

AN ORDINANCE **37139**

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. 3431 )

The rezoning and reclassification of property from "A" Single-Family Residence District to "R-3" Apartment, "O-1" Office, "B-2" Business and "B-3" Business Districts, listed below as follows:

"A" to "R-3"  
Lot 14, NCB 11608

"A" to "O-1"  
Lot 15, NCB 11608

"A" To "B-2"  
Lot 16, NCB 11608

"A" to "B-3"  
Lot 17, NCB 11608

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 19<sup>th</sup> day of Dec 19 68.

*W. McCreister*  
M A Y O R

ATTEST: *J. H. Suresman*  
City Clerk

APPROVED AS TO FORM: *Howard L. Walker*  
City Attorney

**DISTRIBUTION**

DEPARTMENT	DATE	ORD. OR RESOL.	CONTRACT
AVIATION DIRECTOR			
STINSON FIELD			
BUDGET	<del>12/19</del>		
CITY MANAGER			
ASST. CITY MGR.			
CITY PUBLIC SERVICE			
CITY WATER BOARD			
COMMERCIAL RECORDER	12/19	1	
FINANCE DIRECTOR			
ASSESSOR & COLL.	12/19	1	
CONTROLLER			
CORP. COURT			
INTERNAL AUDIT			
PROPERTY RECORDS			
PURCHASING			
FIRE CHIEF			
HEALTH DIRECTOR			
HOUSING & INSP. DIR.	12/19	1	
LEGAL			
BACK TAX ATTY.			
CONDEMNATION ATTY.			
LAND. DIV.			
LIBRARY DIRECTOR			
PARKS & REC. DIR.			
PERSONNEL DIRECTOR			
PLANNING DIRECTOR	12/19	1	
POLICE CHIEF			
PUBLIC INFORMATION			
PUBLIC WORKS DIR.			
ASST. DIRECTOR			
TRAFFIC & TRANSP. DIR.			
URBAN RENEWAL AGENCY			
OTHER:			

REMARKS:

J. H. INSELMIAN

ITEM NO. F

68 416

**ROLL CALL VOTE**

MEETING OF THE CITY COUNCIL

DATE: DEC 19 1968

NOTION BY: Jones

SECONDED BY: Trevino

ORD. NO. 37139

ZONING CASE 3431

RESOL. \_\_\_\_\_

PETITION \_\_\_\_\_

COUNCIL MEMBER	ROLL CALL	AYE	NAY
WALTER W. MC ALLISTER PLACE No. 1, MAYOR		✓	
DR. HERBERT CALDERON PLACE No. 2		✓	
ROBERT C. JONES PLACE No. 3		✓	
S. H. JAMES PLACE No. 4		✓	
MRS. S. E. COCKRELL, JR. PLACE No. 5		✓	
JOHN GATTI PLACE No. 6, MAYOR PRO-TEM		✓	
FELIX B. TREVINO PLACE No. 7		✓	
EDWARD H. HILL PLACE No. 8		✓	
PETE TORRES, JR. PLACE No. 9		✓	

BRIEFED BY: \_\_\_\_\_

**ADDITIONAL INFORMATION:**

*Mayor asked about opposition  
Mr Cockrell*

*With Screen Lenses*

TO: CITY CLERK

DATE: December 2, 1968

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 3431 NAME Babcock Properties

The rezoning and reclassification of:

"A" to "R-3":

Lot 14, NCB 11608

"A" to "O-1":

Lot 15, NCB 11608

"A" to "B-2":

Lot 16, NCB 11608

"A" to "B-3":

Lot 17, NCB 11608

FOR INFORMATION ONLY:

Located south of the intersection of Babcock Road  
& Wurzbach Road; having 450.98' on Babcock Road  
& 2352.99' on Wurzbach Road.

