, frankly that enough thought has been given to them. I think most of the thought has been given to the District rather than the Definition of the District itself. As an example, in your B-3 District, this is your regional business district, you are given 3 examples of things that should go in there. One of them is clothing. In addition to the retail goods, and services, such less frequently needed goods as clothing. Now, do you know where clothing is actually? It is in B-2. Apparel shops and department stores are both in B-2. Yet clothing is given as one of the only 3 definitions singled out to tell us what should be in B-3. I would strongly recommend to the Council, that an attempt be made to carefully study these definitions, before the Council sets a policy that is going to bind itself, in terms of the uses that are permitted in these different districts.

This is as I say, a fundamental departure from your previous philosophy. Heretofore, it was in the discretion of the Council as to whether or not to rezone something. Here, I think, the Courts will take the position, that you have got to test what the Council did against what their ordinance says is the district into which they put this particular piece of property. Now, I won't belabor that and I want to pass on momentarily to another problem in these definitions, and this is in the definition of B-4 District.

Again we have the problem of the title. Central Business District. This is a well understood term as far as I know. It means the central business district. It does not mean peripheral business district, no matter how large it is. Now in this particular central business district it would be unimportant what you called this if you could do anything someplace else that you could do there. But actually, the table is replete with instances of businesses that cannot be operated anywhere except the B-4 District or industrial districts. And I submit that there are a number of things in this category that are not considered industrial uses, such as automobile repair, that are nevertheless limited to either B-4, the downtown district or if you can get something classified in the industrial district.

There are two or three other problems in that definition. One of them is the closing statement - sentence that you will never create any more central business district, and you won't put any more land in the central business district. The central business district is frozen the way you originally set it out, and if the

city grows, and if the city expands, in my opinion, it will be impossible for the Council, unless they amend this ordinance, to add another lot on the periphery or another block to this. The last sentence specifically says and I am now reading from the bottom of the page - Page 68, 4th line from the bottom, "It is intended that no other areas of the city will have this zoning classification." This means as I read it, if it means anything at all, that the central business district as originally established will be frozen in that posture forever. Passing the question of whether this Council could even bind future Councils by such language which is probably questionable, it seems to me that this particular provision should not be in this definition.

Furthermore, another problem in this definition, it is more restrictive than the heavy industrial in terms of definition. You will note that in the middle of the definition, it is stated "located at the convergence of the principle thoroughfares and highways as well as transit lines, the central business district is surrounded by non-residential districts and multiple family residence districts." In other words, there is an absolute requirement that there be no residential zoning next to the Central Business District. On the other hand, on the next page, the heaviest industry district that we have I-2, is less restrictive. You will notice, along about the second line, "located for convenient access to future or existing arterial thoroughfares and railroad lines. These districts are in many instances, separated from residential areas by businesses, by light industry areas or by natural barriers. Where they are adjacent to residential areas some type of artificial separation may be required."

In other words, you are permitted to have the heavy industrial next to resident districts if you buffer it with some kind of barrier or fence, but the central business district, no residential zoning can touch the central business district. Now, I say these things not for the purpose of nit-picking - not for the purpose of trying deliberately to find problems in these definitions - I say this simply to illustrate my point which is, that if the Council is going to depart from the past philosophy of zoning ordinance, and is going to define in advance, the philosophical I would say, content of the districts, much more care should go into these definitions than has apparently gone into them thus far. Indeed we will get into such a situation where certain items and certain businesses will necessarily become non-conforming uses which raises other problems that I think someone will deal with in a minute. Or else the definitions themselves will speedily become meaningless. Because to call a corner a regional business district simply to permit a drive-in dairy queen on it, or a filling station on it or a bowling alley on it, will do violence to the definitions as stated.

Now I have not seen the latest versions of the definitions. We have been working along with the committee and I ask that we be given a copy of the revised definitions and an opportunity to present at least some remarks to the Council within a reasonable period of time. I do think this, that we could argue all day about whether or not a filling station ought to be in B-2 or in B-3. It is certainly compatible with your definition of B-2 and not B-3. Or you can argue this about signs or you can argue about any of these things that are categorized.

Now, I think the more basic problem that you are going to face is the definition of the zones themselves. I don't think this is going to be easy to amend once you get this ordinance passed. It would be very easy to make an ordinance and move particular use from one district to another district. But these fundamental definitions are things, I'm told, that the present ordinance has been under study for eight years, and we still then find these definitions the way they are. I would

earnestly urge that a great amount of thought be given to - if you are going to define districts, which you understand is not essential in the first place, you can set up a B-1, B-2, B-3 and B-4 and simply list your uses and you will be compatible with what we have always had in the past in terms of a philosophy of zoning.

