

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 15, 1977.

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The meeting was called to order at 1:00 P.M., by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; Absent: NONE.

77-48 The invocation was given by The Reverend James Brown, Houston Terrace Baptist Church.

77-48 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-48 The minutes of the meeting of September 8, 1977, were approved.

77-48 ZONING HEARINGS

1. CASE 7000 - to rezone the east 31' of Lot 35 and the west 19' of Lot 34, Block 2, NCB 8674, in the 1000 Block of Parkridge Drive, from "A" Single Family Residential District to "B-3" Business District, located north of the intersection of Parkridge Drive and Walter McAllister Freeway, having 6.97' on Parkridge Drive and 109.48' on Walter McAllister Freeway and a maximum depth of 222.76'.

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. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Cockrell; NAYS: None; ABSENT: Cisneros, Steen.

AN ORDINANCE 48,489

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 31' OF LOT 35 AND THE WEST 19' OF LOT 34, BLOCK 2, NCB 8674, IN THE 1000 BLOCK OF PARKRIDGE DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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2. CASE 6986 - to rezone Lot 14 and the north 10' of Lot 13, Block 13, NCB 15504, in the 2600 Block of S. W. Loop 410 Expressway, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located southeast of the intersection of Glider Avenue and S. W. Loop 410 Expressway, having 162.5' on Glider Avenue and 130' on S. W. Loop 410 Expressway.

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

After consideration, Mr. Webb moved that the Zoning Commission's recommendation be approved and that the rezoning be granted. Mr. Pyndus seconded the motion.

In response to Mr. Ortiz' questions on the proposed use of the subject property, Mr. Ben Katz, the applicant, stated he has no other plans for the piece of property except for use as a lending company.

No citizen appeared to speak in opposition.

Mr. Ortiz further expressed concern over the increased traffic in the neighborhood.

Mr. Pyndus spoke for the rezoning based on staff's recommendation.

Mr. Ortiz then spoke about the uses permitted in a "B-3" classification and asked Mr. Katz if he would be agreeable to a "B-2" rezoning.

Mr. Katz indicated he would not be agreeable to any zoning except "B-3" and described the existing zoning in the area.

Mr. Webb then withdrew his motion to approve.

In response to Council's concerns about the traffic, Mr. Joe Aceves, Professional Engineer with the Traffic and Transportation Department, stated that the proposed use would not significantly add to the traffic already in existence.

Mr. Ortiz suggested a "B-1" or "B-2" classification because this zoning would permit a loan company as requested by the applicant and still would not permit the uses which are allowed in "B-3".

Mr. Katz again mentioned the existing uses in the area and asked that he be granted a "B-3" zoning. He also stated he did not know what he intended to put on the subject property.

Mr. Ortiz then moved to overrule the recommendation of the Zoning Commission and deny the rezoning. Mr. Alderete seconded the motion. On roll call, the motion carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Hartman, Cockrell; NAYS: Pyndus, Steen; ABSENT: None.

Case 6986 was denied.

3. CASE 7016 - to rezone Parcel 25, NCB 16095, in the 4800 Block of Rittiman Road, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the north side of Rittiman Road, being 619.63' west of the intersection of Rittiman Road and Pratt Road; having 391.1' on Rittiman Road and a depth of 1110.5'.

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 the property is replatted, if necessary. Mr. Webb seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 48,490

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 PARCEL 25, NCB 16095, IN THE 4800 BLOCK OF RITTIMAN ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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4. CASE 7029 - to rezone Arbitrary Lot 2-B, Block 1, NCB 11253, 3338 S. W. Military Drive, from "B" Two Family Residential District to "B-3" Business District, located on the south side of S. W. Military Drive, being 222' east of the intersection of S. W. Military Drive and Kelsey Avenue; having 50' on S. W. Military Drive and a depth of 420.6'.

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. Steen, made a motion that the recommendation of the Zoning Commission be approved, provided that the property is replatted, if necessary; and that a six foot solid screen fence is erected and maintained along the south property line. 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: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 48,491

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 ARBITRARY LOT 2-B, BLOCK 1, NCB 11253, 3338 S. W. MILITARY DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY; AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE.

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5. CASE 7012 - to rezone Lot 16, NCB 1766, 1802 North Alamo Street, from "D" Apartment District to "B-3" Business District, located northeast of the intersection of Carson Street and North Alamo Street; having 50' on North Alamo Street and 88' on Carson 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, Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved, provided that the property is replatted, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 48,492

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 16, NCB 1766, 1802 NORTH ALAMO STREET, FROM "D" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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6. CASE 7021 - to rezone Lot 3, Block 1, NCB 14281, 9030 Wurzbach Road, from "O-1" Office District to "B-2" Business District, located on the southeast side of Wurzbach Road, being 410' southwest of the intersection of Parkdale Drive and Wurzbach Road; having 200' on Wurzbach Road and a depth of 242.35'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. Mr. Camargo also stated that the staff had originally recommended the "O-1" zoning as transitional zoning within the center of this block away from the business nodes of this area such as Gardendale Drive and Wurzbach and at Data Point Drive and Wurzbach. In the staff's opinion, the present "O-1" zoning provides appropriate zoning for this location.

After consideration, Mr. Steen moved to approve the recommendation of the Zoning Commission and grant the rezoning. Mr. Pyndus seconded the motion.

Mr. Bill Telford, the applicant, stated that they do not intend to enlarge the present building on the subject property. He described the surrounding uses in the area and stated that "B-2" zoning is appropriate for this area.

Mayor Cockrell and Mr. Hartman both stated that they are very familiar with the area and, in view of the existing uses, could see no reason for opposing the "B-2" zoning.

Mr. Eureste spoke against the motion to approve based on the staff's recommendation.

On roll call, the motion to approve failed to carry by the following vote: AYES: Dutmer, Pyndus, Hartman, Steen, Cockrell; NAYS: Webb, Wing, Eureste, Ortiz, Alderete; ABSENT: Cisneros.

Case 7021 was denied.

7. CASE 7037 - to rezone the southeast 140' of the northeast 160' of Parcel 1, NCB 15286, in the 5400 Block of S. W. Military Drive, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the southwest side of S. W. Military Drive, being 240' southeast of the cutback between Buckhorn Road and S. W. Military Drive; having 140' on S. W. Military Drive 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, Dr. Cisneros made a motion that the recommendation of the Zoning Commission be approved, provided that the property is replatted, if necessary. Mr. Webb seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: Wing; ABSENT: None.

AN ORDINANCE 48,493

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 SOUTHEAST 140' OF THE NORTHEAST 160' OF PARCEL 1, NCB 15286, IN THE 5400 BLOCK OF S. W. MILITARY DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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8. CASE 6943 - to rezone Lots 8 through 12, NCB 15853, in the 12000 Block of West Avenue, from "B-3" Business District to "I-1" Light Industry District, located on the southwest side of West Nakoma Drive between West Avenue and Persuasion Drive, having 136.02' on West Nakoma Drive, 549.38' on West Avenue and 556.25' on Persuasion Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further explained that the staff had recommended denial of the request because under the present zoning pattern transition is provided to West Avenue from the "I-1" development to the southeast of the property in question. The existing zoning, "B-3", prohibits outside storage of material adjacent to a major arterial which the staff recommends be maintained.

Mr. Pyndus stated he has visited the area and agrees with the staff's recommendation and he moved to deny the request for rezoning. Mrs. Dutmer seconded the motion.