FROM: "A" Single-Family Residence District

TO: "R-3" Apartment, "O-1" Office, "B-2" Business and "B-3"  
Business Districts

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

Department of Planning

Zoning Case #3431

Appeal Case

Applicant: Babcock Properties

Yes

No XXX

Date of Application: July 19, 1968

Location of Property:

"A" to "R-3":

Lot 14, NCB 11608

"A" to "O-1":

Lot 15, NCB 11608

"A" to "B-2":

Lot 16, NCB 11608

"A" to "B-3":

Lot 17, NCB 11608

FOR INFORMATION ONLY:

Located south of the intersection of Babcock Road & Wurzbach Road; having 450.98' on Babcock Road & 2352.99' on Wurzbach Road.

Zoning Change Requested:

From "A" Single-Family Residence District to "R-3" Multiple-Family Residence District, "O-1" Office District, "B-2" Business and "B-3" Business Districts

ZONING COMMISSION PUBLIC HEARING ON AUGUST 21, 1968:

Information Presented by Applicant:

Mr. Ralph Bender, Planning Consultant for Babcock Properties, advised the Commission that with the consent of the interested property owners in the area, both the proponents and opponents, they are requesting a short postponement of Zoning Case #3431. He feels that if granted this postponement, they can work out an acceptable plan to all concerned and come back to the Commission with a presentation that is not controversial.

Staff Observations:

The requested zoning is considered to be appropriate for this property.

The Planning Department recommends approval of this application.

Proper replatting will be necessary.

RESULTS OF NOTICES RECEIVED BEFORE HEARING:

Thirty-two notices were mailed to the surrounding property owners. Ten were returned in opposition to the request; three were returned in favor; one was returned "indifferent"; and one was returned "unclaimed."

COMMISSION ACTION:

Postponed action indefinitely.

Reasons for Action:

Mr. Ralph Bender, representative for the applicant, along with proponents and opponents, requested postponement in order to solve various objections of the opponents.

ZONING COMMISSION PUBLIC HEARING ON NOVEMBER 13, 1968:

Information Presented by Applicant:

Mr. Ralph Bender, Planning Consultant, advised the Commission that on August 21, 1968, he requested a postponement of this case because it was felt at that time a compromise solution for rezoning of subject property could be reached between the property owners affected in Dream Hills Estates and the owners of the property in question. They met on several occasions with interested property owners in Dream Hills Estates and, although there is not complete agreement, the plan as amended - which is a zoning pattern different from the original proposal in terms of commercial development - generally meets with the approval of most of the property owners; namely, all the people who live immediately south of subject property and, generally, within the 200' radius. Mr. Bender presented a metropolitan area map and a map of the northwest area of the city, showing site location, for the Commission's review. He pointed out that both Wurzbach and Babcock Roads are to be 120' right-of-way in the future according to SABCUTS and the Major Thoroughfare Plan. The South Texas Medical Center is located north-east of this property and this particular facility will have a tremendous impact on the type of development to occur in this vicinity in the future. They propose the following deed restrictions for subject property: The western portion on which "R-3" is being requested ( Lot 14) is to be restricted for single-family, duplex, and/or multiple-family development; Lot 15 on which "O-1" Office is requested will be restricted to single-family, duplex, multiple-family residential and/or professional offices; Lot 15 fronting Babcock Road, on which "O-1" Office is requested will be restricted to professional or business offices; Lot 16 on which "B-2" Business is requested will be restricted to a convenience shopping center; Lot 16 at the corner, on which "B-3" Business is requested will be restricted to a convenience-type commercial use but including one "B-3" use - that of a service station. Mr. Bender stated that a development plan is proposed to insure protection for adjacent homeowners. They also propose the establishment of an Architectural Control Committee, composed of two residents from Dream Hills Estates and two owners of subject property, which will guarantee a high standard of development.

A 6' solid screen fence will be built along the entire length of their property, between subject property and those lots which back up to subject property. He pointed out that many of the lots which back up are very deep lots, in excess of 400' in depth, and the residences are considerably removed from subject property. The most affected property owner, W. C. Hogan, 2202 Babcock Road, has agreed to their over-all plan based on the above deed restrictions. Concerning traffic pattern, Mr. Bender stated he would meet with the Traffic Department and solve any problems of traffic control, if the rezoning is recommended for approval with proper platting.