If they ought to be defined, I earnestly urge that a great amount of careful thought be given this and that the proposed definitions be thoroughly circulated in the business community because there is going to be an awful lot of non-conforming uses if there definitions are followed. I thank you very much. I hope I haven't been unduly tedious and if you have any questions I will be happy to answer them.

Councilman Bremer: Mr. Legan, I would like to say personally, I think your points were extremely well taken. I have only one objection to them and that is the home builders, the manufacturers, and many of the others who are here today, have had these things for over a year and never bothered to tell us about these things until this particular hearing. I think that we need this sort of criticism and help, we need it. We would like to get something done once. We have been working on this thing ever since we've been on the Council. Now for four years we can't seem to get anything until we are ready to act and then suddenly someone goes to work and thinks about it. Now lets think about it completely this time.

Mr. Legan: I agree with you Mr. Bremer, the only thing is that there are two points here. I. All these men are busy trying to earn a living and until something becomes a crisis you normally don't get on it. II. In this particular case, I put all these things in writing to the Zoning Commission several months ago, and I got a reply back stating they had been considered but thats all. So this isn't really a late thought. I've had this in a letter to them. Are there any other questions? Thank you very much.

BRITE: I'd like to say, Your Honor, Mr. Taylor showed me some recent change in the B-3 definition which I'm not sure as I said while ago, but it may be that our No. 1 there is cured if you have time to go over it with us. I have No. 3 & 4 on the sheet that you have I'd like to take up briefly, No. 3 is Sec. 42-37, subsection C-3 & C-4. Now that is on page 30 of your ordinance. It is unduly harsh in providing that a non-conforming use would automatically terminate in non-operation or non-use of a non-conforming use or a vacancy of the premises for a period of six or more calender months. Now, of course, as I understand the operation of the ordinance, there will not be any new non-conforming uses until the hearings are held and the new classifications are applied to the various areas of the City. But, undoubtedly, there will be a great many new non-conforming uses. Now we merely raised the point that 6 months may be a short time, that is for property to be vacant or not used, for an owner or even a lessee or user to lose his non-conforming right to operate.

COUNCILMAN BREMER: I don't think it is any change. I think that is the way it has been under the present ordinance for the 27 years we have had it.

BRITE: I didn't know that the six month period was in here. I hadn't realized it was in the ordinance.

COUNCILMAN BREMER: Mr. Taylor, isn't it in the present ordinance?

TAYLOR: I don't think it is specifically spelled out as six months. It is the interpretation by the City Attorney that 6 months was the period.

COUNCILMAN BREMER: I knew we had been operating under the 6 month limitation.

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BRITE: To digress a minute, I might say I read a late case on that out of Dallas, in which the Council tried to pass on non-conforming use, and did do so. In that case, though, it was a period of 8 years. Now, I think that it is just a matter of fact that the intention, that the use that is put to the property. I don't believe there is any 6 months in the ordinance itself. But we would ask you to consider that that might be a little bit short period of time.

Number 4 in connection with the non-conforming use provisions of the ordinance, it is suggested that Section 42-35 I believe you will find that in the supplement, not in the main ordinance, may be questionable in requiring the owner in a non-conforming land or structure to file a registration statement within 3 years from the effective date of the ordinance. Presumably the failure to file such registration, would constitute a violation of the ordinance. Section 42-36 B provides that the violation of the ordinance shall terminate immediately the right to operate a non-conforming use. As you notice that I very carefully don't say here that this will be invalid, because I learned a long time ago not to make such statements as that, but I have not found in Texas at least, in any Texas case, where this provision has been required. Possibly it has in other states. I don't know. But, of course, as I understand Section 42-35, it puts the burden upon the owners of the land to file a statement after their land has been declared to be a non-conforming use. Now this may be fair, it may be valid, I don't know, but we raise a question on that.

Now if the Council please, that's all we have to bring up at this time, but we sincerely ask the Council to give us some additional time, especially on these definitions. I believe that we can work them out. Thank you very much.

MAYOR MC ALLISTER: Thank you very much for your criticisms, Mr. Brite.