The applicant was not present in the audience to speak to the case.

Council concurred in withdrawing the motion until the applicant has an opportunity to be heard.

Later in the meeting, discussion on the case resumed.

Mr. Camargo advised the Council that they were not able to reach Mr. Uptmore today but the message was delivered to his secretary. He also explained that the applicants are always notified ahead of schedule.

Mrs. Dutmer then moved to postpone the case for 30 days. Mr. Webb seconded the motion.

Mr. Pyndus spoke against the motion to postpone due to the fact that proper notification had been given to the applicant.

On roll call, the motion to postpone failed to carry by the following vote: AYES: Steen, Cisneros, Webb, Dutmer; NAYS: Eureste, Ortiz, Pyndus, Cockrell, Wing; ABSENT: Alderete, Hartman.

Mr. Pyndus' prior motion to deny the case which had been seconded by Mrs. Dutmer failed to carry by the following vote: AYES: Cockrell, Wing, Eureste, Ortiz, Pyndus; NAYS: Steen, Cisneros, Webb; ABSTAIN: Dutmer; ABSENT: Hartman, Alderete.

Dr. Cisneros then moved to postpone this case for 30 days. Mr. Steen seconded the motion. On roll call, the motion failed by the following vote: AYES: Cisneros, Steen, Webb, Dutmer; NAYS: Cockrell, Wing, Eureste, Ortiz, Pyndus; ABSENT: Alderete, Hartman.

In answer to a question by Mayor Cockrell, City Attorney James Parker stated that the applicant could take this case to court to compel the Council to take an affirmative vote for either approval or denial of the request.

Dr. Cisneros then moved to approve the zoning request. Mr. Steen seconded the motion.

In view of the City Attorney's statement, Mr. Pyndus stated that he would make a substitute motion for a postponement of the case. Dr. Cisneros seconded the motion.

On roll call, the motion to postpone carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

Case 6943 was postponed.

9. CASE 7002 - to rezone a 2.695 acre tract of land out of NCB 12815, being further described by field notes filed in the office of the City Clerk, in the 4300 Block of Medical Drive, from Temporary "A" Single Family Residential District to "B-3" Business District, located on the northwest side of Medical Drive being 302.37' southwest of the intersection of Medical Drive and Fredericksburg Road, having 406.46' on Medical Drive and a maximum depth of 292.69'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo said that, in the case, the staff had recommended partial approval of the request for "B-3" zoning. The recommendation was to zone the northeast 232' of the property "B-3" with "B-2" for the remainder of the property.

Mr. Mike Hogan, Vice President of Stout Bilt of Texas, Inc., displayed an architect's drawing of the proposed development which would be a combination display-office building where medical equipment would be on display and could be purchased wholesale. In answer to Councilman Pyndus' concern about traffic being generated, Mr. Hogan said that the project is designed for storage and low density personnel. Plans have been made to cut the median in the street which is in the middle of the block. This has already been arranged with the Traffic and Transportation Department.

There was discussion by Council regarding the staff's recommendation.

No citizen appeared to speak in opposition.

Mr. Steen moved to uphold the recommendation of the Zoning Commission and grant the rezoning provided that the applicant works with the Public Works Department and the Traffic Department for any additional openings required in the median; and provided that the property is replatted, if necessary. Mrs. Dutmer seconded the motion.

Mr. Pyndus spoke against the motion and offered a substitute motion to approve the recommendation of the staff and approve "B-3" on the northeast 232' of the subject property and "B-2" on the remaining portion.

A discussion between the applicant and the Council then took place regarding the traffic situation in the area.

Mr. Hogan then presented the Council a sketch of the traffic design they are proposing.

Mr. Edgar Van Scheele, developer, then spoke to the Council regarding the proposed use requested by the applicant and described the traffic that would be generated in a "B-2" and a "B-3" classification.

Mayor Cockrell stated she is familiar with the area and the addition of the building would be an asset to the area.

After discussion, Mr. Pyndus withdrew his substitute motion and recommended the approval of the "B-3" zoning.

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: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,494

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 2.695 ACRE TRACT OF LAND OUT OF NCB 12815, LOCATED ON THE NORTHWEST SIDE OF MEDICAL DRIVE, BEING 302.37' SOUTHWEST OF THE INTERSECTION OF MEDICAL DRIVE AND FREDERICKSBURG ROAD HAVING 406.46' ON MEDICAL DRIVE AND A MAXIMUM DEPTH OF 292.69', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4300 BLOCK OF MEDICAL DRIVE, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE APPLICANT WORKS WITH THE PUBLIC WORKS DEPARTMENT AND THE TRAFFIC DEPARTMENT FOR ANY ADDITIONAL OPENINGS REQUIRED IN THE MEDIAN; AND PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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10. CASE 7032 - to rezone a 0.894 acre tract of land out of NCB 12167, being further described by field notes filed in the office of the City Clerk, in the 2500 Block of Austin Highway, from "A" Single Family Residential District to "B-2" Business District, located on the northwest side of Austin Highway, being 440' northeast of the intersection of Perrin-Beitel Road and Austin Highway; having 40' on Austin Highway and a maximum depth of 97'.

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, Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved, provided that the property is replatted, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Ortiz, Hartman.

AN ORDINANCE 48,495

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 0.894 ACRE TRACT OF LAND OUT OF NCB 12167, LOCATED ON THE NORTHWEST SIDE OF AUSTIN HIGHWAY, BEING 440' NORTHEAST OF THE INTERSECTION OF PERRIN-BEITEL ROAD AND AUSTIN HIGHWAY; HAVING 40' ON AUSTIN HIGHWAY AND A MAXIMUM DEPTH OF 97', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 2500 BLOCK OF AUSTIN HIGHWAY, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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11. CASE 6930 - to rezone Lots 1 and 2, Block 18, NCB 8824, 1738 West Wildwood Drive, from "R-3" Multiple Family Residential District to "R-3" Multiple Family Residential District for a Day Care Center for over twenty (20) children, located southeast of the intersection of I. H. 10 Expressway and Brad Street; having 120' on Brad Street and a total of 100' on I. H. 10 Expressway.

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. Steen made a motion that the recommendation of the Zoning Commission be approved. Mr. Alderete seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Ortiz, Hartman.

AN ORDINANCE 48,496

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 AND 2, BLOCK 18, NCB 8824, 1738 WEST WILDWOOD DRIVE, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT FOR A DAY CARE CENTER FOR OVER TWENTY (20) CHILDREN.

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12. CASE 6940 - to rezone Lots 1 and 2, Block 9, NCB 3936, 1723 Capitol Avenue, from "B" Two Family Residential District to "I-1" Light Industry District, located southwest of the intersection of San Francisco Street and Capitol Avenue, having 92' on San Francisco Street and 160' on Capitol Avenue.

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 a six foot solid screen fence is erected with gates on the east property line. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Ortiz, Hartman.

AN ORDINANCE 48,497

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 AND 2, BLOCK 9, NCB 3936, 1723 CAPITOL AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED WITH GATES ON THE EAST PROPERTY LINE.

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13. CASE 7015 - to rezone Lot 8, Block 2, NCB 11975, 2651 Danbury Drive, from "B" Two Family Residential District to "O-1" Office District, located north of the intersection of Danbury Drive and Nacogdoches Road; having 221.5' on Danbury Drive and 98' on Nacogdoches Road.