Later, in rebuttal, Mr. Bender stated that, although there was considerable opposition at the original hearing in August, they have now overcome most of the opposition, as indicated by the notices returned. Their first proposal anticipated a neighborhood shopping center facility with up to 75,000 sq.ft. of commercial use, but their entire program for this facility has been abolished. The only commercial proposed use is a convenience-type facility for those people who reside or work in the area, and the intersection is appropriate for the proposed service station and/or commercial type of use.

Staff Observations:

The requested zoning is considered to be appropriate for this property.

The Planning Department recommends approval of this request.

Proper replatting will be necessary.

RESULTS OF NOTICES RECEIVED BEFORE HEARING:

Thirty-two notices were mailed to the surrounding property owners. Four were returned in opposition to the request; seven were returned in favor; and one was returned "indifferent"; none were returned "unclaimed."

OPPOSITION PRESENT:

1. Mr. Clarke E. Schuetze, 6810 Dorothy Louise
2. Mrs. Alice Schuetze, 6810 Dorothy Louise
3. Mrs. W. E. Tuttle, 7215 W. Beverly Mae
4. Mrs. Carl Steinle, 7015 W. Beverly Mae
5. Mrs. K. H. Kidwell, 4711 E. Beverly Mae
6. Mrs. Tom H. King, 7123 W. Beverly Mae
7. Mr. Jack W. Morse, 7110 W. Beverly Mae
8. Dr. Frank Huster, 6811 Dorothy Louise
9. Mrs. Frank Huster, 6811 Dorothy Louise

REASONS FOR OPPOSITION:

Mr. Jack Morse, 7110 W. Beverly Mae, spoke for the opponents present. He stated they wish to continue Dream Hills Estates as a quiet, secluded, single-family residential area. He felt that the area in question is a prime neighborhood for single-family residential use. He pointed out that less than a mile northwest of this tract is planned a shopping center, multi-family apartments and a country club known as Oakdell. There are other commercial centers in this area - services of this type are only a few minutes away. Mr. Morse stated he contacted 18 homeowners in this area and 12 were opposed; five abstained; and one voted in favor of the project.

COMMISSION ACTION:

Recommended approval.

Reasons for Action:

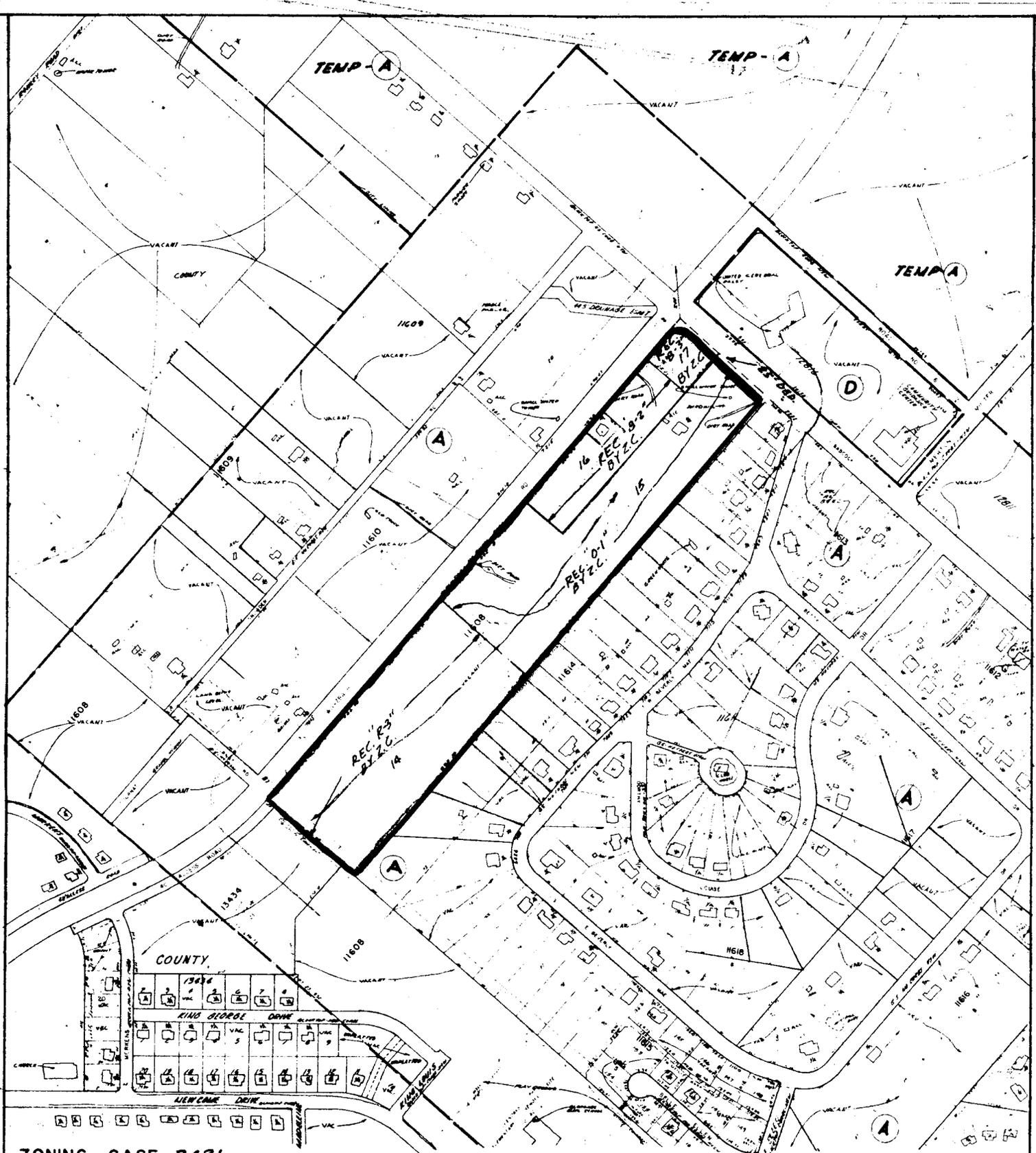
(1) Subject property fronts on Wurzbach Road and Babcock Road which are heavily travelled arteries; they are proposed for future widening; (2) The property is not conducive for residential development fronting on these heavily travelled arteries; (3) The majority of the property owners within 200' were in favor of the requested change, according to the notices mailed; (4) The proponent has presented a good development plan which would develop the property to its highest and best use and, at the same time, protects the residential area to the southeast.

Other Recommendations:

It is further recommended that the property be properly replatted; that a 6' solid screen fence be provided along the entire length of the southeast boundary of subject property for the protection of those residences which back up to the property; further, that deed restrictions as proposed by the proponent be placed on the property and the development plan as proposed be followed, as approved by the Architectural Control Board, which is to be established.

RESULTS OF NOTICES FOR COUNCIL HEARING:

(To be provided at Council hearing.)



**ZONING CASE 3491**

REQUESTED ZONING CHANGE  
 FROM "A" RES TO "R-3" APT DIST, "O-1" OFF. DIST, & "B-2; B-3" BUS. DIST.  
 DATE DEC. 1968  
 SCALE 1" = 200'



# Affidavit of Publisher

THE STATE OF TEXAS,

COUNTY OF BEXAR  
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_

Mrs. Charles D. Treuter

, who being by me duly sworn,

says on oath that he is ~~owner~~ the publisher of the Commercial Recorder

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the An Ordinance hereto attached has been published in

every issue of said newspaper on the following days, to-wit: \_\_\_\_\_

December 20, 19 68

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PASSED AND APPROVED this 19th day of December 1968.

W. W. McALLISTER  
Mayor

ATTEST:  
J. H. INSELIMANN,  
City Clerk.

Mrs. Charles D. Treuter

Sworn to and subscribed before me this 20th day of December, 1968

Stella Orozco

Notary Public in and for Bexar County, Texas

AFFIDAVIT OF PUBLISHER

Proving Publication of

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