

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 16, 1976.

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The meeting was called to order at 8:30 A. M. by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN, COCKRELL; Absent: NONE.

76-43 The invocation was given by The Reverend Randolph Cooper, St. George Episcopal Church.

76-43 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

76-43 The minutes of the Meeting of September 9, 1976 were approved.

76-43 SAN MARCOS CHILYMPIAD DAYS

Mayor Cockrell read the following Resolution:

A RESOLUTION
NO. 76-43-71

WHEREAS, "A Bowl of Red", better known as chili, is one of the tastiest dishes ever to originate in the Southwest, and

WHEREAS, every cook has his own secret recipe for making chili and vows that his recipe is the best ever conceived, and

WHEREAS, the 7th Annual Republic of Texas Chilympiad which is chartered by the State as the State Championship Chili Cook-Off will be held in the Hays County Civic Center on September 16 - 19, 1976, and

WHEREAS, the winner of this chili cook-off will earn the right to compete for the World Chili Cooking Championship to be held in Terlingua, Texas, and

WHEREAS, the San Marcos Chamber of Commerce have paid their annual goodwill visit to the San Antonio City Council and have served them with a delicious sample of the chili to be featured during this event, NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That the City Council of the City of San Antonio does hereby designate the period of September 16 - 19, 1976, as

"SAN MARCOS CHILYMPIAD DAYS"

in San Antonio, Texas, and invite our citizens to join with the residents of San Marcos in partaking of a Bowl of Red during this outstanding event.

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September 16, 1976
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After consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mayor Cockrell on behalf of the City Council then presented representatives of the San Marcos Chilympiad with a copy of the Resolution.

76-43 ZONING HEARINGS

1. CASE 6570 - to rezone Tract 18-A, NCB 14952, in the 11500 Block of I. H. 35 Expressway, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located south of the cutback between I. H. 35 Expressway, and O'Connor Road, having 150.59' on I. H. 35 Expressway, 251.63' on O'Connor Road and 74' on the cutback between I. H. 35 Expressway and O'Connor Road.

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

No one spoke in opposition.

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

AN ORDINANCE 47,155

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS TRACT 18-A, NCB
14952, IN THE 11500 BLOCK OF I. H. 35
EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE
FAMILY RESIDENTIAL DISTRICT TO "I-1"
LIGHT INDUSTRY DISTRICT, PROVIDED THAT
PROPER REPLATTING IS ACCOMPLISHED.

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2. CASE 6617 - to rezone a 0.251 acre tract of land out of NCB 15865, being further described by field notes filed in the office of the City Clerk, in the 5000 Block of La Posita, from "B-1" Business District to "R-2" Two Family Residential District, located on the north-east side of La Posita being approximately 230' southeast of the intersection of Nacogdoches Road and La Posita, having 82.55' on La Posita and a maximum depth of 190.66'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,156

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.251 ACRE TRACT OF LAND OUT OF NCB 15865, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 5000 BLOCK OF LA POSITA, FROM "B-1" BUSINESS DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

3. CASE 6597 - to rezone the north 75' of the east 235' of Lot 10, NCB 8695, 223 Rainbow Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the west side of Rainbow Drive, being approximately 727.3' northwest of the intersection of Rainbow Drive and Austin Highway, having 75' on Rainbow Drive and a depth of 235'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,157

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 75' OF THE EAST 235' OF LOT 10, NCB 8695, 223 RAINBOW DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

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4. CASE 6599 - to rezone a 8.34 acre tract of land out of NCB 12567, being further described by field notes filed in the office of the City Clerk, in the 12700 Block of George Road, from Temporary "R-1" Single Family Residential District to "P-1(R-1)" Planned Unit Development Single Family Residential District, located on the southeast side of George Road, being 365.4' northeast of the cutback between Lockhill-Selma Road and George Road, having 500.18' on George Road and a maximum depth of 742.33'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,158

AMENDING CHAPTER 42 OF THE CITY CODE
 THAT CONSTITUTES THE COMPREHENSIVE
 ZONING ORDINANCE OF THE CITY OF SAN
 ANTONIO BY CHANGING THE CLASSIFICATION
 AND REZONING OF CERTAIN PROPERTY
 DESCRIBED HEREIN AS A 8.34 ACRE TRACT
 OF LAND OUT OF NCB 12567, BEING FURTHER
 DESCRIBED BY FIELD NOTES FILED IN THE
 OFFICE OF THE CITY CLERK, IN THE 12700
 BLOCK OF GEORGE ROAD, FROM TEMPORARY
 "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT
 TO "P-1(R-1)" PLANNED UNIT DEVELOPMENT
 SINGLE FAMILY RESIDENTIAL DISTRICT,
 PROVIDED THAT PROPER PLATTING IS ACCOM-
 PLISHED.

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5. CASE 6601 - to rezone the north 44.69' of the south 92.79' of Lot 5 and the south 48.1' of the west irregular 125' of Lot 5, Block 16, NCB 8988, 758 South Acme Road, from "F" Local Retail District to "B-3" Business District, located 154.51' south of the cutback of Old Highway 90 West and South Acme Road and 414.79' south from the intersection of S. W. 42nd Street and Old Highway 90 West, having 85.31' on South Acme Road and 43.21' on S. W. 42nd Street with a maximum distance of 250' between these two streets.

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

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a non-access easement be imposed along S. W. 42nd Street. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,159

AMENDING CHAPTER 42 OF THE CITY CODE
 THAT CONSTITUTES THE COMPREHENSIVE
 ZONING ORDINANCE OF THE CITY OF SAN
 ANTONIO BY CHANGING THE CLASSIFICATION
 AND REZONING OF CERTAIN PROPERTY
 DESCRIBED HEREIN AS THE NORTH 44.69'
 OF THE SOUTH 92.79' OF LOT 5 AND THE
 SOUTH 48.1' OF THE WEST IRREGULAR 125'
 OF LOT 5, BLOCK 16, NCB 8988, 758 SOUTH
 ACME ROAD, FROM "F" LOCAL RETAIL DISTRICT
 TO "B-3" BUSINESS DISTRICT, PROVIDED THAT
 PROPER REPLATTING IS ACCOMPLISHED, AND
 THAT A NON-ACCESS EASEMENT BE IMPOSED
 ALONG S. W. 42ND STREET.