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

Mr. Bill Robison, representing the applicants, Mr. and Mrs. Eugene A. Wegmann, explained that the subject property is up for sale and the transition is made subject to the approval of the rezoning. He stated that the proposed "O-1" Office District is compatible with the surrounding area. He further stated that the proposed use will not generate additional traffic.

Mr. Joe Lockwood, the prospective purchaser, explained that this would be a business of computer training and installations. Due to the nature of the business, there would be very little traffic generated. He asked that the Council approve his request for rezoning.

Mr. Kenneth Beanland, an attorney representing opponents to the rezoning, spoke in opposition. He presented the Council with a petition having 235 signatures expressing opposition.

Mr. Beanland said that the traffic on Nacogdoches Road is extremely heavy. School children on the west side of the street must cross over to the east side in order to have a sidewalk to walk on. To do this, they must go several blocks out of the way to have a signal light to aid them. The petitioners were requesting the installation of a traffic signal at the intersection of Danbury and Nacogdoches. They were opposed to any rezoning which might increase traffic.

Mr. Joe Aceves, representing the Director of Traffic and Transportation, said that the traffic flow at this location has been studied and very little traffic would be generated by this business. He said that without a comprehensive study he could not recommend installation of a traffic signal as it could turn Danbury from a quiet, residential street into a very busy street.

After discussion, Councilman Pyndus moved to accept the recommendation of the Zoning Commission and approve the rezoning. The motion was seconded by Councilwoman Dutmer. On the following roll call vote, the motion failed to obtain the necessary affirmative votes and the motion was defeated: AYES: Cisneros, Webb, Dutmer, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: Wing, Eureste; ABSTAIN: Ortiz; ABSENT: None.

Mr. Eureste then moved to reconsider the Council's action. The motion was seconded by Mrs. Dutmer and carried by the following roll call vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: Wing; ABSENT: None.

After further consideration, Mr. Eureste moved to postpone consideration of Case No. 7015, pending resolution of the traffic problems on Nacogdoches Road. The motion was seconded by Mr. Hartman and carried by the following roll call vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

Case No. 7015 was postponed.

77-48 The meeting recessed at 3:40 P.M., and reconvened at 3:50 P.M.

14. CASE 7022 - to rezone Lot 11, Block 84, NCB 7219, 3211 Blanco Road, from "B" Two Family Residential District to "B-2" Business District, located northwest of the intersection of Blanco Road and Lee Hall Street; having 140' on Blanco Road and 50' on Lee Hall 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, Mr. Camargo stated that the staff had recommended denial of this request because, although the property in question is located between areas of "B-2" Business District, the staff had not recommended the usage of residential size lots along this portion for business development. In their opinion, the approval of this request would further business-strip development of this arterial on residential size lots.

No one spoke in opposition.

Mr. Hartman stated that due to the commercial development already in the area and the fact that the subject property would not be feasible for residential development, he would move for approval of the rezoning request as recommended by the Zoning Commission, provided that the property is replatted, if necessary. 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: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Hartman, Cockrell; NAYS: None; ABSENT: Alderete, Steen.

AN ORDINANCE 48,498

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 11, BLOCK 84, NCB 7219, 3211 BLANCO ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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15. CASE 7001 - to rezone the east 100' of Lots 11 and 12, Block 5, NCB 8293, 665 North San Bernardo, from "C" Apartment District to "B-3" Business District, located on the westside of North San Bernardo Street; being 130.9' south of the intersection of Culebra Road and North San Bernardo Street; having 50' on North San Bernardo Street and a depth of 100'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further stated that the subject property lies on the edge of an established residential area. The staff is opposed to the extension of intensive business zoning into a residential area.

Mrs. Dutmer moved to approve the recommendation of the staff and deny the rezoning. Mr. Pyndus seconded the motion.

Mr. Jim Russell, representing Sonic Drive-In, stated that the subject property is now vacant and that they are planning to improve the area. He described the already existing uses in the area and stated that the proposed use would be compatible with the neighborhood. He also stated that he would agree to any screening stipulation.

No one spoke in opposition.

On roll call, the motion to deny carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

Case 7001 was denied.

16. CASE 7007 - to rezone the remaining portions of Lots 9, 10 and 11, Block 2, NCB 8674, in the 800 Block of Parkridge Drive, from "A" Single Family Residential District to "I-1" Light Industry District, located south of the intersection of Western Avenue and U. S. Highway 281 North, having 222.6' on Western and 245' on U. S. Highway 281 North.

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

Mr. Harold Reich, 3435 Northmoor, representing the owner, stated that they are requesting an "I-1" zoning for the purpose of building a small warehouse. He further stated that this will be a very small operation and noted its accessibility to Loop 410. He described the surrounding area and the zoning already in existence. He also said that this area would never be residential in character.

In response to Mr. Hartman, Mr. Reich stated that his client had requested "I-1" zoning but might be agreeable to "B-3."

Mr. Ed Nicholson stated he is not opposed to a "B-3" rezoning, but is opposed to the "I-1" request.

Mr. Hartman then moved to overrule the recommendation of the Zoning Commission and grant a "B-3" in lieu of the "I-1" zoning provided that the property be replatted, if necessary. Mr. Pyndus seconded the motion.

Mr. Reich stated that his client would be agreeable to a "B-3" rezoning.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

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 PORTIONS OF LOTS 9, 10 AND 11, BLOCK 2, NCB 8674, IN THE 800 BLOCK OF PARKRIDGE DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

* * * *

17. CASE 6999 - to rezone Lot 19, save and except the west 75', Block 5, NCB 13576, 4438 Valleyfield Drive, from "F" Local Retail District to "B-3" Business District, located southwest of the intersection of Valleyfield Drive and Roland Avenue; having approximately 198.03' on Valleyfield Drive and approximately 171.13' on Roland Avenue.

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

Mr. Jed Davis, representing the applicant, Stop-N-Go Markets of Texas, Inc., stated the rezoning is needed for the establishment of a warehouse to store small parts and for small repairs. There will be no outside storage. Working hours will be from 8:00 to 5:00, and the proposed use will not cause any noise problems.

Mrs. Dutmer stated she has worked with several groups trying to get this subject property cleaned up.

Mr. Ralph F. Gonzales, 4426 Valleyfield, spoke representing himself and five other property owners. They are opposed to the requested change because of the uses allowed in the "B-3" classification. They are also opposed to the additional traffic that would be generated. He also stated that this change will be detrimental to the neighborhood.

In rebuttal, Mr. Davis stated that there will be no outside storage on the subject property and they only need a place to work on their equipment.

Mrs. Dutmer then moved to deny the request. Mr. Hartman seconded the motion.

In response to Mr. Pyndus' question, Mr. Camargo explained the uses permitted in "F" Retail District and "B-3" Business District.

On roll call, the motion to deny carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

Case 6999 was denied.

