

AN ORDINANCE 54024

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

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

SECTION 1. That Section 42-22 of Chapter 42 of the City Code that constitutes the comprehensive zoning ordinance of the City of San Antonio be and the same is hereby amended, so that it shall hereafter include the following described changes in classification and the rezoning of the hereinafter designated property, to-wit:

(CASE NO. 8521)

The rezoning and reclassification of property from Temporary "R-1" Single Family Residential District to "B-2" Business District, listed below as follows:

A 4.353 acre tract of land out of NCB 16251, being further described by field notes filed in the Office of the City Clerk In the 11700 Block of Babcock Road

Provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained on the east property line. Also, that the applicant work with the Traffic Department to provide right-of-way dedications and that a twenty-five foot setback landscape buffer is imposed along the east property line.

SECTION 2. That all other provisions of said Chapter 42, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 42-11.

SECTION 3. That the Director of Planning shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 9th day of July, 1981.

Henry Cisneros MAYOR

ATTEST: Anton J. Rodriguez City Clerk

APPROVED AS TO FORM: [Signature] City Attorney

81-37

32

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

ITEM NO. 32.

MEETING OF THE CITY COUNCIL DATE: III 9 1981

MOTION BY: Thompson SECONDED BY: Alderete

ORD. NO. 54024 ZONING CASE 8521

RESOL. _____ PETITION _____

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

Approved by Zoning Commission

81-37

AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
CITY WATER BOARD
CITIZEN ACTION & PUBLIC INFORMATION
COMMERCIAL RECORDER
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
ECONOMIC & EMPLOYMENT DEVELOPMENT
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ENGINEERING DIVISION
WASTEWATER ENGINEERING
RIGHT-OF-WAY & LAND ACQUISITION
TRAFFIC ENGINEERING DIVISION
PURCHASING
ZONING ADMINISTRATION

Ramsider

ITEM NO. 32.

MEETING OF THE CITY COUNCIL

DATE: 7-9-81

MOTION BY: Dutmer

SECONDED BY: Wing

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

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

AVIATION	
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RIGHT-OF-WAY & LAND ACQUISITION	
TRAFFIC ENGINEERING DIVISION	
PURCHASING	
ZONING ADMINISTRATION	1

ITEM NO. 32.
 MEETING OF THE CITY COUNCIL DATE: JUL 9 1981

MOTION BY: Dutmer SECONDED BY: Ruber

ORD. NO. _____ ZONING CASE 8521

RESOL. _____ PETITION _____

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

Provide that proper platting is accomplished & that a 6" solid screen fence is erected and maintained on the east property line. Also, that the applicant work with the Traffic Department to provide right-of-way dedications, & that a 25' street landscape buffer is installed along the east property line.

W. F. CASTELLA & ASSOCIATES, Inc.

Consulting Civil Engineers & Surveyors

1039 W. HILDEBRAND —:— 734-5351

SAN ANTONIO, TEXAS 78201

DESCRIPTION OF
4.353 ACRES

OUT OF NCBS 16251

A 4.353-acre tract of land out of the Anselmo Pru Survey No. 20, Abstract No. 574, County Block 4766, San Antonio, Bexar County, Texas; and being more particularly described as follows:

BEGINNING at the point of intersection of the east right-of-way line of Babcock Road with the south right-of-way line of Sunset Haven Drive as shown on a plat of Babcock Place Subdivision Unit 26, recorded in Volume 8900, Page 199, Bexar County Plat Records;