* * * *

6. CASE 6621 - to rezone a 0.507 acre tract of land out of Lot 25, Block 2, NCB 15110, being further described by field notes filed in the office of the City Clerk, in the 12100 Block of Jones Maltsberger Road, from "B-2" Business District to "B-3" Business District, located on the northwest side of Jones Maltsberger Road, being 446.58' north-east of the intersection of Wycombe Drive and Jones Maltsberger Road, having 80' on Jones Maltsberger Road and a maximum depth of 280.39'.

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

After consideration, Mr. Billa made a motion to approve the recommendation of the Zoning Commission and grant the rezoning, provided that proper replatting is accomplished. Mr. Hartman seconded the motion.

Mr. Pyndus spoke against the motion based on staff's recommendation against the extension of "B-3" zoning adjacent to single family residences.

No citizen appeared to speak in opposition.

After further discussion, Mr. Billa's motion to approve the rezoning carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: None.

AN ORDINANCE 47,160

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS A 0.507 ACRE TRACT
OF LAND OUT OF LOT 25, BLOCK 2, NCB
15110, BEING FURTHER DESCRIBED BY FIELD
NOTES FILED IN THE OFFICE OF THE CITY
CLERK, IN THE 12100 BLOCK OF JONES
MALTSBERGER ROAD, FROM "B-2" BUSINESS
DISTRICT TO "B-3" BUSINESS DISTRICT,
PROVIDED THAT PROPER REPLATTING IS
ACCOMPLISHED.

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7. CASE 6590 - to rezone the southwest 545.82' of Parcel 49, NCB 13667, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; and the northeast 500' of Parcel 49, NCB 13667, 9805 Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District.

Subject property is located on the southwest side of Fredericksburg Road being 730.40' southeast of the intersection of Eckert Lane and Fredericksburg Road, having 210' on Fredericksburg Road and a maximum depth of 1045.82'. The "B-3" being on the northeast 500' and "R-3" being on the remaining portion.

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

No one spoke in opposition.

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

AN ORDINANCE 47,161

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST 545.82' OF PARCEL 49, NCB 13667, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND THE NORTHEAST 500' OF PARCEL 49, NCB 13667, 9805 FREDERICKSBURG ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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8. CASE 6607 - to rezone the remaining portion of Lots 2 and 4 and the northwest 75' of Lot 6, save and except the northeast 200', Lot 13, NCB 11622, in the 7900 Block of Fredericksburg Road, from Temporary "A" and Temporary "R-1" Single Family Residential Districts to "B-3" Business District; and the northeast 200' of the remaining portions of Lots 2 and 4 and the northwest 75' of Lot 6, NCB 11622, from Temporary "A" and Temporary "R-1" Single Family residential Districts to "B-2" Business District.

The "B-3" zoning is located on the northeast side of Fredericksburg Road, 842.10' northwest of the intersection of Fredericksburg Road and Donore Place, having 352.95' on Fredericksburg Road and a maximum depth of 620'.

The "B-2" zoning is located off Fredericksburg Road 842.10' northwest of the intersection of Fredericksburg Road and Donore Place, being 620' northeast of Fredericksburg Road, having a maximum width of 723.5' and a depth of 200'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,162

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE REMAINING PORTION OF LOTS 2 AND 4 AND THE NORTHWEST 75' OF LOT 6, SAVE AND EXCEPT THE NORTHEAST 200', LOT 13, NCB 11622, IN THE 7900 BLOCK OF FREDERICKSBURG ROAD, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICTS TO "B-3" BUSINESS DISTRICT; AND THE NORTHEAST 200' OF THE REMAINING PORTIONS OF LOTS 2 AND 4 AND THE NORTHWEST 75' OF

LOT 6, NCB 11622, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICTS TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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9. CASE 6602 - to rezone A-6, Block 15, NCB 373, 505 Howard Street, from "E" Office District to "B-1" Business District, located northwest of the intersection of Howard Street and W. Cypress Street, having 131.2' on W. Cypress Street and 100' on Howard Street.

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

No one spoke in opposition.

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

AN ORDINANCE 47,163

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A-6, BLOCK 15, NCB 373, 505 HOWARD STREET, FROM "E" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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10. CASE 6619 - to rezone Lots 16, 17, and 18, Block 34, NCB 8471, 3102-3106 Fredericksburg Road, from "F" Local Retail District to "B-3" Business District, located north of the intersection of Fredericksburg Road and W. Olmos Drive having 125' on Fredericksburg Road and 133' on W. Olmos Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 47,164

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS LOTS 16, 17, AND 18,
BLOCK 34, NCB 8471, 3102-3106 FREDERICKS-
BURG ROAD, FROM "F" LOCAL RETAIL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED THAT
PROPER REPLATTING IS ACCOMPLISHED.

* * * *

11. CASE 6624 - to rezone Lot 21, Block 62, NCB 7217, 3015 Blanco Road, from "E" Office District and "B" Two Family Residential District to "B-2" Business District, located southwest of the intersection of Blanco Road and Edison Drive, having 137.5' on Blanco Road and 97.8' on Edison Drive.

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

In response to Mr. Pyndus' question, Mr. Camargo stated there is existing "B-1" zoning in the area. There have also been some "B-2" zoning granted to the north along Blanco Road. It is not the staff's recommendation to create a strip zoning on residential lots on major thoroughfares.

No citizen appeared to speak in opposition.

Mr. Teniente stated that this case had been brought up before the City Council on July 15, 1976 and the zoning change was denied. He then moved to uphold the recommendation of the Zoning Commission and grant the rezoning, provided that proper replatting is accomplished. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,165

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOT 21, BLOCK 62,
NCB 7217, 3015 BLANCO ROAD, FROM "E"
OFFICE DISTRICT AND "B" TWO FAMILY
RESIDENTIAL DISTRICT TO "B-2" BUSINESS
DISTRICT, PROVIDED THAT PROPER REPLATTING
IS ACCOMPLISHED.

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12. CASE 6603 - to rezone Lot 20, Block 59, NCB 7193, 1139 McIlvaine Street, from "B" Two Family Residential District to "B-2" Business District, located northeast of the intersection of McIlvaine Street and Capitol Avenue, having 50' on McIlvaine Street and 140' on Capitol Avenue.

