

AN ORDINANCE 64797

AMENDING CHAPTER 35 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 35-35 OF CHAPTER 35 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 HERINAFTER DESIGNATED PROPERTY, TO-WIT:

(CASE NO. Z87046)

The rezoning and reclassification of property from Historic "D" Apartment District to Historic "O-1" Office District, listed below as follows:

Lot 3 and the west 33' of Lot 4, Block 6, NCB 1705.
In the 100 block of East Mistletoe Avenue

Provided that driveways and off-street parking are provided and submitted for approval of the Traffic Engineering Division. Also provided that a six-foot solid screen fence is erected and maintained along the south property line.

SECTION 2. THAT ALL OTHER PROVISIONS OF SAID CHAPTER 35, AS AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT, INCLUDING THE PENALTIES FOR VIOLATIONS AS MADE AND PROVIDED IN SECTION 35-24.

SECTION 3. THAT THE DIRECTOR OF PLANNING SHALL CHANGE IN HIS RECORDS AND ZONING MAPS IN ACCORDANCE HERewith AND THE SAME SHALL BE AVAILABLE AND OPEN TO THE PUBLIC FOR INSPECTION.

SECTION 4. THAT THIS ORDINANCE IS NOT SEVERABLE.

PASSED AND APPROVED THIS 26th DAY OF March 1987.

ATTEST: [Signature]
CITY CLERK

[Signature]
MAYOR

APPROVED AS TO FORM: [Signature]
CITY ATTORNEY

AVIATION	
BUDGET & RESEARCH	
BUILDING INSPECTIONS	1
BUILDING INSPECTIONS-HOUSE NUMBER	1
CITY WATER BOARD	
CITY ATTORNEY	
COMMERCIAL RECORDER	1
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	1
CONTROLLER	
TREASURY DIVISION	
GRANTS	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE DEPARTMENT	
HUMAN RESOURCES & SERVICES	
INFORMATION RESOURCES	
LIBRARY	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	
PARKS & RECREATION	
PERSONNEL	
PLANNING	1
POLICE DEPARTMENT	
PUBLIC UTILITIES	
PUBLIC WORKS	
ENGINEERING	
CENTRAL MAPPING	
REAL ESTATE	
TRAFFIC ENGINEERING	
PURCHASING & GENERAL SERVICES	
WASTEWATER MANAGEMENT	
ZONING ADMINISTRATION	1
SPECIAL PROJECTS - CITY MANAGER	