THENCE easterly along the southerly right-of-way line of Sunset Haven Drive the following courses: N. $89^{\circ}00'49''$ E. a distance of 15.00 feet to a point on a curve to the right, at a radial bearing S. $89^{\circ}00'49''$ W.; along said curve to the right, having a radius of 15.00 feet, a central angle of $90^{\circ}00'00''$ and a tangent length of 15.00 feet, an arc distance of 23.56 feet to the point of tangency; N. $89^{\circ}00'49''$ E. a distance of 35.20 feet to the point of curvature of a curve to the right; along said curve to the right, having a radius of 252.41 feet, a central angle of $35^{\circ}02'13''$ and a tangent length of 79.67 feet, an arc distance of 154.35 feet to the point of reverse curvature; along said curve to the left, having a radius of 525.00 feet, a central angle of $04^{\circ}39'32''$ and a tangent length of 21.36 feet, an arc distance of 42.69 feet to the northwest corner of Block 28, of said Babcock Place Unit 26;

THENCE southerly along the westerly line of Block 28 the following courses: S. $29^{\circ}23'31''$ W. a distance of 58.44 feet to an angle point; and S. $00^{\circ}52'37''$ E. a distance of 767.22 feet to the southwest corner of Block 28 in Babcock Place Unit 24, recorded in Volume 8700, Pages 146 and 147, Bexar County Plat Records;

THENCE S. $89^{\circ}00'49''$ W. a distance of 215.00 feet to a point on the east right-of-way line of Babcock Road;

THENCE N. $00^{\circ}59'11''$ W. along said right-of-way line a distance of 871.43 feet to the point of beginning, and containing 189,634 square feet or 4.353 acres of land.

April 14, 1981
J. O. #39714

15

BABCOCK ROAD

B-2

R-5

B-3

SUNSET HAVEN DR.

REC
B-2

B-2

ROAD

REC
"B-1"

ECHO CANYON DR.

REC
"B-1"

GALLERY DR.

SPRING
WELL DR.

TEMP. R-1

B-2

BABCOCK

SPRING
BRANCH DR.

B-3

STAFF RECOMMENDATION.
ZONING CASE 8521

EXHIBIT "A"

Scale: 1" = 200'

TO: CITY CLERKS

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 8521 NAME Ray Ellison Industries

The rezoning and reclassification of :

LOCATION

A 4.353 acre tract of land out of NCB 16251, being further described by field notes filed in the Office of the Department of Planning, Zoning Administration.
In the 11700 Block of Babcock Road

FOR INFORMATION ONLY

Subject property is located southeast of the intersection of Sunset Haven Drive and Babcock Road, having 247.24' on Sunset Haven Drive and 871.43' on Babcock Road.

FROM: Temporary "R-1" Single Family Residential District

TO: "B-2" Business District

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

APPLICANT: Ray Ellison Industries

ZONING CASE NO. 8521
APPEAL CASE

STATUS OF APPLICANT: Owner

YES _____
NO XX

OWNER CONCUR WITH THIS REZONING REQUEST:

YES XX
NO _____

DATE OF APPLICATION: May 4, 1981

LOCATION OF PROPERTY:

A 4.353 acre tract of land out of NCB 16251, being further described by field notes filed in the Office of the Department of Planning, Zoning Administration. In the 11700 Block of Babcock Road

FOR INFORMATION ONLY

Subject property is located southeast of the intersection of Sunset Haven Drive, and Babcock Road, having 247.24' on Sunset Haven Drive and 871.43' on Babcock Road.

REQUESTED CHANGE IN ZONING

From Temporary "R-1" Single Family Residential District to "B-2" Business District

ZONING COMMISSION PUBLIC HEARING HELD ON June 9, 1981

Information Presented by Applicant

Mr. Herb Quiroga, Director of Land Planning for Ray Ellison, stated that they propose to build a shopping center on the subject property. He further stated that he was working with staff to provide a buffer across from the residential area.

IN OPPOSITION

Mr. Robert J. Crittenden, 6354 Sunset Haven Drive, stated that in the information provided which described the location of the subject property, it included his residence in the 560' length. He further stated that he did not want his property rezoned. Mr. Guerrero, stated that the correct size of the property should be 250'. Mr. Crittenden, stated that he was opposed to the change in zoning because he feels that this area should remain residential. He went on to say that he was opposed to any type of development plans that would effect the traffic situation.