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

After consideration, Dr. Nielsen made a motion to approve the recommendation of the Zoning Commission and grant the rezoning. Mr. Hartman seconded the motion.

Mr. Pyndus spoke against the motion based on staff's recommendation that the zoning would infringe on the residential neighborhood.

Mr. Teniente concurred with Mr. Pyndus' remarks and also stated that there would not be sufficient parking space available.

Mrs. Gilbert De Los Santos stated that they wanted the change in zone to operate a small restaurant on the subject property.

Dr. Nielsen stated that he is familiar with the area and because of the creek it is not a typical neighborhood. There is some vacant property and little chance of these two lots going residential; he asked Council to approve the rezoning.

On roll call, the motion to approve the rezoning failed to carry by the following vote: AYES: Hartman, Nielsen; NAYS: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Cockrell; ABSENT: None.

The rezoning was denied.

13. CASE 6571 - to rezone the east 110' of Lot 15, all of Lots 16 and 17, Block 11, NCB 13773, 10011 - 10015 Eveningway Drive, from "R-2" Two Family Residential District to "B-3" Business District, located on the northwest side of Eveningway Drive, being 322.49' southwest of the intersection of Starlight Drive and Eveningway Drive, having 189.36' on Eveningway Drive and a maximum depth of 110'.

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

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

Mr. Selig H. Carr, the applicant, stated he would like the requested change in zone to establish a recreational vehicle sales lot and showroom on the subject property. He stated that there are other businesses already established along I.H. 35. He also agreed to all stipulations imposed by the Zoning Commission.

No citizen appeared to speak in opposition.

Mr. Teniente then made a substitute motion to approve the recommendation of the Zoning Commission and grant the rezoning. Mr. Rohde seconded the motion. On roll call, the substitute motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: Cisneros.

AN ORDINANCE 47,166

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THE EAST 110' OF
LOT 15, ALL OF LOTS 16 AND 17, BLOCK
11, NCB 13773, 10011 - 10015 EVENINGWAY
DRIVE, FROM "R-2" TWO FAMILY RESIDENTIAL
DISTRICT TO "B-3" BUSINESS DISTRICT,
PROVIDED THAT PROPER REPLATTING IS
ACCOMPLISHED, THAT A SIX FOOT SOLID
SCREEN FENCE IS ERECTED AND MAINTAINED
ALONG EVENINGWAY DRIVE AND THAT A ONE
FOOT NON-ACCESS EASEMENT IS IMPOSED
ALONG EVENINGWAY DRIVE.

* * * *

14. CASE 6582 - to rezone Lot 7, Block 2, NCB 14757, 7311 North F. M. 1604 West, from Temporary "R-1" E.R.Z.D. Single Family Residential District to "B-3" E.R.Z.D. Business District, located on the north side of North F. M. 1604 West, being 218.66' east of the cutback between White Fawn Drive and North F. M. 1604 West, having 100' on North F. M. 1604 West and a maximum depth of 159.28'.

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

Mr. Camargo informed the City Council that the applicant was sick and unable to attend the hearing.

Mrs. Fay Sinkin appeared to speak in opposition.

Mr. Teniente stated that he did not see any reason to hear the opposition since the applicant was unable to present his case.

Mrs. Sinkin stated that they should be heard because they do not feel that these kind of cases should be coming to Council and instead should be resolved by the Zoning Commission.

Dr. Nielsen asked that the records reflect that no person was present in opposition at the Zoning Commission hearing on this case.

Mr. Teniente then moved to postpone the case for 30 days. Mr. Pyndus seconded the motion. On roll call, the motion to postpone carried by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mr. Hartman asked that the Edwards Aquifer Protection Officer give a complete report on all zoning cases that come before the City Council which are located in the Edwards Recharge Zoning District.

Case 6582 was postponed for 30 days.

15. CASE 6583 - to rezone Lots 8 and 9, Block 4, NCB 661 and the south 48.63' of Lot 10 and 11, Block 3, NCB 661, 915 and 921 S. Pine Street, from "C" Apartment District to "B-3" Business District.

Lots 8 and 9 are located southwest of the intersection of S. Pine Street and Cuney Way, having 98.5' on Cuney Way and 97.25' on S. Pine Street.

The south 48.63' of Lots 10 and 11 are located northwest of the intersection of Cuney Way and S. Pine Street, having 98.5' on Cuney Way and 48.63' on S. Pine Street.

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

In response to Mr. Pyndus' question, Mr. Camargo stated that in the staff's opinion, the granting of this zoning request would only encourage other zoning changes on the non-residential uses already established in this residential area. The applicant has been in operation at this location for 30 years but not long enough to go before the Board of Adjustment and establish non-conforming rights.

After consideration, Dr. Nielsen made a motion to approve the recommendation of the Zoning Commission and grant the rezoning. Mr. Pyndus seconded the motion.

Reverend Black stated that the increased activity at this location makes it an unsuitable business for that location. In addition, the San Antonio Development Agency is in the process of redeveloping this area, and offered a substitute motion to overrule the recommendation of the Zoning Commission and deny the request for rezoning. Mr. Rohde seconded the motion.

Dr. Nielsen suggested sending this case back to the Zoning Commission to review the case in relation to the San Antonio Development Agency redevelopment project.

Mayor Cockrell asked that this case be held until the applicant can be reached.

Later in the meeting the matter was brought up again as the applicant could not be located.

Reverend Black said that he had discussed this matter further with Mr. Camargo and stated that he was withdrawing his opposition because if the zoning is granted, the applicant will be required to remove those old cars from the area that he was concerned about.

After consideration, Dr. Nielsen moved that the recommendation of the Zoning Commission be upheld and the rezoning be granted, provided that proper replatting is accomplished and that a six foot solid screen fence is erected and maintained along the west portion of Lot 8, Block 4, NCB 661. Reverend Black seconded the motion.

Mr. Camargo mentioned to the Council that on the north portion of Cuney Way, the operation is residential; they are not operating any auto repair business, and the Council may want to exclude the north portion.

