

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, DECEMBER 3, 1964, 8:30 A.M.

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The regular meeting of the City Council was called to order by the Presiding Officer, Mayor Pro-Tem Gatti, with the following members present: DE LA GARZA, JONES, KAUFMAN, COCKRELL, GATTI, PADILLA, PARKER and BREMER; ABSENT: McALLISTER.

64-380 Invocation was given by Councilman Gerald Parker.

Minutes of the previous meeting were approved.

64-382 First heard was Zoning Cases No. 2125 and 2134, to rezone that portion of Lots 49 and 50, Blk 32, NCB 1821 not presently zoned "D" Apartment, located between W. Huisache Avenue and W. Magnolia Avenue, 150' west of Blanco Road, from "B" Residence District to "D" Apartment District.

Assistant Planning Director Burt Lawrence explained the proposed change which was recommended by the Planning Commission.

No one spoke in opposition.

On motion of Mr. Padilla, seconded by Mr. de la Garza, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 32,910

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 THAT PORTION OF LOTS 49 AND 50, BLK 32, NCB 1821 NOT PRESENTLY ZONED "D" APARTMENT FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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64-383 Next taken up was Case No. 2281, to rezone Lot 1, NCB 8706, located northeast of the intersection of Blakely Drive and Exeter Street, from "B" Residence District to "D" Apartment District.

The Assistant Planning Director stated that action in this case had been postponed in order for the applicant to re-plat the property, which has not been completed.

After discussion, on motion of Mr. Bremer, seconded by Dr. Parker, Case No. 2281 was continued to December 10th, the vote being as follows: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

64-384 Next heard was Case No. 2246, to rezone Lot 405, NCB 6185, located on the south side of Pendleton Avenue 400' east of Homecrest Avenue, from "C" Residence District to "J" Commercial District.

Assistant Planning Director Burt Lawrence explained the proposed change which was recommended by the Planning Commission.

Mr. Geo. Goodwin, representing the applicant, Mr. Alton Hansen, owner of the Swing Machinery and Equipment Company, distributors of industrial equipment, stated they are presently doing business at 110 Pendleton Street. The property in question was recently acquired and they proposed to construct a new building to replace the present one which will be wrecked. The new building will be of modern construction which will be an improvement to the neighborhood. He showed pictures of the property in the area. He stated they were already operating on Pendleton Street on a non-conforming basis.

Speaking in opposition to the change were Mrs. Johnny Granato, owner of 108 Pendleton Street, Mrs. Carmen Webb, 135 Pendleton Street, Mr. Silvio Reyes, 125 Southolme, Mrs. L. B. Prince, representing her Grandmother who resides at 130 Pendleton Street, and Mrs. Jacinta Garcia, 112 Pendleton Street who objected to the change of zone in the middle of the block which is all residential and to the traffic congestion that will be created by this business.

After discussion of the matter, on motion of Mr. de la Garza, seconded by Mrs. Cockrell, the recommendation of the Planning Commission was overruled and the rezoning denied, the vote being as follows: AYES: de la Garza, Jones, Kaufman, Cockrell, Padilla and Parker; NAYS: Gatti and Bremer; ABSENT: McAllister.

64-385 Next heard was Case No. 2258 to rezone 34.091 acres of land out of NCB 12050, generally located on the north side of Loop 410 between Jones Maltsberger Road and a point 729.5' west of McCullough Avenue, and specifically described in field notes included in the ordinance, from "B" Residence District to "F" Local Retail District.

The Assistant Planning Director explained the proposed change which the Planning Commission recommended be denied by the City Council.

Mr. Art Troilo, attorney representing the applicant, Mr. E. H. Austin, stated they have amended their zoning application and presented copies of the plat showing the proposed rezoning in the various tracts. He stated the owners wanted to develop the property as first class commercial property which needs sufficient depths for off-street parking. He explained that all the property along Loop 410 is Commercial. He showed the proposed land use for each tract and the master development plan, and described the type of structure that will go in each tract. To protect home owners next to Tract No. 4, they would accept "D" Apartment zoning on which they would build town-house apartments. On Tracts No. 1 and No. 2 they would place a sixty-five foot building setback restriction, and in addition, they would build a solid 6' fence along the entire length of the property. The rear walls of the building would be painted a light color and the garbage and trash would be kept in enclosed buildings. He felt that these restrictions would protect the adjacent owners much better than having an "E" Office District buffer zone.