Mr. Charles Lilly, 6350 Sunset Haven Drive, stated that he was in agreement with Mr. Crittenden's statement and he too was concerned about the traffic situation because of the school children in the area.

REBUTTAL

There was no rebuttal offered.

STAFF RECOMMENDATIONS

Discussion

Subject property is located on Babcock Road, a major arterial serving this area of development. With residential zoning and development to the east, staff is of the opinion, that some protection should be offered to the adjacent residential development and allow for a transition away from the intersection of Babcock Road and Sunset Haven Drive. Staff recommends approval of "O-1", "B-1" and "B-2" as per Exhibit "A".

Staff Recommendation

Denial of "B-2" as requested and approval of "O-1", "B-1" and "B-2" as per Exhibit "A".

Proper platting

6' solid screen fence to be erected and maintained on the east property line adjacent to the residential development

TRAFFIC ENGINEERING RECOMMENDATION

The subject property is served by Babcock Road, a designated secondary arterial type "A" and by Sunset Haven Drive, a neighborhood collector street. With proper access and off-street parking, this rezoning should not be detrimental to area traffic. Right-of-way to be dedicated, when platted.

RESULTS OF NOTICES RECEIVED BEFORE HEARING

There were eleven notices mailed out to the surrounding property owners; one notice returned in opposition and three notices returned in favor.

COMMISSION ACTION

A motion was made by the Commission to recommend to the City Council the denial of the requested petition and in lieu thereof recommend approval of "B-2" Business District save and except the east 20' which is recommended to be "R-1".

After an extensive discussion during which some of the Commission members expressed concern regarding the provision of a buffer between the residential area and the commercial zoning.

THE MOTION WAS WITHDRAWN

A SECOND MOTION was made by the Commission to recommend approval of the requested petition from Temporary "R-1" Single Family Residential District to "B-2" Business District with a 25' setback landscape buffer from the east property line by the following vote:

Polunsky, Davies, Meza, Oviedo, McNeel, Adams, Kachtik, and Williams voting in the affirmative, with Washington, Lopez, and Rodriquez, being absent, MOTION CARRIED.

REASONS FOR ACTION

1. Subject property is located on a 4.353 acre tract of land out of NCB 16251, address being in the 11700 Block of Babcock Road.
2. Staff recommended denial of "B-2" and approval of "O-1", "B-1", and "B-2" as per Exhibit "A", which the applicant did not agree with.
3. There were eleven notices mailed out; one returned in opposition and three notices returned in favor.
4. It is this Commissioner's opinion, that the 25' setback line requirement imposed would accomplish the purpose of staff's recommendations.

Other Recommendations

It is further recommended that proper platting be accomplished and that a 6' solid screen fence to be erected and maintained on the east property lines. Also, that the applicant work with the Traffic Department to provide right-of-way dedications.

RESULTS OF NOTICES FOR COUNCIL HEARING

(To be provided at Council Hearing)

Affidavit of Publisher

THE STATE OF TEXAS,

COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Irene Palencia, who being by me duly sworn, says on oath that s_e he 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 #54024 hereto attached has been published in every issue of said newspaper on the following days, to-wit: July 14, 1981.

AN ORDINANCE 54024

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

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

SECTION 1. That Section 42-22 of Chapter 42 of the City Code that constitutes the comprehensive zoning ordinance of the City of San Antonio be and the same is hereby amended, so that it shall hereafter include the following described changes in classification and the rezoning of the hereinafter designated property, to-wit:

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In the 17000 Block of Babcock Road

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SECTION 2. That all other provisions of said Chapter 42, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 42-11.

SECTION 3. That the Director of Planning shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 9th day of July, 1981.

/s/Henry Cisneros
Mayor

ATTEST:

/s/Norma S. Rodriguez
City Clerk

7/14

Sworn to and subscribed before me this 1 Day of July, 1981.

Irene Palencia
A. Orozco
in and for Bexar County,