Mr. Hartman then made an amendment to the motion to delete that portion north of Cuney Way. Reverend Black seconded the motion. On roll call, the amendment was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

On roll call, the main motion to approve the change in zoning, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 47,167

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 8 AND 9,
BLOCK 4, NCB 661, 921 S. PINE STREET,
FROM "C" APARTMENT DISTRICT TO "B-3"
BUSINESS DISTRICT, PROVIDED THAT PROPER
REPLATting IS ACCOMPLISHED AND THAT A
SIX FOOT SOLID SCREEN FENCE IS ERECTED
AND MAINTAINED ALONG THE WEST PORTION
OF LOT 8, BLOCK 4, NCB 661.

* * * *

76-43

MAYOR COCKRELL'S RECOMMENDATION

Mayor Cockrell advised Mr. Camargo to notify applicants to be present at the zoning hearing before the City Council and not to assume that because the Zoning Commission recommended approval their cases will automatically be approved.

Mr. Camargo advised the Council that they are notified by mail and in the future, his office will call the day before and remind them.

16. CASE 6608 - to rezone Lots 1, 2, and the west 26.35' of Lot 3, Block 7, NCB 1887, 324 W. French Place, from Historic "B" Two Family Residential District to Historic "R-3" Multiple Family Residential District, located southeast of the intersection of French Place and Belknap Place, having 131.75' on French Place and 147.28' on Belknap Place.

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

Mr. Jerry L. Marchbanks, the applicant, stated that he has entered into a contract with Mr. Sam L. Kone, owner of the subject property, and intends to restore the structure for use as his personal residence and as a ministry of Trinity Church. They are also working with the Traffic and Transportation Department on the parking situation. He asked for favorable consideration of his request.

Mr. Sam L. Kone, owner of the subject property, stated that the house has been vacant for the past 14 years. He also stated that the proposed use would not be detrimental to the residential neighborhood. As to the parking problem, he also is the owner of the adjacent property and is willing to let them park on his property.

Rev. Alan Randolph, Pastor of Trinity Church, also spoke in favor of the request for rezoning. He has the endorsement of church elders and deacons.

Mr. Paul Kinnison, Jr., 418 W. French, requested that the criteria of sending out notices be changed. He stated he is not in opposition to the multi-family use requested by the applicant, however, the land size in his opinion is not sufficient for the property in question to be used as multi-family due to the parking requirement. He asked that if the Council approves the requested change, that an approved parking plan be approved prior to the zoning change.

In response to Mayor Cockrell's question, Mr. Camargo stated that in an "R-3" zoning, $1\frac{1}{2}$ parking spaces are required per unit. The parking space requirement would be required prior to the issuance of a Certificate of Occupancy and since the property is located in the Monte Vista Historic District, the plan for the parking development would have to be reviewed by the Historic Review Board. In this case, six parking spaces would be required because there would be four units.

Mr. Marvin G. Pipkin, representing the Monte Vista Historical Association, stated that the requested change does fit into their proposed master plan. Their only concern is the lack of parking spaces available. They were also asked to express Temple Beth El's reservations about parking. Mr. Pipkin asked that a parking plan be worked out before the zoning is approved.

In response to Mayor Cockrell's question, Mr. Camargo stated that the applicant will have to go to the Board of Adjustment for a waiver on the parking requirements.

Mr. Jerry M. Tatten, 415 W. French Place, stated that he is concerned on the use of the property once the zoning change is approved if the ministry would be a failure.

In response to Mayor Cockrell's question, Mr. Camargo stated that although there is only one kitchen planned for the ministry, an "R-3" classification is needed in this instance.

Mr. Tom Finlay, Assistant City Attorney, explained the zoning ordinance in relation to one family uses.

In rebuttal, Mr. Marchbanks stated that there will probably be only three families. They plan to work with Mr. Kone on the parking situation as well as trying to find parking on the subject property. They plan to restore the existing structure and keep it from deteriorating. He again asked for favorable consideration of their request.

In response to Dr. Nielsen, Mr. Finlay responded that a cooperative agreement regarding the parking would have to be negotiated and worked out and filed with legal records.

After consideration, Mr. Pyndus moved that the recommendation of the Zoning Commission be approved, and the request for rezoning be granted. Mr. Teniente seconded the motion.

Mr. Hartman stated that the intended use would appear to be possible without a zoning change; he is concerned with the parking problem and he sees a need for the applicant to work with the Monte Vista Historical Association and for these reasons he made a substitute motion to deny the request for rezoning. Mr. Rohde seconded the motion.

Dr. Cisneros asked that a postponement for one month be granted to give both parties an opportunity for a compromise agreement. Mr. Hartman then withdrew his substitute motion and seconded Dr. Cisneros' motion to postpone.

Mr. Marchbanks stated that he would not be in favor of a postponement.

On roll call, the substitute motion to postpone the case for 30 days failed on the following vote: AYES: Cisneros, Hartman, Rohde, Cockrell; NAYS: Pyndus, Billa, Black, Teniente, Nielsen; ABSENT: None.

Mayor Cockrell stated that she will vote for the request to grant the rezoning so that the property will not deteriorate. She urged that parking be adequately provided for.

On roll call, the main motion made by Mr. Pyndus to approve the rezoning, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Teniente, Nielsen, Cockrell; NAYS: Cisneros, Hartman, Rohde; ABSENT: None.

AN ORDINANCE 47,168

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 1, 2, AND
THE WEST 26.35' OF LOT 3, BLOCK 7, NCB
1887, 324 W. FRENCH PLACE, FROM HISTORIC
"B" TWO FAMILY RESIDENTIAL DISTRICT TO
HISTORIC "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

* * * *

17. CASE 6545 - to rezone Lot 25, Block 4, NCB 1524, 2043 Martin Luther King Drive, from "C" Apartment District to "B-2" Business District, located on the north side of Martin Luther King Drive, being 158.07' west of the intersection of S. Grimes Street and Martin Luther King Drive, having 50' on Martin Luther King Drive and a depth of 130'.

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

Mr. George Leeah, representing the applicant Mr. Robert Rutledge, described the area surrounding the subject property. He stated that Martin Luther King Drive has become a major thoroughfare. His client would like the requested change in zone in order to operate a catering service. He asked the Council for favorable consideration.

Mr. Robert Rutledge, the applicant, described the nature of his business. He would only have three employees and use one panel truck.

Mrs. Ethel Minor, 142 Anderson, stated that the property in question is in back of her residence. She said that the owner has allowed the property to deteriorate. They are against business uses in their neighborhood and asked the Council to deny the request.