18. CASE 6954 - to rezone a 42.344 acre tract of land out of NCB 11622, located on the southeast and northwest side of Medical Drive, being 50' southeast of the intersection of Fairhaven Drive and Bluff Dale Drive, being a tract of land having a maximum length of 2871.22' and a depth of 938.88, being further described by field notes filed in the Office of the City Clerk, in the 4400 Block of Medical Drive, from Temporary "R-1" Single Family Residential District and "R-3" Multiple Family Residential District to "B-1" Business District; and

to rezone a 9.006 and a 6.62 acre tract of land out of NCB 11622, with the 9.006 acre tract being located northwest and southeast side of Medical Drive, being 700' northeast of the intersection of Fredericksburg Road and Medical Drive, having 900' on the northwest side of Medical Drive and 430' on the southeast side of Medical Drive and with the 6.62 acre tract being located at the intersection of Fairhaven and Medical Drive, being a tract of land having a length of 585' and a maximum depth of 557.22', being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" Single Family Residential District and "R-3" Multiple Family Residential District to "B-2" Business District; and

to rezone an 11.67 acre tract of land out of NCB 11622, located on the southeast side of Medical Drive, approximately 275' southwest of the intersection of Medical Drive and Fairhaven Drive, having 963.03' on Medical Drive and a maximum depth of approximately 600.94', being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" Single Family Residential District and "R-3" Multiple Family Residential District to "R-3" Multiple Family Residential District.

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 the property is replatted, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 48,500

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 42.344 ACRE TRACT OF LAND OUT OF NCB 11622, LOCATED ON THE SOUTHEAST AND NORTHWEST SIDE OF MEDICAL DRIVE, BEING 50' SOUTHEAST OF THE INTERSECTION OF FAIRHAVEN DRIVE AND BLUFF DALE DRIVE, BEING A TRACT OF LAND HAVING A MAXIMUM LENGTH OF 2871.22' AND A DEPTH OF 938.88', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4400 BLOCK OF MEDICAL DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; AND A 9.006 AND A 6.62 ACRE TRACT OF LAND OUT OF NCB 11622, WITH THE 9.006 ACRE TRACT BEING LOCATED NORTHWEST AND SOUTHEAST SIDE OF MEDICAL DRIVE, BEING 700' NORTHEAST OF THE INTERSECTION OF FREDERICKSBURG ROAD AND MEDICAL DRIVE, HAVING 900' ON THE NORTHWEST SIDE OF MEDICAL DRIVE AND 430' ON THE SOUTHEAST SIDE OF MEDICAL DRIVE AND WITH THE 6.62 ACRE TRACT BEING LOCATED AT THE INTERSECTION OF FAIRHAVEN AND MEDICAL DRIVE, BEING A TRACT OF LAND HAVING A LENGTH OF 585' AND A MAXIMUM DEPTH OF 557.22', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM

TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND AN 11.67 ACRE TRACT OF LAND OUT OF NCB 11622, LOCATED ON THE SOUTHEAST SIDE OF MEDICAL DRIVE, APPROXIMATELY 275' SOUTH-WEST OF THE INTERSECTION OF MEDICAL DRIVE AND FAIRHAVEN DRIVE, HAVING 963.03' ON MEDICAL DRIVE AND A MAXIMUM DEPTH OF APPROXIMATELY 600.94', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT THE PROPERTY IS RE-PLATTED, IF NECESSARY.

* * * *

19. CASE 6997 - to rezone a 9.910 acre tract of land out of NCB 11156, being further described by field notes filed in the Office of the City Clerk, in the 5300 Block of Roosevelt Avenue, from "B" Two Family Residential District to "I-1" Light Industry District, located 180' west of the cutback at the intersection of S. E. Loop 410 Expressway and Roosevelt Avenue; having 1435.52' on S. E. Loop 410 Expressway and a depth of 330.14'; and

to rezone a 0.361 acre tract of land out of NCB 11156, being further described by field notes filed in the Office of the City Clerk, from "F" Local Retail District to "B-3" Business District, located 200' northwest of the intersection of S. E. Loop 410 Expressway and Roosevelt Avenue; having 53.87' on Roosevelt Avenue and a depth of 201.74'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further stated that the staff had recommended screening between the "B-3" zoning and the "I-1" zoning. He explained there is a subcommittee of the Mission Task Force that has been working on the updating of a land-use plan that was adopted by the City Council for Mission Parkway. In discussing this portion of Roosevelt Avenue between Loop 410 and Ashley Road for the past month, it is the Task Force's recommendation that even though there are numerous "I-1" and "I-2" uses along Roosevelt Avenue, that the "B-3" Business District classification be granted on the portion which fronts Roosevelt Avenue with some form of screening between the Business and Industrial zones. He stated that ingress and egress between the "B-3" and "I-1" zones will be permitted.

Mrs. Bernice Dailey, representing the San Antonio Conservation Society, read a prepared statement in favor of the screening but not opposed to the requested change in zone.

Mr. Pyndus then moved to uphold the recommendation of the Zoning Commission and grant the rezoning provided that the property be replatted, if necessary; and that a six foot solid screen fence is erected and maintained along that line that is located between the "B-3" zoning and the "I-1" zoning. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 48,501

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 9.910 ACRE TRACT OF LAND OUT OF NCB 11156, LOCATED 180' WEST OF THE CUTBACK OF THE INTERSECTION OF S. E. LOOP 410 EXPRESSWAY AND A DEPTH OF 330.14', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 5300 BLOCK OF ROOSEVELT AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT; AND A 0.361 ACRE TRACT OF LAND OUT OF NCB 11156, LOCATED 200' NORTHWEST OF THE INTERSECTION OF S. E. LOOP 410 EXPRESSWAY AND ROOSEVELT AVENUE, HAVING 53.87' ON ROOSEVELT AVENUE AND A DEPTH OF 201.74', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY; AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THAT LINE THAT IS LOCATED BETWEEN THE "B-3" ZONING AND THE "I-1" ZONING.

* * * *

Mr. Jose Castilla, Jr., the applicant and the owner of the property, stated that he had wanted to speak against the fencing stipulation, but had not been called upon. He then described the subject area in detail to the Council and stated that fencing is not warranted.

Mr. Eureste then moved to reconsider the case. Dr. Cisneros seconded the motion.

Dr. Cisneros stated that Mr. Castilla's fence would be ineffective in dealing with the aesthetics of the area since all other property in the area is not fenced and he would move for deletion of the fence.

Mrs. Dutmer explained that fencing will be required in all of this area as part of the complete Mission Parkway Plan.

Mrs. Pat Osborn, Historic Preservation Officer, stated that the fencing was recommended by the Land Use Subcommittee of the Mission Task Force. The National Park Service has indicated that this area was an eyesore and a visual control is needed.

On roll call, the motion for reconsideration failed to carry by the following vote: AYES: Cisneros, Eureste; NAYS: Webb, Dutmer, Wing, Ortiz, Pyndus, Steen, Cockrell; ABSENT: Alderete, Hartman.

The fencing stipulation remained.

20. CASE 7004 - to rezone Lots 12 through 14, Block 17, NCB 8913, in the 2500 Block of West Southcross Boulevard, from "B-2" Business District to "B-3" Business District, located on the south side of West Southcross Boulevard, being 175' east of the intersection of Creighton Avenue and West Southcross Boulevard; having 75' on West Southcross Boulevard and a depth of 140'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further explained that the staff had recommended denial of this case. He said that the subject property was included as part of the Laredo Highway-Somerset Road rezoning. Prior to the rezoning which was approved on March 27, 1977, the zoning had been "I" Business District. The staff considered the existing uses which abut the residential area to the south and the school to the east, for the recommendation of the present "B-2" classification. Mr. Camargo then stated that a petition had been received which represents 20 percent opposition so the case will require nine (9) affirmative votes to approve the rezoning.

Mr. Hector J. Herbeck, the applicant, asked for a postponement of the case since only nine Council members were present for the hearing.

Mr. Steen moved to postpone the case for 30 days. Mr. Webb seconded the motion.