JIM UPTMORE: The Drive Inn food store operator, anyone which you can imagine, except the central business district and as Mr. Legan pointed out, it's set forth by definition and that is our basic problem. Now the one thing on signs. The ordinance in its classification list, as such, does something that effects churches, schools and the other people of the city that I doubt that they know. For instance, we'll say a one foot square or a one square foot sign identification and not illuminated, for a church, they could not stand to have a one square foot sign on the church or the school as such. This list, or this classification or this requirement is true in all of these listings. So there are some very serious things that are involved here and I know that you people certainly understand that. The last recommendation is that you, as Mayor, appoint a committee, a citizens committee, of the business people of the City of San Antonio and the residential community, as such, to look for further complicated items that are listed in this ordinance. We want to pledge our cooperation in this, Mr. Mayor, and we sure do thank you.

MAYOR MC ALLISTER: Thank you very much Mr. Uptmore, I should mention here there have been a number of court cases and our legal department has also held that actually a city cannot enforce zoning regulations against a church.

COMMENTS OF MR. GLEN FRANCIS - HUMBLE OIL CO.

Mr. Mayor and members of the City Council, my name is Glen Francis, I am an employee of the Humble Oil and Refining Company. My position here with the company is as District Manager for their marketing operations of a geographical territory which includes Bexar County. Our offices are in Bexar County. My home is in Bexar County. Part of my job, my function, is to look after the economic developments of the representative pattern of service stations to serve the requirements of an area such as a growing Bexar County and also the growing tourist business of this area. Our main objection, or consideration or concern with the proposed ordinance is the change from the original proposed ordinance, a copy of which I have here, which shows service stations in B-2 category and they have since been moved to a B-3 category. Now B-3 confines service stations to a large regional shopping center and I think you have heard what the general opinion of a regional shopping center would be. I don't think that it was the intent of the

Council nor the study group to restrict service station construction to 3 regional shopping centers. The definition states that the service stations are less frequently needed as are new automobiles or fur storage, and I don't think that that is a just comparison.

The type of permitted uses now found within the B-2 category are businesses with which a service station is usually and normally associated. And I list for example the ice houses, the cafes and restaurants, grocery stores, hardware stores, motels, parking lots, apparel stores and department stores. In other words, the local community or the local business centers. Our recommendation is that the proposed ordinance be changed so that the service stations would be permitted within the B-2 classification. The definition of a B-2, permitted use - defines the business to be included therein as one which will fill the daily needs of people, and we feel that gasoline is a requirement on this basis. The present zoning ordinance, F-1 category, recognizes this definition and we only ask that such recognition be carried forward to the proposed ordinance and that service stations continue to be recognized as a daily need of the local business community and be classified as B-2 in the new regulations. Thank you, Mr. Mayor for letting me come in and voice these opinions.

MAYOR MC ALLISTER: All right sir. Is there anyone else that cares to be heard?

COMMENTS BY VERNE HELMKE REPRESENTING THE SAN ANTONIO CHAPTER OF A. I. A.

Mr. Mayor and members of the City Council, we appreciate this opportunity to appear before you and we have also been previously granted an opportunity to discuss with, in detail, Steve Taylor, the City Planning Director, as well as the entire Planning Commission, points which a special committee have been assigned to study regarding the overall Planning and Zoning ordinance. We have been received very graciously by these people and we want to thank you in behalf of them. The point that we have real seriously considered in the last two or three weeks since we have received an answer to what the commission has done in regards to the revisions, we felt that we needed to appear again before you and re-state several of the primary points which we didn't think that were taken into account in regards to this ordinance. And in regards to that there is one little part of it would like to read here and let you consider these proposed changes which we made. We urge that these suggestions be incorporated in the ordinance prior to its adoption. It is our desire to secure for our city the least obstructive, yet creatively ordered set of rules which will assure for our city a pleasant environment now and in the future, and this is the basic intent with which we approach the whole problem. Thank you.

REPORT #1

SPECIAL COMMITTEE, SAN ANTONIO CHAPTER, AMERICAN INSTITUTE OF ARCHITECTS

SUBJECT: SAN ANTONIO ZONING ORDINANCE 1955.