Mrs. Susie Vargas also spoke in opposition.

In rebuttal, Mr. Rutledge stated that there have been undesirable tenants on the subject property. He wants to clean up the property and have a caretaker live on the premises.

After consideration, Mr. Pyndus moved that the recommendation of the Zoning Commission be overruled and the rezoning be denied. Mr. Billa seconded the motion.

Rev. Black stated that Mr. Rutledge has the best solution to resolve the problem of the subject property.

On roll call, the motion to deny failed to carry on the following vote: AYES: Pyndus, Billa, Hartman, Cockrell; NAYS: Black, Rohde, Nielsen; ABSENT: Cisneros, Teniente.

Dr. Nielsen then moved to approve the request for rezoning. Rev. Black seconded the motion. On roll call, the motion failed to carry on the following vote: AYES: Cisneros, Black, Rohde, Nielsen; NAYS: Pyndus, Billa, Hartman, Cockrell; ABSENT: Teniente.

The request for rezoning was denied.

18. CASE 6584 - to rezone Lot 2, Block 6, NCB 14716, in the 12000 Block of Rustic Lane, from Temporary "R-1" Single Family Residential District to "R-2A" Three and Four Family Residential District, located on the southeast side of Rustic Lane, being 120' northeast of the intersection of Honeycomb Drive and Rustic Lane, having 120.27' on Rustic Lane and a maximum depth of 157.50'.

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

Mr. Henry C. Payne, representing the owner of the property described the area. He stated that the proposed use would upgrade the existing neighborhood without changing the character of the area. The subject property will be used for a four unit apartment.

Mr. Rudy De Garza, owner of the property, and Mr. Andre De Garza, also spoke in favor of the proposed change.

Mr. James W. Ward, 12026 Rustic Lane, spoke in opposition. He said that the area is less than $\frac{1}{2}$ acre and parking must be provided for six cars. He spoke against bringing in apartments into this single family area.

In rebuttal, Mr. Payne said that they can satisfy all their side yard, rear yard and front yard set back requirements on the property for the development of the proposed structure, and can satisfy all parking requirements. He asked for favorable consideration of their request.

After consideration, Dr. Nielsen moved to uphold the recommendation of the Zoning Commission and approve the request for rezoning. The motion died for lack of a second.

Mr. Pyndus moved to overrule the recommendation of the Zoning Commission and deny the request for rezoning. Mr. Billa seconded the motion. On roll call, the motion carried by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: Nielsen; ABSENT: None.

The request for rezoning was denied.

76-43 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Nielsen presided.

19. CASE 6615 - to rezone the southwest 125' of Lot 12, Block 1, NCB 15650, in the 6400 Block of Wurzbach Road, from "B-2" Business District to "B-3" Business District, located on the southeast side of Wurzbach Road, being 125' northeast of the cutback between Wurzbach Road and Evers Road, having 125' on Wurzbach Road and a depth of 160'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,169

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THE SOUTHWEST 125'
OF LOT 12, BLOCK 1, NCB 15650, IN THE
6400 BLOCK OF WURZBACH ROAD, FROM "B-2"
BUSINESS DISTRICT TO "B-3" BUSINESS
DISTRICT, PROVIDED THAT PROPER REPLATTING
IS ACCOMPLISHED.

* * * *

20. CASE 6613 - to rezone the east 260' of the south 130' of Block 10, NCB 10382, in the 2700 Block of West Avenue, from "F" Local Retail District to "B-3" Business District, located northwest of the intersection of El Monte Blvd. and West Avenue, having 130' on West Avenue and 260' on El Monte Blvd.

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

No one spoke in opposition.

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

AN ORDINANCE 47,170

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THE EAST 260' OF
THE SOUTH 130' OF BLOCK 10, NCB 10382,
IN THE 2700 BLOCK OF WEST AVENUE, FROM
"F" LOCAL RETAIL DISTRICT TO "B-3"
BUSINESS DISTRICT, PROVIDED THAT PROPER
REPLATTING IS ACCOMPLISHED.

* * * *

76-43 Mayor Cockrell returned to the meeting and presided.

21. CASE 6606 - to rezone a 1.377 acre tract of land out of Lot 25, Block 16, NCB 15786, in the 5400 Block of Walzem Road, from "B-2" Business District to "B-3" Business District, located on the south side of Walzem Road, being 554.28' east of the intersection of Walzem Road and Ray Bon Drive, having 300' on Walzem Road and a depth of 200'.

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

Mr. John D. Baines, the applicant, stated that he represents the purchaser of the subject property. His client is a developer from Dallas. They want to construct a tire, battery, and automotive and gasoline facility to be built in conjunction with the proposed discount store to be located on approximately 14 acres adjacent to the subject property. They will have 300' of frontage on Wurzbach Road, which is a five lane street. He asked for favorable consideration of his request.

A group of citizens appeared to speak in opposition. They stated that due to the large size of the property, it is impossible to get enough signatures to require 7 affirmative votes to deny the rezoning. They stated that there are many schools in the area and the proposed change in zoning would increase the traffic thereby increasing the dangers to the children. The very serious drainage problem would also be increased. They collected petitions in opposition to this case with 400 signatures. They stated that the applicant is not the owner or a resident of the area. They said there are sufficient automotive centers in their area. They urged City Council not to approve the request for rezoning. Those speaking for the group were the following:

- Mrs. Helen R. Walter, 5286 Round Table
- Mr. Richard McCord, 5267 Round Table
- Mr. John S. Flynn, 5274 Round Table
- Mr. Jack Slayton, 5207 Round Table
- Mr. Joe Vincent, 8110 Gawain
- Mr. O. W. Threadgill, 5270 Round Table

* * * *

In rebuttal, Mr. Baines stated that they have a definite use for this property. His client would like to locate on this piece of property and this will be their introduction into San Antonio and will be their first of four stores in San Antonio. The TBA center is a definite must to them. The property is under contract. In response to the drainage, he stated he had spoken to the City's engineering department and according to them, there is no problem. According to the Traffic Department, there is no traffic problem. He stated that they have a viable project and will be a boast to the economy of San Antonio.

