

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 21, 1976.

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The meeting was called to order at 8:00 A. M., by the presiding officer, Mayor Pro-Tem Phil Pyndus, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN: Absent: COCKRELL.

76-49 The invocation was given by The Reverend Claude W. Black.

76-49 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

76-49 RESOLUTION ON BINGO

The following discussion took place:

MAYOR PRO-TEM PHIL PYNDUS: Do we have any people signed up for this item?

MR. RICHARD TENIENTE: Mr. Chairman, we do have some people that would talk if necessary. The thing that I stressed to some of the citizens, some of the Church representatives, some of the legal representatives from the Churches, is that this was normally designated, the third Thursday was normally designated as Zoning Day and for that reason, I would hope that whatever discussion would be had, if at all necessary, would be limited to Council. They are certainly welcome to speak if they so desire. I just don't want to drag this particular issue and inconvenience the people who have come here for zoning. So, if that be the case, unless someone wants to speak, I'd like to direct a few remarks about this particular Resolution to Council. And, that is, that at no time in the discussions that I've had with these folks and with some of our City staff are we - or am I or some of the people supporting this on Council are saying to the staff, police and all not to enforce the law. The problem is that they, according to the Resolution that was presented, that this particular case is under appeal, and the Resolution that I would like to recommend that we pass is to direct staff to explore the extent of legal possibility to allow Bingo activities to be conducted for the duly organized Churches under the supervision of the Church pastor or Church custodian until the final Court judgment by the Texas Court is settled. And that is the extent of this particular Resolution. It is not in any way to open up the doors of evil and permit promiscuous gambling and lottery and the entire thing throughout the City. And this is my particular Resolution.

MAYOR PRO TEM PYNDUS: It was - now a Resolution normally requires a second and prior to receiving a second on your Resolution, I wanted the City Attorney to state the City's legal position in this matter. I think that if the Council is to take any action that it should know the legal implications involved.

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Mr. Parker, would you give us the staff opinion with reference to the effects of the current law on Bingo and then the second discussion covering this Resolution. The Resolution in itself appears to have some illegal connotation, and I'm wondering if you could cover both the Resolution and the current law?

CITY ATTORNEY JAMES PARKER: All right, sir. The current law under the State Constitution, the present existing State Constitution of Article 3, Section 47

MAYOR PRO-TEM PYNDUS: Mr. Parker, pardon me, would you read the caption first, Mr. Jackson?

The Clerk read the following Resolution:

A RESOLUTION
NO. 76-49-80

DECLARING THE CITY COUNCIL'S SUPPORT TO EXPLORE ALL LEGAL MEANS TO ALLOW BINGO ACTIVITIES TO BE CONDUCTED BY DULY ORGANIZED CHURCHES UNDER THE SUPERVISION OF A CHURCH PASTOR OR CHURCH CUSTODIAN PENDING A FINAL COURT JUDGMENT BY A TEXAS COURT OF COMPETENT JURISDICTION THAT BINGO IS A LOTTERY PROHIBITED BY ARTICLE 3, SECTION 47, OF THE TEXAS CONSTITUTION.

CITY ATTORNEY PARKER: All right, what I was talking about there is Article 3, Section 47 of the Texas Constitution prohibits all lotteries or directs the legislatures to enact statutes prohibiting lotteries. In this regard, the Texas legislature has enacted various statutes over the years. Sometime in 1971 the legislature attempted to pass a statute that would authorize certain charitable organizations, non-profit organizations to conduct Bingo activities or raffles. The Court of Criminal Appeals in the Tussey versus State case, it was decided by the presiding judge of the Court of Criminal Appeals held that that particular provision was unconstitutional. That no lottery could be authorized by the legislature of any kind.

All right, the basic, you have three basic elements in a lottery. A lottery is a generic name. You have three basic elements. You have a consideration to participate in the game; you have a prize that's awarded; and you have that prize that is awarded on the basis of chance. If you have those three elements, you have a lottery. There are different cases that have never been a direct, in effect, a really direct conviction or that Bingo, per se, is illegal. There are indications that Bingo is a lottery.

