

AN ORDINANCE **39265**

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. 4117)

The rezoning and reclassification of property from "D" Apartment District to "B-2" and "B-3" Business Districts, listed below as follows:

"D" to "B-2"
The northeast 45.0' of Lot 11, Blk. 13, NCB 3867

"D" to "B-3"
Lot 11, Blk. 13, NCB 3867, save and except the northeast 45.0'

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 18 day of February 1971.

Alfred Calderon
MAYOR
PRO TEM

ATTEST: *G. V. Jackson Jr.*
Asst. City Clerk

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

71-8

DISTRIBUTION

DEPARTMENT	DATE	ORD. OR RESOL.	CONTRACT
AVIATION DIRECTOR			
BUDGET			
CITY MANAGER			
CITY WATER BOARD			
COMMERCIAL RECORDER		1	
CONVENTION BUREAU			
CONVENTION CENTER			
FINANCE DIRECTOR			
ASSESSOR & COLL.		1	
CONTROLLER			
CORPORATION COURT			
INTERNAL AUDIT			
PROPERTY RECORDS			
PURCHASING			
FIRE CHIEF			
HEALTH DIRECTOR			
HOUSING & INS. DIR.		1	
HUMAN RESOURCES			
LEGAL			
BACK TAX ATTY.			
CONDEMNATION ATTY.			
LAND DIVISION			
LIBRARY DIRECTOR			
MODEL CITIES			
MUNICIPAL FACILITIES			
PARKS & REC. DIR.			
PERSONNEL DIRECTOR			
PLANNING DIRECTOR		1	
POLICE CHIEF			
PRESS ROOM			
PUBLIC INFORMATION			
PUBLIC WORKS DIR.			
TRAFFIC & TRANS. DIR.			

ITEM NO. K.

FEB 18 1971

MEETING OF THE CITY COUNCIL DATE: _____

MOTION BY: Frew SECONDED BY: Hill
 ORD. NO. 39265 ZONING CASE 4117

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
WALTER W. McALLISTER, SR. PLACE NO. 1 MAYOR		<i>abs</i>	
DR. HERBERT CALDERON PLACE NO. 2 MAYOR PRO-TEM		<input checked="" type="checkbox"/>	
E. J. BURKE PLACE NO. 3		<input checked="" type="checkbox"/>	
S. H. JAMES PLACE NO. 4		<input checked="" type="checkbox"/>	
MRS. CAROL HABERMAN PLACE NO. 5		<input checked="" type="checkbox"/>	
DR. D. FORD NIELSEN PLACE NO. 6		<input checked="" type="checkbox"/>	
FELIX B. TREVINO PLACE NO. 7		<input checked="" type="checkbox"/>	
EDWARD H. HILL PLACE NO. 8		<input checked="" type="checkbox"/>	
PETE TORRES, JR. PLACE NO. 9		<input checked="" type="checkbox"/>	

BRIEFED BY: _____

ADDITIONAL INFORMATION: _____

71-8

REMARKS:

TO: CITY CLERK

DATE January 22, 1971

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 4117 NAME O. R. Mitchell Motors, Inc.

The rezoning and reclassification of:

"D" to "B-2"

The northeast 45.0' of Lot 11, Blk. 13, NCB 3867.

"D" to "B-3"

Lot 11, Blk. 13, NCB 3867, save and except the northeast 45.0'.

FOR INFORMATION ONLY

Located south of the intersection of Mulberry Avenue and Margaret Street; having 55.17' on Mulberry Avenue and 160.77' on Margaret Street; the "B-2" Business District being on the northeast 45' and the "B-3" Business District being on the remaining portion.

FROM: "D" Apartment District

TO: "B-2" and "B-3" Business Districts

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

Department of Planning

ZONING CASE 4117

Appeal Case
Yes _____
No XXX

APPLICANT: O. R. Mitchell Motors, Inc.

DATE OF APPLICATION: November 6, 1970

LOCATION OF PROPERTY:

"D" to "B-2"

The northeast 45.0' of Lot 11, Blk. 13, NCB 3867.

"D" to "B-3"

Lot 11, Blk. 13, NCB 3867, save and except the northeast 45.0'.

FOR INFORMATION ONLY

Located south of the intersection of Mulberry Avenue and Margaret Street; having 55.17' on Mulberry Avenue and 160.77' on Margaret Street; the "B-2" Business District being on the northeast 45' and the "B-3" Business District being on the remaining portion.

ZONING CHANGE REQUESTED:

From "D" Apartment District to "B-2" and "B-3" Business Districts.