Mr. Wing spoke against the motion to postpone.

The opponent also spoke against postponement due to the fact that he had taken leave from work to be present for the hearing.

On roll call, the motion to postpone failed by the following vote: AYES: Steen; NAYS: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Cockrell; ABSENT: Alderete, Hartman.

Mr. Hector J. Herbeck, the applicant, stated that he had sold the property on March 19, 1977 which was zoned "I" Business District to Mr. Jesse Gonzales. However, on March 27, 1977, the City Council changed the zoning to "B-2". Mr. Gonzales was not aware of this action by Council and when he went to apply for a permit to operate a car sales business, he was turned down. They are requesting a "B-3" zoning classification so that they can be permitted to establish this business. He stated that the City Council should approve the rezoning.

Mr. Robert Sepeda, Attorney for Mr. Gonzales, stated that his client has expended money and brought this property under the impression that this was "B-3" zoning. Mr. Sepeda also stated that the staff was unaware that the subject property had a billboard on it thus recommending a "B-2" zoning instead of a "B-3".

Mr. H. F. Perez, 227 Wilcox, stated that he is representing 12 surrounding property owners who are opposed to this change because of the uses permitted in a "B-3" classification. He asked the Council to deny the request.

In rebuttal, Mr. Herbeck stated that the subject property has been vacant for 15 years and there is already a billboard on it. They have spoken to the opponents of the case and are willing to put in a deed restriction prohibiting the sale of alcoholic beverages.

After consideration, Mr. Wing moved to overrule the recommendation of the Zoning Commission and deny the rezoning. Mr. Pyndus seconded the motion. On roll call, the motion to deny carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

Case 7004 was denied.

21. CASE 7008 - to rezone Lots 47 and 48, Block 25, NCE 1634, 1523 S. New Braunfels, from "B" Two Family Residential District to "B-3" Business District, located northwest of the intersection of Essex Street and New Braunfels Avenue; having 50' on Essex Street and 150' on New Braunfels Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further stated that the staff had recommended denial because the subject property is located at the intersection of a major thoroughfare and local residential streets. It is the staff's opinion that the concentration of intensive business should be located to the north of the intersection of Porter and South New Braunfels, both of which are on the Major Thoroughfare Plan. The staff does not recommend a "B-3" zoning classification because of the type of uses permitted.

Mr. Pyndus stated that the area is commercial in nature.

Mr. Webb spoke in opposition to the "B-3" request.

Mr. Dennis Stein, representing the applicant, Mr. Sidney Stein, stated that they are requesting a change in zone in order to have a machine shop on the subject property. He further stated that the neighbors are not in opposition to the requested change but are opposed to the on-premise consumption of alcoholic beverages. They do not intend to sell any alcoholic beverages and asked Council to favorably consider their request.

No citizen appeared to speak in opposition.

After consideration, Dr. Cisneros moved to uphold the recommendation of the Zoning Commission and grant the rezoning provided that the property is replatted, if necessary; and that a six foot solid screen fence is erected and maintained along the west property line of the subject property.

AN ORDINANCE 48,502

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 47 AND 48, BLOCK 25, NCB 1634, 1523 SOUTH NEW BRAUNFELS AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE OF THE SUBJECT PROPERTY.

* * * *

77-48

CONTINUATION OF ZONING HEARINGS

Mayor Cockrell stated that only nine Council members would be present for the duration of the Council meeting and since nine affirmative votes are necessary in some cases, she asked if any of the applicants in those cases wished their hearings postponed.

There was a general discussion with some applicants wishing postponement but opponents wishing to proceed. It was finally agreed that all cases would be heard.

22. CASE 6972 - to rezone Tracts 2, A-1 and 2-A, NCB 10949, from "B" Residential District to "B-3" Business District, located 245' south of Offer Street and 318' west of Clark Avenue, having a length of 243.92' and a depth of 100'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further stated that the staff had recommended "B-2" zoning instead of the recommended "B-3". In their opinion, considering the intensive commercial development along Clark Avenue, a transitional zoning should be provided to the single family dwellings located west of the subject property.

Mr. Pyndus moved to overrule the recommendation of the Zoning Commission and grant "B-2" zoning as recommended by staff. Mr. Eureste seconded the motion.

Mr. Wally Henderson, representing the applicant, Mr. Audrey Smith, stated that they are requesting a "B-3" zone for the purpose of establishing mini-warehouse units. He stated that the construction of the proposed units will serve as a noise buffer to the residential

development to the west. They are agreeable to any replatting and screening as recommended by the Zoning Commission.

In response to Mr. Pyndus, Mr. Camargo explained the reasons for the staff's recommendation.

No one spoke in opposition.

Dr. Cisneros then made a substitute motion to approve the recommendation of the Zoning Commission and grant the "B-3" zoning, provided that the property is replatted, if necessary, and that the existing six foot solid screen fence along the west property line is maintained. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Ortiz, Steen, Cockrell; NAYS: Eureste, Pyndus; ABSENT: Alderete, Hartman.

AN ORDINANCE 48,503

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 TRACTS 2, A-1 AND 2-A, NCB 10949, FROM "B" RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY, AND THAT THE EXISTING SIX FOOT SOLID SCREEN FENCE ALONG THE WEST PROPERTY LINE IS MAINTAINED.

* * * *

23. CASE 7010 - to rezone the north 100' of Lots 3, 4, 5 and 6, Block 7, NCB 1616, in the 900 Block of Porter Street, from "C" Apartment District to "B-2" Business District, located southeast of the intersection of Porter Street and Walters Street, having 100' on Porter Street and 100' on Walters Street.

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

Mr. Santos Martinez, representing the applicant, Mr. Hector Moreno, spoke to the Council regarding the proposed change. He stated that the applicant intends to build a grocery store on the subject property. He said that the existing store where he is located now is dilapidated and will soon be condemned; but the owner does not wish to invest his money to repair it. The applicant needs the "B-2" zoning in order to sell beer but will have no on-premises consumption. He further stated that Mr. Moreno has been operating in this area for 18 years.

Mrs. Desiree Jones spoke in opposition to the rezoning. She stated that she lives across from the subject property and she is opposed to the sale of alcoholic beverages so close to her property.

Mrs. Ida Lee Burgess also spoke in opposition.

In rebuttal, Mr. Martinez said that Mr. Moreno is in the grocery business and only intends to sell beer to go.

After consideration, Mr. Webb moved to approve the recommendation of the Zoning Commission and grant the rezoning provided that the property is replatted, if necessary. 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: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

AN ORDINANCE 48,504

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 100' OF LOTS 3, 4, 5 AND 6, BLOCK 7, NCB 1616, IN THE 900 BLOCK OF PORTER STREET, FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATED, IF NECESSARY.

* * * *

29. CASE 6868 - to rezone a 1.277 acre tract of land out of NCB 11687, being further described by field notes filed in the Office of the City Clerk, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; and

to rezone a 4.157 acre tract of land out of NCB 11687, being further described by field notes filed in the Office of the City Clerk, in the 2500 Block of Jackson-Keller Road, in the 4700 Block of Vance Jackson Road, from "A" Single Family Residential District to "B-2" Business District.

Subject property is located northeast of the intersection of Vance Jackson Road and Jackson-Keller Road, having 280' on Vance Jackson Road, 800' on Jackson-Keller Road and depth of approximately 590' from Jackson-Keller Road. The "B-2" being on the south 325' of the subject property and the "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. Mr. Camargo further stated that there is 20 percent opposition so nine affirmative votes are needed to approve the rezoning.