TO: THE MEMBERS OF THE CITY COUNCIL
THE CITY OF SAN ANTONIO, TEXAS

The members of the San Antonio Chapter, American Institute of Architects, wish to express the following suggestions and comments on the revised zoning ordinance which is proposed for adoption. We appreciate the consideration which has been given to a previous report submitted to the Planning and Zoning Commission. After our review of the actions taken with reference to the previous suggestions, it is necessary to re-state views on several of the primary points. We urge that these suggestions be incorporated in the Ordinance prior to its adoption. It is our desire to secure for our city the least restrictive, yet creatively ordered, set of rules which will assure for our city a pleasant environment now and in the future.

The following are suggestions directed to specific sections of the proposed ordinance

1. Reference, Sec. 42-2 - Purpose of Charter.

Recommend that the City Council, through the respective city departments, continue with due diligence to complete the "Comprehensive Plan" referred to in this section and in accordance with which this zoning ordinance is written. It is further suggested that this plan be developed in a manner to stimulate the most effective land use and that it may be used as a guide and reference in providing judgements in establishing proper zoning in individual cases.

2. Reference, Sec. 42-4 - Scope of Chapter.

Review of this section indicates, what seems to be, immunity of government agencies, city, county and state, from subsequent articles herein contained and tends to weaken the intent of the ordinance by inference. The City Council, by virtue of its position of representing the people of San Antonio, has the power to change any article herein or waive it, if deemed in the best interest of the community. Unless existing laws in the hierarchy of our total government require this statement, it would appear that by omitting this article the ordinance would be strengthened.

3. Reference, Division 5, Sec. 42-81.

Table of height, yard and area requirements. No provision is made for multi-story housing in areas other than central business district, land use criteria for progressively planned low cost housing projects, and town houses, flexibility in height, restrictions in industrial districts due to nature of use

4. Reference, Sec. 42-94 - "Table of Off-Street Parking Requirements".

A review has been accomplished on each "use" group and its related parking requirements and we wish to suggest that this section be accepted with the following specific changes.

Brick yard, lumber yard and similar open sales yards.	One space for each 150 sq. ft. of retail space.
Churches, theaters, gymnasiums, convention halls, assembly halls, stadiums, funeral homes.	One space for each 4.5 seats (seat width 20")
Industrial, manufacturing wholesaling, processing.	One space for each 5 employees.
Merchandising establishments (should not be grouped with above group).	One space for each 175 sq. ft.
Mobile Home Residence Parks	One and one-half space for each mobile home lot.
Multi-family dwellings (retirement apartments, shall be submitted for special approval).	One and one-half spaces for each family dwelling unit.
Restaurants, cafeterias.	One space for each 30 sq. ft. of dining and waiting room floor area. (This is based on one car for 2 seats in restaurant with one space for 3 employees).
Schools, elementary through 9th grade.	Two spaces for each classroom plus two spaces for each office.
Schools, secondary, 10th through 12th grades.	Six spaces for each classroom plus six spaces for each office.
Warehousing.	One space for each 5 employees.

5. Reference, Division 8 - Off-street Loading Requirements:

The requirements shown in this division appear to be extremely hard to justify from a realistic use point of view. It was felt by this Committee that no on-street loading be allowed and clearly stated so in the Ordinance but regulating the amount and type seems to enter into the unobjective design of all loading areas for any particular use. We therefore recommend that this division either be revised now or included in a changed form at a later date.

6. Reference, Division 9 - Planned Building Groups, Sec. 42-104-A-7-a, b, & c.

Sec. 42-104-A-7 - Recommend that Introduction, Paragraph Item (a) and (b) be omitted and Item (c) be retained and re-numbered "7". Reason for revision is that items a and b tend to restrict effective use of land and design freedom in the architectural development of specific projects. This seems to inhibit the intent of the purpose of the entire division.

7. Reference - "Historic Buildings" Districts:

No reference has been made to the establishment of a classification of areas to be designated for historic significance. If it is not possible due to availability of adequate time for study, it is recommended that this ordinance be amended at the earliest time to include adequate classification of a "Historic Buildings District".

* * * * *

It would be well to restate the intent of the review, which is to express suggestions for the consideration of the City Council to "improve" an ordinance on which a great deal of excellent work has been effected by many people. We recommend that the San Antonio Chapter, American Institute of Architects, be available for assistance in any form, if and when called upon by the City of San Antonio.