Now, you have in the Mobil Oil case, it was decided by the Fourth Court of Civil Appeals some years back in regard to T. V. Bingo type situation and in that particular case the Courts found that it was not one that came within the prohibitions of either the Criminal or the Constitution in that there was no consideration paid for the participation in the game. So, if you have any one of the three elements missing then you don't have a lottery. And in that particular case there was a dissent to that case by the then Justice of the Fourth Court that was Judge Polk who is now Supreme Court Justice, and he held in that particular case, he thought there was consideration. In any event, that Mobil Oil case will stand for the proposition unless you have all three of the elements that Bingo per se is not illegal or would be one that would be prohibited. So, to that degree when you say Bingo you have to really know the elements that the game is really being conducted under. Because you could have a legal Bingo, and you could have an illegal Bingo.

Now, to make it where you have the three elements that coalesce that all three together you would have to have a Constitution Amendment to make that legal. At the present time, the legislature, in my opinion, would be completely beyond their scope of authority to enact any legislation in that area particularly in view of the prior case of Tussey versus State.

MAYOR PRO-TEM PYNDUS: Now, with reference to the Resolution that was placed on the agenda this morning, Mr. Parker. Have you had an opportunity to review it?

CITY ATTORNEY PARKER: Yes, sir. I wrote it.

MAYOR PRO-TEM PYNDUS: Would you give us your opinion on it, please.

CITY ATTORNEY PARKER: It would merely direct that the City staff explore all legal possibilities as to how these organizations could continue. And one of them as I have suggested already would be that they not sell or take any consideration for their cards and, therefore, one of the elements would be missing. They could accept donations, but as long as they do not accept consideration for the participation of cards they would not have an illegal activity of one that would be prohibiting either by Section 4702 or 4703 of the Penal Code or it would become within the prohibition of the State Constitution.

MAYOR PRO TEM PYNDUS: As I understand the Resolution, it is declaring the City Council's support to explore all legal means.

CITY ATTORNEY PARKER: Right.

MAYOR PRO-TEM PYNDUS: Would this take a Resolution? If we had requested City staff to make this search

CITY ATTORNEY PARKER: That would be a policy matter for the Council.

MAYOR PRO TEM PYNDUS: Mr. Billa had his hand up, and then Mr. Hartman.

MR. BOB BILLA: I think that, of course, a Resolution must have some purpose or there would be no reason for even acting on a document of this type. Personally, I see nothing wrong in the Resolution, it's not suggesting or asking any of our police officers or any of the enforcement agencies of the City to do an illegal act. It is merely suggesting that they try to find means to permit something that has been happening and was not enforced prior to some action of the Court and I have varying opinions from different attorneys and, of course, I am going to go on the strength of what our City Attorney has, he has written this document, he seems to indicate there would be no legal or violation of the law by passing this Resolution, and I think it's merely a support of organizations which think they are doing a service to the City, and I would see no problem with it and I would certainly second Mr. Teniente's motion to approve the Resolution.

MAYOR PRO TEM PYNDUS: Mr. Hartman.

MR. GLEN HARTMAN: Mr. Pyndus, thank you. I think that one of the big concerns about this whole Bingo hassle for years has been the uncertainty there seems to be, at least it has been an uncertainty in the minds of most people as to what can or cannot be done. I think the, this Resolution addresses that inasmuch as it does address a specific exploration of the legality or the extent to which it can be conducted. I am wondering Mr. Parker, with regard to that aspect of it, as long as a donation is asked for, for example, in the Bingo game, but not demanded, that's within the defined law.

CITY ATTORNEY PARKER: That, in my opinion, would not be any violation because it is purely voluntary. There is no consideration that has been actually given at that point, it would be one of the three elements that would be missing if there was no consideration. They could have a prize, and it could be awarded by chance, but as long as there are no consideration to participate in the game, then you don't have a lottery that's prohibited by law.

MR. HARTMAN: But you could ask for a specific amount, for example. You could say, donations of fifty cents is requested.