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Speaking in opposition were Lt. Col. Wm. D. Badger, 222 Coronet, Mr., James Patterson, 506 Marquis, Major James F. Martzke, 206 Coronet and Sgt. Doolus, 226 Coronet Street.

After consideration, Mr. de la Garza made a motion that the recommendation of the Planning Commission be overruled and the property be rezoned as presented in the amended application. The motion was seconded by Mr. Jones. The motion, which required seven affirmative votes to carry, failed by the following vote: AYES: de la Garza, Jones, Kaufman, Gatti, Parker and Bremer; NAYS: Mrs. Cockrell and Padilla; ABSENT: McAllister.

64-386 The scheduled public hearing before the City Council and the Planning and Zoning Commission on the proposed changes and revisions of the Comprehensive Zoning Ordinance, as recommended by the City Planning and Zoning Commission, was declared open by Mayor Pro-Tem John Gatti.

Council members present: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer.

Planning Commission members present: Paul Rose, Chairman, Seymour Dreyfus, Rev. S. H. James, Douglas Van Buren, Wilber Fite, Jr., Ralph Dietert, Gilbert Garza, and Mrs. Winfield Hamlin.

Chairman Paul Rose informed the Council that a lot of thought had gone into the new ordinance and had been reviewed with various organizations and had discussed it with the City Council and the Board of Adjustment. He felt this ordinance updates the 1938 ordinance and presented the ordinance to the City Council for adoption.

Mr. Tom Noonan, President of the San Antonio Chapter of American Institute of Architects, ask that final action be postponed for 60 days to give them time to study the proposed changes.

Mr. Gilbert Garza, member of the Planning Commission, asked the Council to act on the ordinance as quickly as possible as it is badly needed. He suggested that everyone be given a chance to make suggestions but that action be within the time schedule set up for adoption.

Mr. Steve Taylor, Planning Director, informed the Council it had received letters concerning the zoning ordinance from the following organizations.

Letter from the San Antonio Manufacturers Association, signed by L. B. Connell, President, and Wm. Northway, Chairman of the Zoning and Codes Committee of the San Antonio Manufacturers Association, requesting a sixty day extension of the hearing and outlining nine areas which it was felt further study was needed.

Letter from San Antonio Chamber of Commerce, signed by Melvin Sisk, Executive Vice President, listing eight points the Industrial Committee feels are too restrictive to existing industry and the location of prospective new industry.

Letter from American Institute of Architects signed by Thomas A. Noonan, President, requesting the Council to defer final action for sixty days to give the ordinance further study.

Letter from Southwestern Bell Telephone Company, signed by A. V. Bowers, Supervisor of Buildings and Supplies, requesting the wording of certain sections be clarified and submitting suggested changes.

Letter from the Urban Renewal Agency concerning row housing and density requirements.

Letter from Mrs. Gerald Ashford, member of the Board of Adjustment, recommending the wording in sections concerning non-conforming structures and uses be clarified and suggesting changes.

Letter from the Historic Sites Evaluation Commission, signed by C. Stanley Banks, recommending adoption of a "historical" zoning ordinance.

Letter from the San Antonio Conservation Society, signed by Mrs. James T. Padgitt, President, urging consideration of including a provision for the creation of Historic Zone Districts in the proposed zoning ordinance.

Mr. Ted Balter, Operator of the Circle "B" Trailer Park, spoke to the Council regarding the front and back yard setback restrictions and for trailers as set out on Page 99.

Mr. W. B. Jack Ball, Attorney representing the San Antonio Manufacturers Association, asked the Council to defer action for 60 days as there was a delay in getting a copy of the final draft and wanted more time to study the ordinance.

Mr. Ray Parker, a local realtor, called attention to restrictions for off-street parking and setback requirements for filling stations and ice houses, and suggested a change in the table of off-street parking requirements on Page 112.

At this time Assistant City Manager Dave Harner presented to the Council a list of various citizens comments received and Staff recommendations as follows:

Several additional comments have been received from interested groups regarding the proposed ordinance.

Although we believe that the ordinance is satisfactory as written in most instances, certain requests would merit further Council consideration prior to any formal action.

Following are copies of the requests, as received, along with staff comments.