Respectfully submitted,

Harvey Mannon, Ralph Bender, Gerald Selinger, Reginald Roberts, and
Vernon Helke, Chairman

COMMENTS OF MRS. GERALD ASHFORD, MEMBER OF ZONING BOARD OF ADJUSTMENT

I hadn't planned to speak this morning because the point which concerns me may be just an editorial change, but you have been so patient and considerate of all the citizens suggestions, I wanted to be sure that this, what I consider to be an error, doesn't get into the final draft which is adopted. I would like to ask, first of all, on your master copy on page 32, Section 42-38 B at the top of the page, "Continuance of Non-Conforming Structures," are there any changes that have been marked in your copy?

McAllister: Have you the same copy that we have?

Ashford: No, I do not have!

McAllister: If you will read "subject to all limitations herein set forth any non-conforming structure may be occupied and operated and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended"

Ashford: This has been the subject of two written memorandums which I have turned in, one on the fourth of August and one on the third of December. These suggestions which I made in August, was according to a memorandum, accepted by the staff. But someplace in this lengthy process of revising this ordinance, it seems to have been lost again. I would like to point out the consequences of leaving this section as it stands. My recommendation was that the section should read the way the present zoning ordinance reads which says, subject to all the limitations herein set forth, any non-conforming structure may be occupied and maintained in a state of good repair. A non-conforming structure in which a non-conforming use is operated, should not be enlarged or extended. A non-conforming structure in which only permitted uses are operated may be enlarged or extended, if the enlargement or extension can be made in compliance with all of the provisions of this chapter, established for structures in the district in which the non-conforming structure is located. Such enlargement shall also be subject to all other applicable city ordinances. The effect of this wording as it stands in our present copy is not apparent immediately. It hinges on what we mean by a non-conforming structure. According to the definition in this ordinance and in the previous one, a non-conforming structure is a building which does not meet the yard requirements, the height requirements, the area requirements for the zone in which it is located. For example: Under that definition, I live in a non-conforming structure, because my house is in a B-Zone but it has a four-foot side yard on the west side instead of the required five-foot side yard. Now, under the strictest interpretation of this ordinance, I could not enlarge or extend my building because it is a non-conforming building. I think that the problem here comes from a confusion of non-conforming use and non-conforming structure. Two concepts which are very hard to separate. I would recommend that the wording of the present ordinance be adopted. I note in the blue section, which was given to us, under Section 42-32 C, that some effort has been made to state that a permitted use should not be permitted - a non-conforming use by reason of failure to be meet the yard requirements. And I think that is probably a good provision. But the same concept ought to be applied to non-conforming structures, or we are going to limit the building activity of our community very drastically.

COMMENTS OF MR. BILL SCHMIDT REPRESENTING SUNSET SERVICE STATIONS

Mr. Mayor and members of the Council, my name is Bill Schmidt, I'm with Dodson, Duke and Branch, Attorneys who represent Sunset Service Stations. We would like to reiterate and second the comments of the gentleman from Humble Oil and Refining. We are a independent service station company here in San Antonio and we submit that the classification of the - the highest classification of a service station in San Antonio, B-3 will be very dangerous to the interests of every independent service station company in the city. For the reason that it will require the service stations to be located in regional shopping centers or at least in areas which are similar to regional shopping centers. Of course, the price will go up and of course the locations of the center will be sparsely located. Therefore, the people who desire the type of cheaper gasoline and faster service that the independent service station groups can provide will be denied this type of service. Therefore, we would like to submit that the council give serious consideration in placing the service station category back into the B-2 district. Thank you very much.

Mayor: Is there anyone else that cares to be heard? I would like to say to all of you that we appreciate very much the criticisms that have been offered this morning and the report, the records, will be typed and will be made available to the City Attorney and also to the Zoning Commission. The criticism and suggestions will all be considered carefully and I would like to suggest to the City Manager that if at all possible, that upon conclusion of the answer to these various criticisms, that the answers will be sent to each of the individuals that have raised the point so that they will be informed of the changes, if any, that are being considered and that will be made. And if necessary, we will devote time for another open hearing. We do not want to obviously do something that is against the reasonable interest of property owners and the only reason that we are having zoning is because we feel that zoning is a protection to property owners, and I think all of you people who have raised criticisms this morning share that thought with us.

Councilman Jones: Mr. Mayor, if this tape recording is going to be transcribed and answered, then I'd like to insert a phrase to the fact that an investigation should be made of the movement of old houses within the city limits. It should be thoroughly investigated and provisions made in this ordinance to control, some way or other, the movement of old property within the City of San Antonio.

Mayor: I think that is a very good thought. If that isn't in here, there is no question of what its one of our annoyances. People are making complaints again and again. We try on the present ordinance to protect property owners, but seemingly, we haven't been able to do so satisfactorily.