ITEM NO. 41
 DATE: MAR 26 1987

MEETING OF THE CITY COUNCIL
 MOTION BY: Labatt SECONDED BY: Harrington

ORD. NO. 64797 ZONING CASE #287046

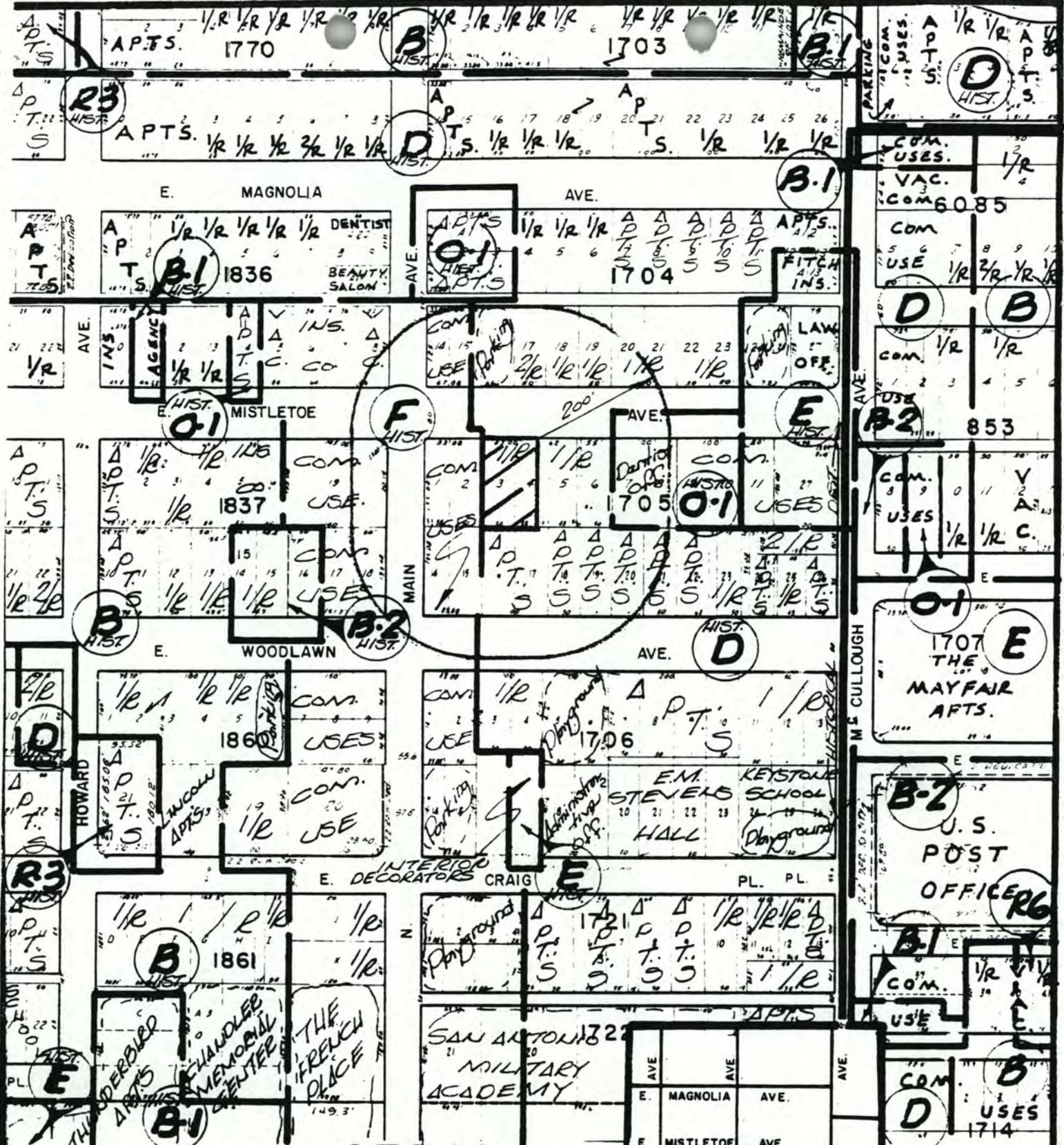
RESOL. _____ PETITION _____

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		ABSENT	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		absent	
WALTER MARTINEZ PLACE 5		absent	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
G.E. HARRINGTON PLACE 8		✓	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

Provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engr. Division; also provided that a 6' solid screen fence is erected and maintained along the south prop. line.

A Mary Lee - for Special Dist. Administration

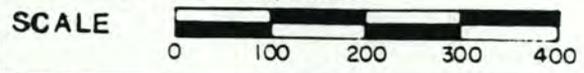
(14)



ZONING CASE Z 87046

CITY COUNCIL DISTRICT NO: 9 CENSUS TRACT 1902
 REQUESTED ZONING CHANGE GRID 16-58
 FROM "D" HIST. APT. DIST. TO "O-1" HIST. OFFICE DIST.

DATE MARCH 26, 1987



DEPARTMENT OF PLANNING
 SAN ANTONIO, TEXAS

Zoning Case No.: Z87046

Date: March 3, 1987

Council District: 9

Appeal: No

Applicant: John Bevil

Owner: Martha W. Kirby

Zoning Request: Historic "D" Apartment District to Historic "O-1" Office District

Property Location:

Lot 3, and the west 33' of Lot 4, Block 6, NCB 1705
100 Block of E. Mistletoe

Property is located on the southside of E. Mistletoe, being 83.88' east of Main Avenue, having 83.00' on Mistletoe and a depth of 150'.

Zoning Commission Recommendation:

Approval

Zoning Case No.: Z87046

Date: March 3, 1987

Council District: 9

Appeal: No

Applicant: John Bevil

Owner: Martha W. Kirby

Zoning Request: Historic "D" Apartment District to Historic "O-1" Office District

Property Location:

Lot 3 and the west 33' of Lot 4, Blk 6, NCB 1705
100 Blk of E. Mistletoe

Property is located on the southside of E. Mistletoe, being 83.98' east of Main Ave., having 83.00' on Mistletoe and a depth of 150'.

Zoning Commission Recommendation:

Approval. It is further stipulated that driveways and off-street parking be provided and submitted to the Traffic Section for approval. Also that a 6' solid screen fence be erected and maintained along the south property line.

<u>Vote</u>	
FOR	<u>7</u>
AGAINST	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>4</u>

Staff Recommendation:

Approval provided a 6' solid screen fence be erected and maintained along the south property line.

Driveways and off-street parking approvals to be secured from the Traffic Engineering Section of the Public Works Department.

Applicant Proposal:

Attorney's Office.

Discussion:

Property is located between areas that are zoned "F" Local Retail and "O-1" Office District.

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: Andrew Guerrero, Planner III
FROM: Historic Preservation Office
COPIES TO: Zoning Commission Members, File
SUBJECT: Request on Zoning Case No. Z87046

Date March 2, 1987

RECOMMENDATION:

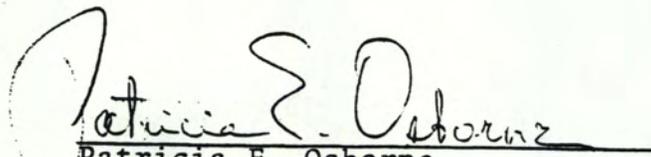
Approval subject to stipulation that architectural/historical integrity be maintained.

HISTORIC IMPACT:

Property is located within the Monte Vista Historic District in an area under transition to office use.

Every effort should be made to assure the character of the structure is retained as this is a significant resource in the district.

Any exterior work to the structure and site will require approval by the Board of Review for Historic Districts and Landmarks.