Industrial Committee, San Antonio Chamber of Commerce

(1) Concern pertained to side and rear yard requirements. The building code requires setbacks at least equal to proposed zoning requirements for non-rated industrial walls. There are extra yard requirements for industrial districts abutting other districts. When, for example, an industrial district abuts a residential district, a 40' yard is required. This is indicated in the last paragraph on Page 100 of the ordinance.

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A situation of abutting industry and residential districts will probably not often occur. If this is of great concern to local industry, however, we could suggest either:

- (a) Reduction of this requirement to: 15 feet  
20 feet  
15 feet

(b) That this last paragraph be omitted entirely.

(2) Question pertained to height, Section 42.86B, page 104. We believe there is merit to additional yard requirements when buildings are to be above standard heights. Particularly when walls are not of solid construction, the potential fire hazard becomes a major factor of consideration.

The excess height provision could be amended and still remain "workable" by requiring "one foot of additional yard for each two feet of excess building height." The requirement might very well also be limited to side and rear yards, rather than including front yard, as is now proposed.

(3) Section 42.87A is the same as yard requirements on page 100 and can be omitted.

(4) This question pertains to projecting architectural features, (Sec. 42.87C., page 105.)

Fire protection is an important consideration in this case. We recommend that the ordinance remain as written. If, however, the Council desires some change in this requirement, we suggest the following:

"Such projection shall not extend more than 5 feet into a required 10 ft. yard." The maximum two foot projection into a required 5 foot yard would remain as proposed.

(5) Question regarding accessory structures in required yards. Major concern appeared to be (2) under 42.87D, page 106.

We believe that the rear yard, for example, should not be covered by more than 30%. If coverage exceeds this amount there would be no point in requiring a yard initially. We recommend that the ordinance remain as written.

(6) Question pertaining to maximum fence heights. (Sec. 42.87E, page 106.) Proposed ordinance adheres to separate ordinance regarding fence height. Six foot height should be retained in residential property with consideration being given to additional height in industrial-commercial zones. In industrial zones, not fronting residential or commercial property and not located to adversely affect intersection visibility, we have no objection to unlimited fence heights.

(7) Questions pertaining to restriction on outside storage. (Sec. 42-87F, page 106.)

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Primary concern of Planning Commission pertained to unsightly storage within front yards of many commercial establishments. Although there has been some discussion as to enforceability of such a requirement, it is believed that there is merit in the ordinance proposed. Perhaps the restriction should be limited to front yard only. As other possibilities, the restriction might apply only in B4 or higher or it might not apply to new merchandise.

It is recommended that con-commercial off-street parking of vehicles be permitted within the required front yard.

In this event the last sentence of Sec. 42-90 would need to be omitted.

(8) This question pertains to off-street parking requirements.

The staff has, for the past several weeks, reviewed the parking requirements of the zoning ordinance and has discussed the ordinance proposals with a number of interested persons.

We recommend the following parking ratios be considered and believe that these standards are better "tailored" to fit San Antonio's needs:

- General Business: one space for each  
200 sq. ft. of floor area
- Restaurants & Cafeterias: one space for each  
100 sq. ft. of floor area
- Filling Station, Garage: one space for each  
300 sq. ft.
- Industrial, Manufacturing;  
Wholesaling and Processing: one space for each  
800 sq. ft.

Mr. A. V. Bowers of Southwestern Bell Telephone Company

The existing ordinance provides for exemption of City or Utility Company-owned property from the regulations of this chapter. The proposed ordinance provides for exemption of governmentally-owned property from use regulations, including City-owned utilities, but does not give exemption to privately-owned utilities. The reason for this change is the belief that public bodies would be more conscious of individual desires in planning construction than would private companies. We must recognize that Southwestern Bell, for example, has been very cooperative on matters affecting the public interest and will agree that extending this exemption to public utilities has had advantages and is perhaps acceptable.

Mr. L. B. Connell of San Antonio Manufacturers Association

This letter is primarily a request for a sixty-day extension on the public hearing. The letter indicated that the Association has only had two months to study the proposed zoning code and points that it is a 123 page document. We must mention, as was earlier mentioned to a group from the Manufacturers Association, that the proposed zoning code includes both the new code provisions and the old ordinance that has been in effect for twenty-six years.

Information contained in the proposed Zoning Ordinance that would be of interest to existing industry, or to anyone planning a manufacturing or commercial development, is as follows:

A. Article III, pp. 26-32, Non-Conforming Uses.

This article would be most applicable, of course, to an existing use which, if non-conforming, desires, for example, to expand, or to change to another use.