Mr. George Kampmann, attorney representing Mrs. Jeannette Barnes, the applicant, described the subject property and presented an aerial photograph of the area. He stated that the requested change for rezoning is for the purpose of building a retail and apartment development on the subject property. He further stated that Mrs. Barnes, a widow, is now paying over \$3,000 in taxes and would like to sell the property for this reason.

Mr. Malcolm Chesney also spoke in favor of the requested change. He presented a sketch of the proposed development and asked Council to favorably consider this request.

Mr. Pyndus suggested a compromise between the opponents and proponents of the subject property.

Mr. Kampmann stated that he had spoken to the neighbors and is willing to work out a possible compromise.

Mr. Steen asked if, perhaps, the subject property could be sold to the Ursuline Academy.

Mr. Walter Embrey, Jr., said that this is a good area for retail use and that this is the highest and best use of the subject property.

Mr. David Oppenheimer, representing the Ursuline Academy and neighbors of the subject area, spoke to the Council and presented a petition in opposition to the requested change. He then described the area as being residential in nature. They are mainly opposed to any change to business because of the already congested traffic at the intersections. He stated that the proposed triangle is not adequate for "R-3" development.

Sister Margaret, President of Ursuline Academy, spoke of the history of their school and the move to their present location due to business development in the downtown area. She spoke in opposition to the requested change because they feel that the residential character of the neighborhood should be protected.

Mr. Jesse Villarreal also spoke in opposition to the proposed change. He did state that they are willing to discuss a possible compromise with the proponents.

In response to Mayor Cockrell, Mr. Oppenheimer stated that the neighbors would probably like to see this tract of land developed as residential.

Mrs. Benne Krause also spoke against the tract being developed as business because of the increased traffic that would be generated.

At this point, Mrs. Dutmer stated that she would have to disqualify herself from voting because of personal information that, in her opinion, would prejudice her vote.

Mr. Oppenheimer then stated that they would agree to a postponement.

Mr. Eureste took exception to Mrs. Dutmer's disqualification of herself from the zoning case.

In response to Mr. Pyndus, City Attorney James Parker stated that it is his legal opinion that if Mrs. Dutmer thinks that she has a conflict of interest that would keep her from entering a fair and impartial, unbiased vote, she is the sole determiner of that vote.

Mr. Steen then moved to postpone this case for 30 days. Dr. Cisneros seconded the motion. On roll call, the motion to postpone carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSTAIN: Eureste, ABSENT: Alderete, Hartman.

Case 6868 was postponed for 30 days.

77-48 At this point in the meeting, the Council concurred in considering the following Ordinances before continuation of the Zoning Cases.

77-48 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Webb, Dutmer, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Wing, Alderete, Hartman.

AN ORDINANCE 48,505

SETTING A PUBLIC HEARING FOR SEPTEMBER 29, 1977, AT 3:00 P. M. TO CONSIDER CERTAIN AMENDMENTS TO CHAPTER 36 (SUBDIVISION REGULATIONS) BY CHANGING THE STREET LIGHT AND STREET NAME REQUIREMENTS.

* * * *

77-48 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Eureste, Alderete, Hartman.

AN ORDINANCE 48,506

APPOINTING MEMBERS TO THE CONVENTION AND VISITORS BUREAU ADVISORY BOARD.

* * * *

Ms. Martha Lucero - appointed to replace Mr. James Delaney for term expiring November 30, 1978.

Mr. William Hunter - appointed to replace Mr. Blake Sweatt for term expiring November 30, 1979.

Mr. Frank Phelps - appointed to replace Mr. Arthur Veltman, Jr. for his unexpired term.

Mr. Juan Marquez - appointed to replace Mr. Frank McClaran for term expiring November 30, 1979.

* * * *

77-48 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Ortiz, Cockrell; NAYS: Pyndus, Steen; ABSENT: Eureste, Alderete, Hartman.

AN ORDINANCE 48,507

APPOINTING AND REAPPOINTING MEMBERS TO THE MUNICIPAL CIVIL SERVICE COMMISSION.

* * * *

Mr. Benjamin Samples -- reappointed for term expiring April 30, 1979, and also designated chairman.

Mrs. Mary Wagon - appointed to replace Mrs. Janelle McArthur for term expiring April 30, 1979.

Mr. Julian Trevino - appointed to replace Mr. Felix Trevino for term expiring April 30, 1979.

* * * *

AN ORDINANCE 48,508

APPOINTING RICHARD SOLIS A MEMBER OF THE SAN ANTONIO TRANSIT SYSTEM BOARD OF TRUSTEES. (to serve unexpired term of Alvin Padilla)

* * * *

AN ORDINANCE 48,509

AMENDING SECTION 26 OF CHAPTER 42 OF THE CITY CODE SO AS TO INCREASE THE MEMBERSHIP OF THE ZONING COMMISSION FROM NINE (9) TO ELEVEN (11) MEMBERS; AND APPOINTING MEMBERS TO SAID COMMISSION.

* * * *

Mr. Jose Fernando Centeno - appointed to replace Mr. Dario Chapa for term expiring April 30, 1979.

Mrs. George Salinas - appointed to replace Mrs. Corinne Staacke for term expiring April 30, 1979.

Mr. Robert Tejeda - appointed to replace Mr. Max Triplett for term expiring April 30, 1979.

Mr. Sam Williams, Jr. - appointed for term expiring April 30, 1979.

Mrs. Elizabeth Davies - appointed for term expiring April 30, 1979.

* * * *

AN ORDINANCE 48,510

EXPANDING THE MEMBERSHIP OF THE AIRPORT ADVISORY COMMITTEE TO TWELVE MEMBERS, AND APPOINTING AND REAPPOINTING MEMBERS TO THE COMMITTEE.

* * * *

Mr. Guenter Krellwitz, Mr. Albert Whiteside, Jr., Mr. Willard Ellerson, Mr. Robert C. Durr, Colonel Donald F. Robillard - reappointed for terms expiring July 31, 1979.

Mr. John F. Williams - appointed to replace Mr. C. B. Skipper for term expiring July 31, 1979.

Major Mario H. Buenrostro - appointed to replace Mrs. E. J. Burke for term expiring July 31, 1979.

Mrs. Irene Wischer - appointed to replace Mr. Robert Montalvo for term expiring July 31, 1979.

Mr. Genaro Garcia - appointed to replace Mr. Antonio Salas for term expiring July 31, 1979.

Arthur Reyna - appointed for term expiring July 31, 1979.

* * * *

77-48 Item XIII being a determination of whether the applicant for plat approval of Units 2, 3, 4, 5, 6, 7, 8, 9, 10 and PUD'S 1 and 2 of San Antonio Ranch have vested rights under the provisions of Article 3 of Ordinance No. 48484, was withdrawn from consideration at the request of the City Council.

77-48

DISCUSSION ON RESOLUTION OPPOSING
SALARY REDUCTIONS FOR FEDERAL
BLUE COLLAR WORKERS

The Clerk read the following Resolution:

A RESOLUTION
NO. 77-48-64

OPPOSING SALARY REDUCTIONS FOR FEDERAL
BLUE COLLAR WORKERS.

* * * *

Dr. Cisneros moved the adoption of the Resolution. Mrs. Dutmer seconded the motion.