Assistant City Manager Harner: There are a couple of things I would like to bring out this morning so that the Council may hear all the objections and hopefully, be able to take action very soon on this ordinance. Mr. Henderson had mentioned that four amendments had just been shown to him this morning. The Planning Commission at its meeting yesterday, did suggest four additional amendments. They are rather minor in scope, but I would like to have Steve Taylor to tell you what these four are. They are already included in your copies there. All of the proposed amendments have been given distribution for some little time. Now the first one is the one we already discussed on the rewording of the definition on B-3, and further rewording the definition on Page 64 or adding a section rather saying "description and purposes of resident districts." The following "purposes of districts", Sec. 42-67 to 42-77, are general descriptions and do not prohibit an individual case from being considered on its merits by the Planning Commission and/or City Council."

Now, Steve, would you tell what the other three proposed changes are so that everyone here will know.

363 Steve Taylor: The first one, is rather minor. It is Section 42-82, D-4 of the ordinance of which the home builders, I believe, have requested individual signs that could be placed in front of homes. You recall there was a request also for signs to advertise a subdivision. This was a further request for individual homes in front of individual residences. At the time that was discussed, it was set at eight square feet in area. That was a two-by-four or something of that size. The Commission yesterday, recommended that that be increased to twelve square feet, which would take care of, they felt like, of this case and also of realtor signs and other signs that might be needed to advertise sale of homes, apartments, etc.

That was one change that was recommended to the Commission, from 8 to 12 square feet. The definitions in the regional center was mentioned by Mr. Harner. To consider a case on its own merits that would, I believe, at least take care of, in part, Mr. Legan's and Mr. Brite's questions about an individual service station, for example, being valled a regional shopping center. Of course, that was not the original intent but I can see how that could be interpreted in that manner. The next amendment was Section 42-11 A. This was concerning a penalty clause that was put in the ordinance. It talks about a person, that is a person guilty of violating the ordinance. The Commission desired to insert in there also, any person, firm or corporation. The two words, "firm or corporation" were added to that. The other amendments involved, also the definition of this regional center, in it the Commission recommended the addition of the word "service station" which seemed to be the biggest problem with the persons objecting to this statement. Also, they deleted the word "large" from this description of the regional center to further satisfy the objections that this would have to be, and must be a large regional center before zoning could be changed for a service station, for example. Those are the last changes that were made yesterday. The four changes made and recommended to you by the Zoning Commission.

Mayor: Well, O. K., thank you Mr. Taylor.

Assistant City Manager Harner: I want to make sure that those were before the group so that we would have all the objections that the citizens might have by the time the last round, hopefully, before the study takes place. One other point, that we would like to throw out at this time, and this is in our plan - the building units section plan, on Page 118. "Planned Building Groups" the way this is written now, this provides for in effect, a planned building group for commercial or industrial use with a single lot. Now we think that probably we should add to this, tying it back to probable future amendments of the subdivision code, a planned building group for residential purposes where there would be more than one lot and provided in effect, that if the Council later adopts subdivision amendments, which allow row housing or cluster zoning, or any of these newer building concepts, that the yard requirements of that new section apply to those cases, to those planned building groups for residential purposes rather than the yard requirements, lot requirements and so forth of this ordinance. So these are all the proposed amendments that we know about at this time.

Mayor: I appreciate the fine work the Planning and Zoning Commission has done, and the conscientious manner in which they face the very very difficult problem. I do hope that we can give early study to the judgments that have been made so that we can resolve the Council's decision at an early date. But I assure all of you, that you that you will have ample time if there are still controversial matters we will be glad to hear from you. All we want is to try to have a zoning ordinance that is beneficial to the citizens of San Antonio.

Councilman Jones: Mr. Mayor, is it possible to set up some kind of anticipated date that we can get thos show on the road?

Assistant City Manager Harner: Actually, I think that by the first week we could have a summary of the recommendations made today, together with the staff recommendation, so that the Planning Commission could probably consider these next Wednesday. It might be possible in three weeks to come back and meet with the Council with a final report of the Planning Commission. Would you members of the Planning Commission think that this is feasible?

Mayor: Yes, Mr. Legan?