B. Section 42-80, pp. 71-96, Table of Permitted Uses.

Use permitted under B-3, B-4, I-1 and I-2, would be of interest to commercial and industrial concerns.

C. Section 42-81, pp 98-100, Table of Height, Yard and Area Requirements.

Again the requirements of B-3 through I-2 would be of greatest interest.

D. Section 42-86, p. 104, Supplementary Height Regulations.

Paragraphs A and B could be important to commercial uses.

E. Section 42-87, pp. 104-107, Supplementary Yard Regulations.

Paragraph D, Accessory Structures, Paragraph F, Storage, and Paragraph H, regarding restrictions on residential uses in manufacturing zones, are important.

F. Section 42-88, pp. 107-108, Off-Street Parking Requirements.

Along with the Table of Parking Requirements on page 112, should be of interest to commercial and/or manufacturing uses.

G. Section 42-95, p. 115, Truck Loading Requirements.

This section regarding off-street truck loading could be important to most industrial uses.

Mr. Gerald Dubinsky, representing the Standard Electric Company and the Zoning Committee of the San Antonio Manufacturers Association, asked for sixty additional days to study the ordinance and make recommendations.

Mrs. C. O. Strom asked for and was given a copy of the proposed zoning ordinance.

Mr. Demetrous S. Catacalous,, representing the Delta Outdoor Advertising Company, informed the Council that specific land uses in B-2 Districts prohibit outdoor advertising and this would eventually put them out of business as 90% of the signs are in this classification. He asked this be changed to include outdoor advertising.

Mr. Harry Cobble, Executive Vice President of the Longhorn Paint Company and member of the San Antonio Manufacturers Association, asked for final action to be delayed sixty days.

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Mrs. Joe Kenny spoke to the Council about buildings constructed for a use other than which the zoning change was passed and asked that apartments and mobile homes zoning not be in the same classification.

She was informed that mobile homes are in another classification.

Assistant City Manager Harner stated various groups were notified such as the Downtowners, San Antonio Homebuilders Association and the Realtors, and all expressed interest in favor of the ordinance.

No one else asking to speak, Mayor Pro-Tem Gatti declared the hearing closed and asked all the organizations requesting additional time to study the ordinance to act speedily and present their findings to the City Staff, and the Council will consider any suggestions made.

On motion of Mr. Kaufman, seconded by Mr. de la Garza, final action on the proposed zoning ordinance was delayed for sixty days. The motion prevailed by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Padilla and Parker; NAYS: Gatti and Bremer; ABSENT: McAllister.

64-387 The following ordinance was read and on motion of Mr. de la Garza, seconded by Dr. Parker, was passed and approved by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 32,911

APPOINTING ROBERT A. ROTH AS A MEMBER OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO.

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64-388 The following resolution was read and on motion of Mr. Bremer, seconded by Mr. de la Garza, was passed and approved by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

A RESOLUTION

AUTHORIZING THE CITY ATTORNEY TO INSTITUTE SUIT ON BEHALF OF THE CITY OF SAN ANTONIO AGAINST INCORPORATORS OF PURPORTED TOWN OF STONEGATE, TEXAS, AND OTHER NECESSARY PARTIES AND TO INFORM PROPER AUTHORITIES REASONS WHY SUCH SUIT SHOULD BE BROUGHT.

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64-389 Mayor Pro-Tem Gatti introduced and read the following resolution.

A RESOLUTION

EXPRESSING THE CITY COUNCIL'S OPPOSITION TO THE PRACTICE OF OPENING CERTAIN BUSINESS ESTABLISHMENTS SEVEN DAYS A WEEK.

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On motion of Dr. Parker, seconded by Mrs. Cockrell, the resolution was passed and approved by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None ABSENT: McAllister.

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The Clerk read the following letter:

December 3, 1964

64-381 The Honorable Mayor and Members of the City Council  
San Antonio, Texas

Gentlemen:

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

11-23-64 Petition of G. Carlton Hagelstein, President of Union Stock Yards, requesting a permit to construct a canopy over City property at 1622-24 South San Marcos Street to give the building, which is to be remodeled, the appearance of a country store and shade the front from the West sun.

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 :

*John H. ...*  
MAYOR *Do-ten*

ATTEST: *JH Inselmann*  
City Clerk