The following discussion then took place:

MR. PHIL PYNDUS: Mayor, I would like to state my viewpoint. When you represent the City and speak to this subcommittee, I would appreciate it if you would express some of my views.

Recently in the paper it was noted that there was a sixty-one billion dollar deficit in the budget, and that the resolution we're passing is protecting the reduction of blue collar workers in an economy move that's being attempted by the Federal Government.

First of all, I do not know if this City Council is capable of knowing what the salary ranges are to pass such a resolution.

Secondly, I do not think that we are contributing in anyway to a reduction of the federal deficit.

Thirdly, it may be that if these salaries are not cut it will mean a loss in jobs, and I think that this should be taken into consideration when such a resolution is presented.

MAYOR COCKRELL: Thank you for your point of view. I think those who were proposing the resolution felt that certainly in recognizing where there is a need for general cuts I think, just speaking for myself, I would not be in opposition when there was a necessity for general cuts. I think the problem is when you single out just one group of employees to say that they are the ones that are going to have to have the cuts - where others are given raises particularly the Congress, the higher administration had raises whereas the blue collar workers are proposed for cuts, and I think that was simply the basis - the selectivity of this particular thing.

DR. HENRY CISNEROS: I'd like to make a comment on this point because I think Mr. Pyndus' points need to be responded to. Just a quick - I'll just run through them very quickly with what I hope are some accurate facts.

San Antonio is reliant to the tune of about 24 percent of its total job base for civil service jobs - that's one of the largest reliances on civil service of any major city in the country except for Washington, D. C. On the other hand we have only about ten percent

of our economy that's manufacturing jobs that's one of the smallest of any major city in the country. What that means then is that our economy is a civil service base economy and that when we begin to talk about reductions in that industry, we're talking about reductions in the basic industry that is San Antonio's basic industry. Wages are low all across the spectrum, if you will, in San Antonio as compared to other cities. The average hourly manufacturing rate in Galveston is \$7.56; in Beaumont \$6.98; in Houston about \$5.90; in San Antonio the figure is \$3.76. So, that blue collar federal worker is the only thing really that's holding our manufacturing wage scale and blue collar wage scale at any level of respectability at all because the overall San Antonio economy is low.

A couple of other very quick points. The blue collar reduction proposed of ten to twelve percent will obviously affect those 13,000 families who will directly be cut very hard. But, it would also affect the whole economy of San Antonio because it amounts to about \$20 million that when you reduce, you take that \$20 million and withdraw it from the economy - take that consumption spending of consumable, spendable dollars out of the economy and you're talking about something on the order of \$47 million import on the San Antonio economy as those dollars are withdrawn and reverberate throughout the economy.

Again, we're talking about revitalizing the centro city, 53 percent of the blue collar workers in the federal service line in the centro city, and you're talking about reducing them ten or twelve percent, again you just make it that much more difficult to provide livelihood to the older neighborhoods of the City of San Antonio. So, this is much more than just something that affects 13,000 families. It really is basic to the whole structure of the San Antonio economy, and that is why I think we need to take a position on it.

MR. PYNDUS: Well, Mayor Cockrell, I'll do this quickly because I think we have people waiting, and they're too tired to hear the rhetoric. It's very popular to take the stand that's politically - that this resolution has. And, to me, we have got to hold the line somewhere, and there's no attempt to hold the line. I don't think that you know the fiscal ends and outs of the Federal Government nor whether these people are being paid more than others or less than others, and I say in the spirit of reducing a deficit that can cave in some large cities, it has happened in the United States, that we should take and make a very strong decision, and take a stand that will support some economy cuts.

MAYOR COCKRELL: All right, fine, we have a resolution and it has been moved for approval.

AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Steen, Cockrell.

NAYS: Pyndus.

ABSENT: Hartman, Alderete.

27. CASE 6988 - Due to hardship circumstances, the Council concurred in postponing this case for 30 days at the request of the applicant, Mrs. Mary Henderson.

77-48 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Wing, Eureste, Alderete, Cockrell.

AN ORDINANCE 48,511

AMENDING THE CURRENT AGREEMENT WITH NEGLEY TRUCKING SERVICES, INC. TO FACILITATE THE EXPANSION AND RELOCATION OF TEXAS TEX-PACK EXPRESS, INC. IN THE SOUTHPARK INDUSTRIAL SUBDIVISION, ORIGINALLY EXECUTED PURSUANT TO ORDINANCE 48051 OF MAY 19, 1977, SO AS TO EXTEND THE DATE BY WHICH CONSTRUCTION OF THE NEW FACILITIES MUST COMMENCE BY SIXTY DAYS.

* * * *

AN ORDINANCE 48,512

AUTHORIZING ACCEPTANCE OF A \$690,828.00 GRANT FROM THE U. S. DEPARTMENT OF COMMERCE UNDER THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT ACT OF 1976, AS AMENDED, FOR CONSTRUCTION OF THE TRAFFIC MAINTENANCE BUILDING.

* * * *

AN ORDINANCE 48,513

AUTHORIZING ACCEPTANCE OF A \$3,459,172.00 GRANT FROM THE U. S. DEPARTMENT OF COMMERCE UNDER THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT ACT OF 1976, AS AMENDED, FOR CONSTRUCTION OF THE LONE STAR BOULEVARD DRAINAGE OUTFALL.

* * * *

77-48 The meeting recessed at 7:00 P. M. and reconvened at 8:00 P.M.

77-48 ZONING HEARINGS (Continued)

25. CASE 7009 - to rezone all of Block N, NCB 14666, all of Block M, NCB 14665, in the 6600-7700 Block of Pembroke Road, in the 6600-7000 Block of Kitchener Road, from Temporary "R-1" Single Family Residential District to "R-1" Single Family Residential District, subject properties are bounded by Pembroke Road on the north, Rochelle Road on the west, Lincoln Road on the east and Kitchener Road on the south; having 3,742' on Pembroke Road, a total of 2,420' on Rochelle Road, 2825' on Kitchener Road and a total of 2,239' on Lincoln 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, Dr. Cisneros made a motion that the recommendation of the Zoning Commission be approved, provided that the property is replatted, if necessary. 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: Cisneros, Webb, Dutmer, Wing, Pyndus, Cockrell; NAYS: None; ABSENT: Eureste, Ortiz, Alderete, Hartman, Steen.

September 15, 1977

-25-

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AN ORDINANCE 48,514

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 ALL OF BLOCK N, NCB 14666, ALL OF BLOCK M, NCB 14665, IN THE 6600-7700 BLOCK OF PEMBROKE ROAD, IN THE 6600-7000 BLOCK OF KITCHENER ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

* * * *

26. CASE 7019 - to rezone Lot 1, Block 3, NCB 13362, 8410 Starcrest Drive, from "F" Local Retail District to "B-3" Business District, located southeast of the cutback between N. E. Loop 410 Expressway and Starcrest Drive; having 185.09' on N. E. Loop 410 Expressway, 112' on Starcrest Drive and 45.86' on the cutback between N. E. Loop 410 Expressway and Starcrest 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. Cisneros made a motion that the recommendation of the Zoning Commission be approved, provided that a six foot solid screen fence is erected and maintained along the south and east property line. Mr. Webb seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Ortiz, Pyndus, Cockrell; NAYS: None; ABSENT: Eureste, Alderete, Hartman, Steen.

AN ORDINANCE 48,515

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 1, BLOCK 3, NCB 13362, 8410 STARCREST DRIVE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH AND EAST PROPERTY LINES.