After consideration, Dr. Nielsen moved that the recommendation of the Zoning Commission be upheld and the rezoning be approved, provided that proper platting is accomplished. Mr. Billa seconded the motion.

Mr. Hartman spoke against the motion. He said that the Zoning Commission and Planning Commission should address the 200 foot radius requirement in regards to sending out notices. He stated that the drainage and traffic problems should also be addressed.

Mr. Billa stated that a good solution in regards to the traffic problem at Roosevelt High School would be not to allow the students to drive their cars to school.

In response to Dr. Cisneros' question, Mr. Camargo stated that as far as "B-2" and "B-3" uses are concerned, the same amount of traffic would be generated.

In response to Mayor Cockrell's question, Mr. Camargo stated that the property is already platted and has met all the drainage requirements of the Public Works Department.

On roll call, the motion to approve, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Nielsen, Cockrell; NAYS: None; ABSTAIN: Hartman; ABSENT: Teniente.

AN ORDINANCE 47,171

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.377 ACRE TRACT OF LAND OUT OF LOT 25, BLOCK 16, NCB 15786, IN THE 5400 BLOCK OF WALZEM ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

22. CASE 6605 - to rezone a 3.566 acre tract of land out of Lot 25, Block 16, NCB 15786, in the 5400 Block of Walzem Road, from "B-2" Business District to "B-3" Business District, located southwest of the intersection of Walzem Road and Midcrown Drive, having 400' on Walzem Road and 402.08' on Midcrown Drive.

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

Mr. John D. Baines, stated that he is representing the prospective purchaser of the subject property, and his client would like the requested change in zoning to allow the construction of a tire, battery and automotive and gasoline facility to be built in conjunction with the proposed department store to be located on approximately 15 acres adjacent to the subject property. He asked for favorable consideration of his request.

In response to Dr. Cisneros' question, Mr. Herb Quiroga stated that plans are submitted to the Traffic Department and if there is any problem which could be created, they are corrected at this time.

Mr. Frank Kiolbassa, Professional Engineer for the Department of Traffic and Transportation, stated that there is adequate off-street parking space available and to allow for circulation on the property and off of it. Walzem Road project is six lanes to Midcrown. He also stated that there is adequate right-of-way and didn't anticipate any serious capacity problems.

A group of citizens appeared to speak in opposition. They stated that there are already nine gas stations within a two block area. They also spoke of the additional traffic that will be generated causing a danger to the many school age children. They are also very concerned about the serious drainage problem and they feel that the proposed use would only add to this situation. They are also opposed to the "B-3" zoning because of the three churches across the street from the subject property. They urged the City Council to deny the request for rezoning. The following are the speakers that appeared to speak in opposition:

Mrs. Helen R. Walter, 5286 Round Table
Mr. Richard McCord, 5267 Round Table
Mr. John Flynn, 5474 Round Table
Reverend Duke Kilgore
Mr. O. W. Threadgill, 5270 Round Table
Mrs. Donald Bryan, 7707 King Arthur
Mr. Joe Vincent, 8110 Gawain

In rebuttal, Mr. Baines stated that traffic questions had been answered by the Traffic and Transportation Department. They intend to put in a TBA center on the subject property and not a lounge.

After consideration, Mr. Rohde moved that the recommendation of the Zoning Commission be upheld and the rezoning be granted, provided that proper platting is accomplished. Mr. Billa seconded the motion. On roll call the motion failed by the following vote: AYES: Pyndus, Billa, Rohde, Nielsen; NAYS: Cisneros, Black, Cockrell; ABSTAIN: Hartman; ABSENT: Teniente.

The request for rezoning was denied.

76-43 The meeting was recessed at 1:30 P. M. for lunch and was reconvened at 2:30 P. M.

24. CASE 6588 - to rezone Lots 23 thru 26, Block 9, NCB 12865, in the 400 Block of Lula Mae Drive, from Temporary "A" Single Family Residential District to "I-1" Light Industry District, located north-west of the intersection of Lula Mae Drive, and Eddie Road, having 150' on Eddie Road and approximately 300' on Lula Mae Drive.

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

Mr. Henry Moeller, 8062 Vantage Drive, representing the applicant, Christian and Missionary Alliance Church of San Antonio, spoke in favor of the rezoning. The Church wants to rezone the property in order to upgrade the property for its future sale. He said that the church is very small and recently merged with another church. He suggested that the City might wish to purchase it for a neighborhood park site at \$50,000. He also presented a map of the area.

No one spoke in opposition.

Mr. Teniente stated that "I-1" zoning is not the proper zoning.

Mr. Pyndus stated that based on staff's recommendation, he would move to deny the request. The motion died for lack of a second.

Mr. Hartman moved that portion east of the power easement be rezoned to "B-2" and the remainder stay as it is. Dr. Nielsen seconded the motion.

In response to Mr. Pyndus' question, Mr. Camargo stated that the staff would recommend a "B-1" classification.

Mr. Pyndus moved to amend the motion by substituting "B-1" instead of "B-2". Mr. Teniente seconded the motion. On roll call, the motion to amend, carried by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

On roll call, the main motion to approve the rezoning, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 47,172

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS LOTS 23 THRU 26,
BLOCK 9, NCB 12865, IN THE 400 BLOCK
OF LULA MAE DRIVE, FROM TEMPORARY "A"
SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-1" BUSINESS DISTRICT.

* * * *

23. CASE 6556 - to rezone Lots 79A, NCB 11884, 371 Sunset Road, from "B-2" Business District to "B-3" Business District, located north-east of the intersection of Teak Lane and Sunset Road, having 150' on Teak Lane and 72.6' on Sunset Road.

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

Mr. Camargo stated that since the application is an appeal, it will take seven affirmative votes to overrule the Zoning Commission and grant the rezoning.

Dr. A. R. Rees, Jr., 230 Maplewood, stated he wants the change in zoning so that he can put in a veterinary clinic. He described the steps he has taken on this case. He stated he must have the "B-3" classification for the hospital. He asked for favorable consideration of his request.

No one spoke in opposition.

Mayor Cockrell stated she had received a petition on this case which she circulated to the Council members.

Dr. Rees stated he would sign a deed with restrictive covenants with the neighbors to insure that the veterinary clinic would go in.