CITY ATTORNEY PARKER: You could ask for a donation of \$100, but whether anybody gave it or not, it immaterial. As long as they did not demand or did not require that they give a donation to participate.

MR. HARTMAN: The point is that you wouldn't demand it prior to letting them play. If they didn't want to pay it, they could go on in and take part. With regard to prizes, there was a lot of confusion, I know during this previous exercise. I don't guess there's anything in Texas law or Constitution that is this confusing that I know of. I am sure there are others but, the question as to whether or not prizes could be in the form of money, there is no problem in that regard.

CITY ATTORNEY PARKER: No, it, the, it would be anything of value.

MR. HARTMAN: Anything of value. It could be prizes in the form of whatever, as well as actual dollars.

CITY ATTORNEY PARKER: It could be anything of value.

MR. HARTMAN: Okay, so actually, what we are doing here in effect is drawing attention to the staff to the difficulty with the problem, with Bingo and asking the staff precisely to delineate what are the perimeters within which it could be played. So, I think that is a forward step over and above what we had before basically just to eliminate the confusion.

CITY ATTORNEY PARKER: And there may be other methods that, or other schemes or something else, I am not familiar with right now. But, that is one and I would say, to give my legal opinion, is not a lottery or would not become within the penal law.

MR. HARTMAN: One last question, if I may, Mr. Pyndus, with regard to the Dallas case your position is that that is not in litigation, or that is not in the appeal process.

CITY ATTORNEY PARKER: That is a peculiar case. That particular case was an appeal by the State to the Dallas Court of Civil Appeals from a granting of a temporary injunction by the Trial Court, and the reason that the State appealed in that particular case was that the injunction did not go to the full extent of the relief that they asked for in the temporary injunction. The Appellate Court to, agreed with the State, as the appellant in that particular case that the Trial Court had erred in not granting full release that was asked for in the Trial Court. And to do that, they, in effect, had to really write an advisory opinion on the merits of the entire case and which they did. That opinion they then, the Court dissolved, so to speak, or reversed, actually they said they reversed it and rendered. They then issued, the Court of Civil Appeals, issued a full injunction restraining the AM Vets and their families or anybody else from participating in a Bingo scheme where there was consideration given for the cards where they was a prize, it was purely by chance. That opinion, contrary to other legal opinions, I do not think will be appealed to the Texas Supreme Court because the Texas Supreme Court dismissed for

want of jurisdiction. So, that case will go back to the Trial Court for the permanent injunction here in the Appellate Court rather chastised the State in that particular case for not proceeding for the permanent injunction to start with so they wouldn't have to, in the event that the AM Vets in Dallas wanted to appeal it that it would have to come back up to that Court again.

MR. HARTMAN: So, what you're, in effect, saying then is that the, any appeal or any appellate action would have to be with regard to the penal code out of the initial

CITY ATTORNEY PARKER: Well, it's possible that that case could come back up to the Fifth Circuit, to the Fifth Court of Civil Appeals again. I would really doubt it, in view of the language in that opinion, but that, again, is the defendants' option in that particular cause. If I was an attorney representing it, I'd say, give them legal advice that they have no chance whatsoever in that particular Court. Now, if locally

MR. HARTMAN: I'd like to say that in view of the fact that this Resolution, I think it does accomplish, I think, a worth, very worthwhile objective and that is to seek a bit of light versus an awful lot of cloudy smoke we have for years in this thing, I think that it certainly seems to do that, I would certainly be in favor of it.

MAYOR PRO-TEM PYNDUS: Mr. Rohde.

MR. AL ROHDE: Mr. Mayor, I have some reservations about the Resolution, the way it's written, because I think it's a very discriminatory document. It has discriminated against the veterans' organizations of the City who are present here today. It does not include them, and I ask the question, why? It has discriminated against other non-profit groups who run Bingo on the same idea of fund-raising and things of this sort, like the senior citizens, the Eagle Organizations and things of this sort that really are involved in Bingo for worthwhile civic causes, and I ask the question, why were they deleted?