Mr. Legan: I want to ask just one additional question, as a result of what has happened here, we have a number of amendments to the original document and I take it there are some more changes as three or four were added today. There may be more as a result of next Wednesday. Would it be too expensive and troublesome to, at the time that this is done, to reproduce this as an up to date proposed ordinance, embodying all the changes, so that all the interested groups can read it as a whole and know, now this is the latest thing? Thank you.

Mayor: Yes, I think that it should be made available to you, and we will see if it cannot be done.

Mayor McAllister then inquired of all those assembled whether any other citizens, organizations or spokesmen for organizations desired to be heard, and there being no further requests by anyone in attendance to be heard, the Mayor declared the public hearing closed.



The following ordinances were explained by members of the Administrative Staff, and on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

65-484 AN ORDINANCE 33,291

APPROVING THE PLEDGE OF THE LEASE OF AN AREA AT SAN ANTONIO INTERNATIONAL AIRPORT BETWEEN THE CITY, AS LESSOR, AND SWEARINGEN COMPANY, AS LESSEE, TO BROADWAY NATIONAL BANK.

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65-485 AN ORDINANCE 33,292

APPROPRIATING \$12,140.00 OUT OF SEWER REVENUE FUND 204-02 PAYABLE TO THE URBAN RENEWAL AGENCY AS THE CITY'S PRO-RATA COST OF SANITARY SEWERS IN PROJECT 1 AND AUTHORIZING PAYMENT OUT OF THE GENERAL FUND OF \$62,059.50 TO THE AGENCY AS THE CITY'S SHARE OF STORM DRAINAGE WORK, ALSO AUTHORIZING A TRANSFER OF FUNDS.

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65-486 AN ORDINANCE 33,293

AUTHORIZING THE TRANSFER OF \$1,000.00 FROM GENERAL FUND ACCOUNT NO. 70-01-01 TO LIBRARIES IMPROVEMENT BONDS, FUND NO. 489-06, AND APPROPRIATING \$1,000.00 OUT OF LIBRARIES IMPROVEMENT BONDS, FUND NO. 489-06 AS A MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNT IN CONNECTION WITH CONSTRUCTION OF NEW MAIN LIBRARY BUILDING AND APPURTENANCES.

* * * * *

65-476 Mr. Alex Alcocer, District Director of LULAC Council No. 10, ask if the Council had taken action to declare San Antonio a disaster area in order to provide assistance to flood victims.

The Mayor presented Mr. Alcocer with a copy of a statement released this morning concerning the matter in which the City Council requested the Small Business Administration to designate families suffering recent damage as eligible to receive such loans from the Small Business Administration under certain circumstances. He explained that he had been in contact with Mr. W. E. Woodman, Regional Director of Small Business Administration, and that he advised the Mayor it is not necessary for the City to declare San Antonio a disaster area in order to receive help from that agency.

65-476 Rev. P. S. Wilkinson explained to the Council that sometime before they voted on the Bond Issue he had made an appeal for certain drainage help which was not included in the program. He said he was present to ask the Council to consider improvement of the two creeks on Poplar and Trinity Streets and also the creek on Onslow and Poplar near Burnet Street. He also brought to the attention the need for drainage improvement on Pine Street.

65-476 The Mayor explained that the two problems he brought up, which are located on the West Side are included in the San Antonio River Authority Program. He promised to investigate the problem on the East Side.

65-476 Rev. L. A. Crenshaw, Pastor of the Palestine Baptist Church, also spoke along the same lines as Rev. Wilkinson, and asked the Council to give consideration to the matter of drainage improvement on the West Side.

The Clerk read the following letter:

May 20, 1965

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

Gentlemen and Madam:

The following petitions were received and forwarded to the Office of the City Manager for investigation and report to the City Council.

- 65-476 5-12-65 Petition of Eisenhower Junior High School PTA urging that interested government agencies expedite the construction of F. M. Road 2696 (Blanco Road) from Loop 410 to a point beyond West Avenue to serve the new school being constructed as well as Eisenhower Junior High School and that drainage, curbing and sidewalks be included in the project for safety of the children who bicycle and walk to and from school.
- 65-476 5-14-65 Petition of Brady Gardens Association requesting a hearing before the City Council concerning the proposed additional housing facilities to San Juan Courts in the block bounded by Zarzamora, Keck, Brady and Ceralvo Streets.

Sincerely,

/s/ J. H. Inselmann
City Clerk

There being no further business to come before the Council, the meeting adjourned.

A P P R O V E D :



M A Y O R

ATTEST: 
City Clerk

MAY 20 1965