Patricia E. Osborne
Historic Preservation Officer

PEO:hb

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: Andy Guerrero, Planner III, Current Planning, Planning Department

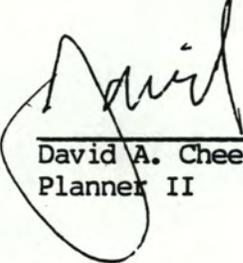
FROM: David A. Cheeney, Neighborhood Planning

COPIES TO: Judy L. Babbitt; File

SUBJECT: ZONING CASES #787046 and 787049

Date February 24, 1987

1. Zoning Case #787046 falls within the boundaries of the Monte Vista Neighborhood Plan. The leadership of the neighborhood association and the planning team feels that "0-1" zoning is appropriate this case provided that the owner ~~in~~ retain exterior of the structure in it's current state and guarantee this with a facade easement. This compromise has been utilized in other cases involving similar circumstances in this neighborhood. With these conditions I support the zoning request from "D" to "0-1".
2. Zoning case #787049 falls within the boundaries of the River Road Neighborhood Plan. The attachment is the proposed zoning scheme from this plan. It shows the subject property as unzoned "pending further study". If the applicant has met with and come to an agreement with the neighborhood leadership I would support the zoning change from "F" to "B-3".



David A. Cheeney
Planner II

DAC:ge

Applicant: John Bevil

Mr. John Bevil, 6138 Desert Trail, stated that they are requesting the change of zoning for an attorney's office. He further stated that he intends to operate a professional law office on the subject property. He stated that the proposed use would be in keeping with the surrounding property. He stated that they are preparing deed restrictions on the subject property to protect the property from any demolition.

In response to Ms. McNeel's question, Ms. Emily Thuss, Monte Vista Association, stated that they have reached an agreement which protects the house structure. She presented a copy of the agreement for the record.

There was no opposition present.

There were eighteen notices mailed out to the surrounding property owners, one returned in opposition and five returned in favor.

COMMISSION ACTION

MOTION was made by Ms. McNeel and seconded by Mr. Polunsky, to recommend approval of Historic "D" Apartment District to Historic "O-1" Office District for the following reasons:

1. Subject property is located on Lot 3 and the west 33' of Lot 4, Blk 6, NCB 1705, 100 Blk of E. Mistletoe.
2. There were eighteen notices mailed out, one returned in opposition and five returned in favor.
3. Staff has recommended approval. It is this Commissioner's opinion, that the subject property is in an area where "O-1" has been placed along that side of Mistletoe. The applicant will file deed restrictions on the subject property.

It is further stipulated that driveways and off-street parking be provided and submitted to the Traffic Section for approval. Also that a 6' solid screen fence be erected and maintained along the south property line.

AYES: McNeel, Polunsky, Small, Smith, Cockrell, Davies, Adams

NAYS: None

ABSENT: Meza, Oviedo, Washington, Villarreal

THE MOTION CARRIED.



CITY OF SAN ANTONIO

P O BOX 9066

SAN ANTONIO, TEXAS 78285

March 30, 1987

Ms. Martha W. Kirby
108 E. Mistletoe
San Antonio, TX 78212

Dear Ms. Kirby:

The City Council at its meeting on Thursday, March 26, 1987, passed and approved Zoning Case Z87046, which rezoned the below described property from Historic "D" Apartment District to Historic "O-1" District, being further described as follows:

Lot 3 and the west 33' of Lot 4, Block 6,
NCB 1705, in the 100 block of East Mistletoe
Avenue.

A copy of Ordinance No. 64797 is included for your files. If you have any questions, please feel free to call the Historic Preservation Office at 299-8308.

Sincerely,


Norma S. Rodriguez
City Clerk

NSR:mlr

Enclosure



CITY OF SAN ANTONIO

P O BOX 9066

SAN ANTONIO, TEXAS 78285

March 30, 1987

Mr. John Bevil
6243 N.W. I.H. 10 Expressway
San Antonio, TX 78201

Dear Mr. Bevil:

The City Council at its meeting on Thursday, March 26, 1987, passed and approved Zoning Case Z87046, which rezoned the below described property from Historic "D" Apartment District to Historic "O-1" District, being further described as follows:

Lot 3 and the west 33' of Lot 4, Block 6,
NCB 1705, in the 100 block of East Mistletoe
Avenue.

A copy of Ordinance No. 64797 is included for your files. If you have any questions, please feel free to call the Historic Preservation Office at 299-8308.

Sincerely,


Norma S. Rodriguez
City Clerk

NSR:mlr

Enclosure

Chapter 35

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

1987 APR 10 AM 8:31

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, OFF, 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 #64797 hereto attached has been published in every issue of said newspaper on the following days, to-wit: March 31, 1987.

AN ORDINANCE 64797
AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3 AND THE WEST 33-FEET OF LOT 4, BLOCK 6, NCB 1705, IN THE 100 BLOCK OF EAST MISTLETOE AVENUE FROM HISTORIC "D" APARTMENT DISTRICT TO HISTORIC "O-1" OFFICE DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL OF THE TRAFFIC ENGINEERING DIVISION. ALSO PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."
3/31

Irene Palencia

Sworn to and subscribed before me this 31st Day of March, 1987.

Kay T. [Signature]

Notary Public in and for Bexar County,
Texas