After consideration, Mr. Hartman stated that he is very familiar with the area and that there is mixed development and moved to grant the "B-3" zoning. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Cisneros, Cockrell; ABSENT: None.

AN ORDINANCE 47,173

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 79A, NCB
11884, 371 SUNSET ROAD, FROM "B-2"
BUSINESS DISTRICT TO "B-3" BUSINESS
DISTRICT.

* * * *

25. CASE 6591 - to rezone the north 87' of Lot 17, Block 2, NCB 15587, in the 6900 Block of S. W. Military Drive, from "B-2" Business District to "B-3" Business District, located on the west side of S. W. Military Drive, being 100' north of the intersection of West Plaza Drive and S. W. Military Drive, having 87' on S. W. Military Drive with a maximum depth of 160'.

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

Mr. Camargo also stated that seven affirmative votes will be necessary to overrule the recommendation of the Zoning Commission and grant the rezoning.

Mr. Arthur Stein spoke to the Council. He said that the opponents were concerned about the sale of alcoholic beverages. He has prepared and signed with the three adjoining property owners deed restrictions prohibiting the sale of alcoholic beverages. He also presented a 20 year lease to use the subject property as a retail tire store and muffler shop. He asked for favorable consideration of his request.

Mr. Wesley L. Holland, 2302 Westward Drive, stated he has withdrawn his opposition because a deed restriction has been placed on the property.

Mr. Leon L. Stoeltje, 535 Rice Road, spoke in favor of the proposed change.

Mr. Stein stated that the other residents had also stated they would withdraw their opposition.

No one spoke in opposition.

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

AN ORDINANCE 47,174

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THE NORTH 87' OF
LOT 17, BLOCK 2, NCB 15587, IN THE
6900 BLOCK OF S. W. MILITARY DRIVE,
FROM "B-2" BUSINESS DISTRICT TO "B-3"
BUSINESS DISTRICT.

* * * *

26. CASE 6592 - to rezone Lot 3, Block 13, NCB 8990, 4610 Eldridge Avenue, from "C" Apartment District to "B-1" Business District, located southwest of the intersection of Eldridge Avenue and S. W. 39th Street, having 170.26' on Eldridge Avenue and 61.25' on S. W. 39th Street.

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

Mr. Camargo stated that seven affirmative votes would be necessary to overrule the recommendation of the Zoning Commission and grant the rezoning.

Mr. Tom Lee representing the applicant, Mr. Florencio R. Hernandez, stated that the grocery store has been in existence for about 20 years. They are requesting a change in zoning for the purpose of expanding the grocery store. He displayed a map of the area as well as a petition signed by 25 neighbors in favor of the request.

Mrs. Aurora Barrera, 707 S. W. 39th Street, stated she has lived in the neighborhood for many years. She feels that the granting of this change would be an infringement on the residential character of their neighborhood. She also stated that there is not adequate off-street parking. She asked the City Council to deny the request.

Mrs. Torbicio C. Castro also spoke in opposition.

In rebuttal, Mr. Lee stated that the continued operation of the grocery store would not be detrimental to the neighborhood and would help his client to support his family.

After consideration, Mr. Teniente moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mr. Hartman seconded the motion.

Mr. Pyndus spoke against the motion and said zoning should be denied.

Mayor Cockrell stated that both the staff and the Zoning Commission had recommended against the request.

On roll call, the motion to approve the request for rezoning carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cockrell; ABSENT: None.

AN ORDINANCE 47,175

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOT 3, BLOCK 13,
NCB 8990, 4610 ELDRIDGE AVENUE, FROM
"C" APARTMENT DISTRICT TO "B-1" BUSINESS
DISTRICT.

* * * *

27. CASE 6609 - to rezone all of Block 11, NCB 12271, in the 100 Block of Chesswood Drive, from "D" Apartment District to "R-3" Multiple Family Residential District for a day care center caring for over twenty children.

Subject property is bounded by Colebrook Drive on the northwest, Arrowhead Drive on the southeast, Inspiration Drive on the northeast and Chesswood Drive on the southwest, having approximately 241' on both Colebrook Drive and Arrowhead Drive, and approximately 333' on Chesswood Drive and Inspiration Drive.

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

Mr. Camargo stated that seven affirmative votes will be necessary to overrule the recommendation of the Zoning Commission and grant the rezoning.

Mr. Teniente stated that area is in the northwest part of the City where there is no park or city swimming pool. The City could purchase this property for use as a park.

Mr. William H. Robinson representing Mr. and Mrs. Dan Sciaraffa, stated that they are requesting the change in zoning to convert the subject property from a swimming club facility to a day care center for over 20 children. The owner can no longer operate the facility at a profit.

Mr. Billa stated he would support the City's purchase of this property. If this is not possible, he would support the requested change of zone.

Mr. Dan Sciaraffa stated it is no longer economically feasible to continue a private swim club. They have three buyers of the subject property if the zoning is approved for a day care center.

Mrs. Mary Jane Lich spoke in opposition. She stated that a day care center would generate additional traffic and she is very much opposed to this. They are in favor of having the City purchase the subject property for use as a City park.

Mr. William J. Marshall also spoke in opposition to a day care center because there are 10 day care centers already established in their immediate area. They have a petition with 608 signatures against the day care center and voted for it to remain a recreational facility.

Mrs. Carol Silvus stated that the area is a highly congested one and is very much opposed to a day care center.

Mr. Teniente stated that he had spoken to the superintendent of the North Side Independent School District about six months ago and a cooperative effort was discussed then. Mr. Teniente recommended that perhaps this particular area could be considered as a possible recreational center.

After consideration, Mr. Pyndus moved to uphold the recommendation of the Zoning Commission and deny the request for rezoning. Mr. Teniente seconded the motion.

Mr. Billa made a substitute motion to postpone this case for 30 days. The motion died for lack of a second.

On roll call, the motion to deny, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Billa; ABSENT: None.

The request for rezoning was denied.

Mr. Teniente recommended that the Parks and Recreation Department look into the possibility of utilizing this area as a recreational area and to make contact with the North Side Independent School District and to look into the possibility of purchasing this property for joint use facilities.

Mayor Cockrell raised the issue of a possible joint participation in the purchase as well as operational expense, and she asked for a report from the staff.