ZONING COMMISSION PUBLIC HEARING ON DECEMBER 2, 1970:

Information Presented by Applicant:

Mr. Alfred Rohde, representative, advised the Planning Commission that the change in zoning is needed in order to allow the business expansion of O. R. Mitchell Motors. Such expansion will permit O. R. Mitchell Motors to better serve the public for repairs and service. The first fifty feet of depth, from Mulberry, is to be rezoned "B-2". The remainder of the petitioned property is to be rezoned "B-3". A site plan was presented for the Commission's observation.

A privacy fence is to be erected with ingress and egress, to the property in question, only on Margaret Street.

Employee and customer off-street parking will be developed on the desired "B-2" property. A building is proposed on the rear part of Lot 11.

It is believed that the immediate area has changed from the best use, which is residential, to a business use and such will continue to grow.

Upon questioning, Mr. Rohde stated that the vacant property to the east of the existing "B-3" zoning, will be used for parking and storage.

Also, the residence owned by Mrs. Mary Stuart Loper will remain and will be to the west of the proposed 4,000 square foot building.

Later, in rebuttal, Mr. Rohde stated that once a business has chosen San Antonio to establish their concern, we must permit its expansion. The surrounding properties have increased in value and will continue to increase in value of these rezonings are recommended for approval. Even though the proposed building will be erected quite close to Mrs. Loper's property, a fence will be provided for her privacy.

Staff Recommendations:

The further extension of "B-3" onto the Residential Development to the east and northeast is not considered good land use planning. Although the property to the east is zoned "F" Retail, it is developed as Multiple Family Residences.

It is felt that the permitted uses under "B-3" zoning would be detrimental to adjacent Residence Development, therefore we recommend denial of the requested change and recommend approval of "O-1" Office zoning as a buffer between existing Business Zoning and Residential Development.

Replatting is necessary.

Traffic and Transportation Department Recommendations:

The area is primarily composed of apartments and commercial developments which has produced considerable off-street parking. This off-street parking has reduced the street capacity. To insure this problem does not continue, sufficient off-street parking must be provided.

Results of Notices Received Before Hearing:

Seventeen notices were mailed to the surrounding property owners. Three were returned in opposition to the requested change in zoning, six were returned in favor and none were returned "unclaimed".

Opponent Present:

- (1) Mr. William Breuler, attorney for Mrs. Mary Stuart Loper, 115 Hunphrey, west 25' of Lot 9 and all of Lot 10.

Reasons Presented for Opposition by Opponents Present:

- (1) Mr. Breuler's client had agreed to accommodate Mr. O. R. Mitchell by going along with the change in zoning for "B-3" zoning in a previous case. However, she was informed, at that time, that the proposed building would be erected on the far northeast corner of Lots 28, 27, 26 and 25, NCB 3867. The proposal is entirely different today. If this rezoning is granted, it will make a residential island of Mrs. Loper's property.

COMMISSION ACTION:

Recommended approval.

Reasons for Action:

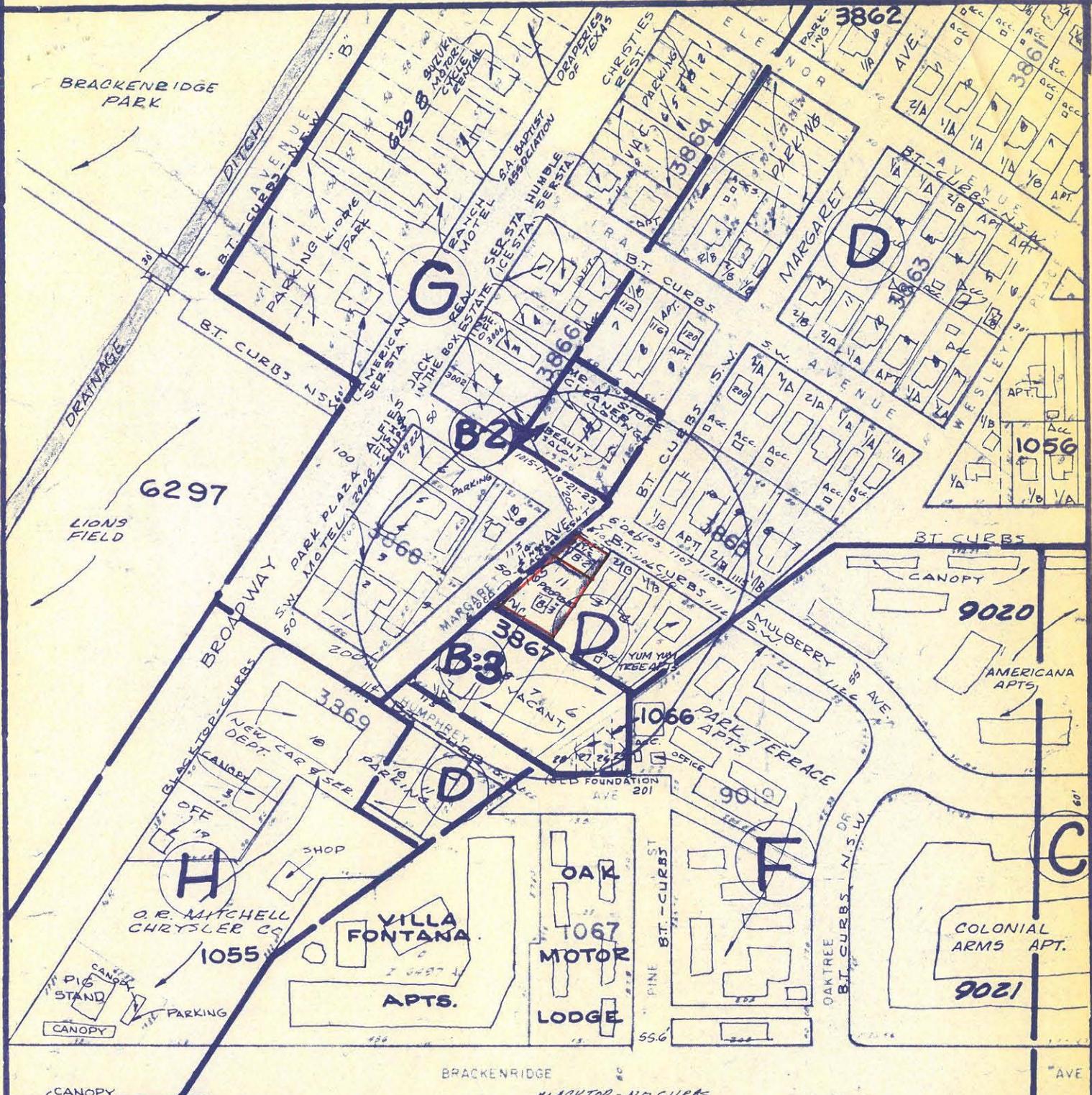
(1) The property in question is located south of the intersection of Mulberry Avenue and Margaret Street. (2) There is "B-2" Business zoning to the north of subject property; "B-3" Business zoning is to the south and "G" Local Retail District is to the west of the property in question. (3) Even though there are existing apartments, adjacent to subject property, residential development would not be continued. (4) Two property owners who were formerly in opposition to the requested change in zoning have withdrawn their opposed feelings.

Other Recommendations:

A non-access easement is to be provided on the northeast property line. Also, the proponent has stated that a 6' solid screen fence would be erected between the property owned by the applicant and the property owned by Mrs. Mary Stuart Loper. The proponent is to work with the Traffic Department for adequate and sufficient access to the property in question. Proper replatting is to be accomplished.

RESULTS OF NOTICES FOR COUNCIL HEARING.

(To be provided at Council hearing.)



CANOPY
 3592
 CARS
 J
 BRACKENRIDGE
 BLACKTOP - NO CURBS
 FORT SAM HOUSTON
 A-48
 BARRACKS

ZONING CASE 4117
 REQUESTED ZONING CHANGE
 FROM "D" APT. DIST. TO "B-2" & "B-3" BUS. DIST.
 DATE FEB. 1971
 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 ~~one of~~ ^s the publishers 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 39265 (Case No. 4117) hereto attached has been published in

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

February 19, 19 71

AN ORDINANCE 39265

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

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

PASSED AND APPROVED this 18th day of February 1971.

DR. HERBERT CALDERON
Mayor Pro-Tem

ATTEST:
G. V. JACKSON, JR.
Asst. City Clerk

Mrs. Charles D. Treuter

Sworn to and subscribed before me this 19th day of February, 19 71

Ernest C. Carrol

Notary Public in and for Bexar County, Texas
Ernest C. Carrol

DISTRIBUTION

DEPARTMENT	DATE	ORD. OR RESOL.	CONTRACT
AVIATION DIRECTOR			
BUDGET			
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CITY WATER BOARD			
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PARKS & REC. DIR.			
PERSONNEL DIRECTOR			
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PRESS ROOM			
PUBLIC INFORMATION			
PUBLIC WORKS DIR.			
TRAFFIC & TRANS. DIR.			

REMARKS:

ITEM NO. _____

Case 4117

MEETING OF THE CITY COUNCIL DATE: _____

MOTION BY: *Jones* SECONDED BY: _____

ORD. NO. _____ ZONING CASE *4117*

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
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FELIX B. TREVINO PLACE NO. 7			
EDWARD H. HILL PLACE NO. 8			
PETE TORRES, JR. PLACE NO. 9			

BRIEFED BY: _____

ADDITIONAL INFORMATION:

*Substitute motion
Motion to postpone
Case 1 month to
notify Villa Montana
appt
Withdraw*