* * * *

23. CASE 6998 - to rezone Lot 58, NCB 11883, 330 West Sunset Road, from "B-2" Business District to "B-3" Business District, located on the south side of West Sunset Road, being 542.2' west of the intersection of Everest Street and West Sunset Road; having 167' on West Sunset Road and a maximum depth of 268.5'.

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

Mr. Paul Silber, the applicant, explained that he will build an office building for the use of his firm and the rest of the property is to be used for mini-warehouses. He further stated that he has contacted all of the opponents and has resolved the matter. He has entered into a contract with La Petite to deed restrict his property

against the sale of alcoholic beverages. He then described the proposed development and stated it will not cause additional traffic.

No one spoke in opposition.

Mr. Steen stated he is very familiar with the area and felt that the proposed development will upgrade the neighborhood. He then moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mrs. Dutmer seconded the motion.

In response to Mr. Pyndus, Mr. Camargo stated that the staff had recommended denial of this request because Sunset Road is a heavily travelled east-west thoroughfare connecting Jones-Maltsberger and Broadway. There is a mixture of "B-2", "R-3" and "O-1" uses along this portion of Sunset Road, and the staff does not recommend the introduction of "B-3" at this location considering the business pattern along Sunset Road.

Mr. Pyndus then stated that this is already a business-oriented street.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

AN ORDINANCE 48,516

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 58, NCB 11883, 330 WEST SUNSET ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

29. CASE 6980 - to rezone the northwest 101.67' of Lot 10, NCB 11910, 903 W. E. Military Drive, in the 8100 Block of Curtis Street, from "O-1" Office District to "B-3" Business District, located on the northeast side of Curtis Street, being 191.38' northwest of the intersection of S. E. Military Drive and Curtis Street, having 101.67' on Curtis Street and a depth of 140'.

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

Mr. John Oliver, the applicant, stated that they are requesting a change in zoning in order to construct a 3200 square foot auto repair garage building. He pointed out the existing commercial zoning in the area.

No one spoke in opposition.

After consideration, Dr. Cisneros moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mrs. Dutmer seconded the motion. On roll call, the motion failed by the following vote: AYES: Cisneros, Webb, Dutmer, Steen, Cockrell; NAYS: Wing, Eureste, Pyndus; ABSTAIN: Ortiz; ABSENT: Alderete, Hartman.

The Council then discussed the approval of a "B-2" with the applicant as a compromise.

After consideration, Mr. Eureste moved to reconsider. Mr. Wing seconded the motion. On roll call, the motion carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz,

Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

Dr. Cisneros then moved the granting of "B-2". 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: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

AN ORDINANCE 48,517

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 NORTHWEST 101.67' OF LOT 10, NCB 11910, IN THE 8100 BLOCK OF CURTIS STREET, FROM "O-1" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

30. CASE 6978 - to rezone Lots 31 and 32, NCB 11559, 2102 Bandera Road, from "A" Single Family Residential District to "B-3" Business District, located on the northeast side of Bandera Road, being 170' northwest of the intersection of Skyview Drive and Bandera Road, having 300.1' on Bandera Road and a maximum depth of 209.8'.

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

Mr. Brock Huffman, representing the applicant, Mr. John R. Pollock, described the area and the commercial uses in the vicinity. He also stated that the applicant is willing to accept "B-1" zoning in lieu of the "B-3". He would like to have a day-care center as one possible use. Mr. Huffman asked the Council to favorably consider this request.

Mr. Joe Bonugli, 130 Skyview, wished to register her opposition but relinquished her time to Mr. William Wheeler.

Mr. William Wheeler spoke against the proposed change. He explained that the applicant had previously applied for a rezoning and was turned down. He also stated that Mr. Pollock has disregarded the law and has been operating a business from this residence for two years. Mr. Wheeler stated that he is opposed to a "B-1" zoning change also because they want to keep this area residential. He also stated that Mr. Pollock was issued a citation notice because of the erection of an advertising sign on the subject property.

In response to Mr. Eureste, City Attorney James Parker explained the many obstacles faced when cases such as these are brought up for prosecution.

Mayor Cockrell stated that direction should be given to staff to follow up on prosecuting the violators even if a zoning change is being applied for and pending.

Mr. William O. Ash, Jr. also spoke in opposition.

In rebuttal, Mr. Huffman stated that the applicant has not been operating out of the residence since June. He further stated that the property will be property maintained.

After discussion, Mr. Pyndus moved to uphold the recommendation of the Zoning Commission and deny the rezoning. Mr. Wing seconded the

motion. On roll call, the motion to deny the rezoning carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Fartman.

Case 6978 was denied.

31. CASE 7013 - to rezone Lot 9, Block 4, NCB 9162, 602 Royston Avenue, from "B" Two Family Residential District to "B-3" Business District, located southwest of the intersection of Royston Avenue and South Zarzamora Street; having 73' on Royston Avenue and 125' on South Zarzamora Street.

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

Mr. Paul Rose, representing the applicant, Mrs. Florence Page, described the existing zoning in the area. He stated that neighbors had voiced opposition to the uses permitted in a "B-3" classification, so they have agreed to amend their request to a "B-2" zoning. There is now a possibility to have a florist shop on the subject property and a "B-1" zoning would be adequate. He asked the Council to favorably consider their request to a "B-1" zoning.

Mrs. Adele Homburg, daughter of the applicant, also spoke in favor of the proposed rezoning to "B-1".

Mr. John Nota spoke in opposition to a floral shop operating out of the subject property. He said that automobiles would have to park on Zarzamora but since no cars are allowed parking on the street, they would have to park on Royston. He feared the traffic congestion that would be created.

Mrs. Hortence De Los Santos also spoke in opposition to any business development on the west side of Zarzamora Street.

In rebuttal, Mr. Rose again referred to the existing zoning in the area and stated that "B-1" would not be detrimental to the neighborhood.

Mr. Eureste stated that he is very familiar with the area and in order to preserve and protect the neighborhood he would follow the recommendation of the Zoning Commission and deny the rezoning. Mr. Pyndus seconded the motion. On roll call, the motion to deny carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Cockrell; NAYS: Steen; ABSENT: Alderete, Hartman.

Case 7013 was denied.

77-48 At this point in the meeting, discussion resumed on Item 8, Case No. 6943. See page 5 of these minutes.

77-48 DISCUSSION OF POLICY ON ZONING CASES

Mrs. Dutmer stated that in the past zoning cases were always postponed at the request of the applicant when there were not enough Council members present. At this meeting, Council both heard and postponed cases.

Mayor Cockrell stated that although this is correct, the zoning cases were very time-consuming at this meeting and two Council members had to leave early. Mayor Cockrell suggested that heavily-contested cases be handled first on the agenda to assure a full Council present which might aid in having more Council members present.

A discussion then took place of the Council's responsibility to the opponents as well as to the proponents in a zoning case.

Council concurred in hearing the contested cases first.

77-48

CITY COUNCIL MEETING TIME

Councilman Webb raised a question of Council procedure which in some cases has Council meetings too far into the night, particularly "B" Sessions on Wednesday nights. He suggested a time limit of 10:00 P. M.

Mayor Cockrell said that since the Council procedure has been in effect for several months the Council might wish to review this procedure and possibly might wish to make some changes.

There being no further business to come before the Council, the meeting was adjourned at 9:35 P. M.

A P P R O V E D

Lila Cockrell

M A Y O R

ATTEST:

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