76-43 Item VIII on the agenda being a proposed ordinance awarding bids on repair of the Convention Center Arena roof was withdrawn at the request of Mr. Mel Sueltenfuss, Assistant Director of Public Works. The Council agreed that this be re-advertised and re-bid.

76-43 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Billa, Teniente, Nielsen.

AN ORDINANCE 47,176

AWARDING DEPOSITORY CONTRACTS FOR CITY FUNDS.

* * * *

76-43 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Billa, Nielsen.

A RESOLUTION
NO. 76-43-72

DECLARING THE INTENT OF THE CITY OF SAN ANTONIO NOT TO TAKE OR EXPECT TO RECEIVE ANY PERCENTAGE FROM THE ECONOMIC BENEFITS WHICH THE CITY PUBLIC SERVICE BOARD MAY RECEIVE UNDER AN OUT OF COURT SETTLEMENT OF THE COASTAL-LOVACA LITIGATION IN ORDER

THAT ALL CASH OR OTHER FINANCIAL BENEFITS
MAY ACCRUE TO THE BENEFIT OF THE GAS AND
ELECTRIC SYSTEMS.

* * * *

76-43 The Clerk read the following Ordinance:

AN ORDINANCE 47,177

PROVIDING BUDGETARY FUNDS IN THE GENERAL
FUND OF \$10,000.00 FOR TRAVEL OF THE METRO-
POLITAN TRANSIT AUTHORITY COUNCIL ADVISORY
COMMITTEE.

* * * *

Mr. Carl White, Director of Finance, explained the ordinance. The Metropolitan Transit Authority Council Advisory Committee plans to view outstanding transit systems in six cities. The funds will be transferred from the contingency account and set up in a special project and administered through the City of San Antonio accounts.

City Manager Raffety stated that it seemed unlikely that the entire amount would be utilized.

Several members of the Council urged the Metropolitan Transit Authority Council Advisory Committee to use certain restraints.

In response to Mr. Pyndus' question, Mr. Wayne Cook, Transit System Staff Member, stated that they have utilizing materials from national transit sources. They have not utilized the National League of Cities.

After consideration, on motion of Dr. Cisneros, seconded by Mr. Hartman, the ordinance was passed and approved by the following vote: AYES: Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: Pyndus, Billa, Teniente, Nielsen; ABSENT: None.

76-43 The following Resolution was read by the Clerk and explained by Councilman Glen Hartman, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa.

A RESOLUTION
NO. 76-43-73

URGING THE TEXAS LEGISLATURE TO AMEND
THE SALES AND USE TAX ACT BY ELIMINATING
THE SALES TAX ON UTILITY BILLS.

* * * *

76-43 CITY MANAGER APPLICATIONS

Mayor Cockrell announced that she had appointed Councilmen Phil Pyndus and Claude W. Black to serve with her on a committee to screen the initial applications for the position of City Manager. The final interviews will be conducted by the Council in full.

76-43 INDUSTRIAL REVENUE BOND COMMITTEE

Dr. Cisneros commented that the Industrial Revenue Bond Committee Board of Directors had met and elected Mr. Harrell O'Kelly, Chairman, and are working on their by-laws. They have also selected to be named the Alamo Industrial Development Corporation. A Resolution to the City Council will be forthcoming to approve these matters.

Councilman Richard Teniente asked that a citation be prepared for Mr. Tony Padilla, Boxing Promoter, for his many achievements in the community.

CITIZENS TO BE HEARDMR. RAUL RODRIGUEZ

Mr. Raul Rodriguez complained to the City Council that the City did not advertise property for sale properly. He said a notice should have been placed on the City Hall bulletin board.

Mr. W. S. Clark, Director of Land Acquisition and Right-of-Way, reviewed the method that the properties were acquired through the Model Cities Program. He said that the sale was properly advertised according to state law. All adjacent land owners were advised by letters of the sale.

Mayor Cockrell stated that anything the City can do to increase the citizens' knowledge of forthcoming land sales and access to the whole process would be beneficial, and she thanked Mr. Rodriguez for his continued efforts in this regard.

MR. KARL WURZ

Mr. Karl Wurz spoke in opposition to the City Council's passage of the ordinance last week providing for the sale of Water Revenue Bonds. He made mention of the high interest costs involved.

MRS. IRMA CANTU

Mrs. Irma Cantu, wife of Mario Cantu, took issue with the manner in which the visit of the President of Mexico was handled. She stated that the President of Mexico as well as Mexican Secret Service agents infringed upon their rights as Americans to protest. She asked the City Council to investigate this matter.

MR. BILL VILLAIRE

Mr. Bill Villaire, safety engineer, stated that the accident which occurred this past week when a wall fell could have been prevented. He claimed that demolition activities were not being conducted in accordance with national standards. He said that the City Code of the City of San Antonio should be updated in this regard. He also stated that the City's Safety Director should have done something about this.

Councilman Al Rohde stated that he has sent a memo to the City Manager about this same subject.

76-43 The Council meeting was recessed at 4:50 P. M. to go into Executive Session and reconvened at 6:00 P. M.

76-43 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Billa, seconded by Mr. Teniente, was passed and approved by the following vote: AYES: Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Pyndus; ABSTAIN: Cisneros, Black.

AN ORDINANCE 47,178

REPEALING ORDINANCE 46391 OF MARCH 11, 1976,
AND APPOINTING A NEW BOARD OF EQUALIZATION.

* * * *

The following persons are hereby appointed to serve as the Board of Equalization for the 1976 Tax Year:

Scruggs Love, Chairman
W. B. Garrett, Jr.
Manuel Chacon

The following persons are hereby appointed as alternate members of the Board of Equalization for the 1976 Tax Year:

C. Ray Davis
Clarence Williams
George French
Alfonso Chapa

* * * *

76-43 The Clerk read the following letter:

September 10, 1976

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

Madam and Gentlemen:

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

September 9, 1976

Petition submitted by Mr. Michael Weiss, Senior Class President of Antonian High School, requesting permission to conduct a bonfire at the corner of Hausman and Babcock Roads on September 30, 1976.

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

* * * *

There being no further business to come before the Council, the meeting was adjourned at 6:05 P. M.

A P P R O V E D

Lela Cockrell
M A Y O R

ATTEST:

G. V. Jackson, Jr.
C i t y C l e r k

September 16, 1976
el

-25-