Also, I am very concerned that, a gentlemen came to my office the day before yesterday and said, "Mr. Rohde, do you want to run legal Bingo games?" and I said, "Well, I'm not a Bingo player, but I'm certainly not against Bingo." He said, "well I could sell you a card here for \$2.00 or I can ordain you to be a properly ordained minister in a Church and at that moment you can set up a Church for \$2.00 and go ahead and run legal Bingo games in the City of San Antonio if you support an Ordinance like this, or if the enforcement is lax on these type of organizations". I said, "well, that's astounding information receive". And I did not realize that was possible.

The next problem that I have, in this Ordinance, is what is a duly organized Church. And this is a question that lingers in my mind to support an Ordinance like this.

But, the big concern that I have, Mr. Mayor, and the Chief of Police is here, and I'd like to ask Chief Peters if he'd come up to the microphone, please.

MR. HARTMAN: Were you ordained?

MR. ROHDE: Not yet. Chief, I'm reviewing your memo to the Council of October 7, 1976 where you had written a memo to the Council and you said, "There's no way that I can give permission to any organization or individual to continue to violate the law now that the Court has taken this position". You're talking about the Bingo, and we're talking about the groups and so forth. This morning we have before us a Resolution only

asking that the staff explore the extent legally possible for, to allow Bingo activities conducted by duly organized Churches under the supervision of a Church pastor or Church custodian pending a final Court judgment by Texas Court of competent jurisdiction that Bingo is a lottery prohibited by Article 3, Section 47 of the Texas Constitution. My question to you, as our Chief of Police, would you continue to enforce the law if this Council passes this Ordinance? Passes this Resolution?

CHIEF E. E. PETERS: I'm kind of caught in a switch here

MR. ROHDE: I realize that.

CHIEF PETERS: Certainly I take direction from the Council, the Council sets policy, and I take direction from the Council through the Manager. And I think what they're speaking of or directing their Resolution toward, is maybe a period of time to clarify some matters and

MR. ROHDE: Really, our Resolution doesn't address itself to that issue, that's the issue that I don't want to be hidden in this Ordinance or this Resolution. In other words, we do not ask that you withhold legal enforcement of the Bingo law, there's no way it says that. I just wondered if that's intended or not intended, that's what I'm asking very clearly that, in other words, I want to support this Resolution, but I want to know what I'm supporting.

CHIEF PETERS: Well, I've found myself in a difficult position and would probably would still be in a difficult position to tell anyone that it was okay to play Bingo. I believe that I would just have to be mute on the subject. It's illegal as I see it. If there's a case that comes to my attention, I'll

MR. ROHDE: My next question would be to the City Attorney, isn't there, what is the procedure of a sworn duty officer to comply with the law? Will you review that for Council?

CITY ATTORNEY PARKER: It would be a violation of law for a Police Officer that observes any penal offense within his presence to fail to take action, and it would also be possibly disciplinary, or could be also the disciplinary action within the Police Department itself.

MAYOR PRO-TEM PYNDUS: Mr. Raffety had something he would like to add, Mr. Rohde.

CITY MANAGER THOMAS RAFFETY: If when, Mr. Mayor

MAYOR PRO-TEM PYNDUS: Stay with us, Chief Peters, stay with us, please.

CITY MANAGER RAFFETY: It would not only be improper, it would be totally illegal for the Chief of Police to accept an order not to enforce the law. It would not only be improper; it would be totally illegal for the City Council or any Administrator of the City to instruct the Chief of Police not to enforce the law. I think that is a basis from which we must proceed.

MAYOR PRO-TEM PYNDUS: Mr. Raffety, the points that Mr. Rohde has brought out are pretty pertinent. He has asked what effect will this Resolution have on Chief Peters following the law. Now if this Resolution has no effect the question is very pertinent.

MR. RAFFETY: Yes, sir, the Resolution would have no effect on whether the Chief of Police enforced or did not enforce the law. The Resolution speaks directly, and specifically, to staff, to explore all legal means under which Bingo games might be held. The City Attorney has spoken to

that, and if I may we might compare to the three elements required to start a fire. You must have heat; you must have fuel, you must have oxygen. If anyone of those is missing, there is no fire. The City Attorney has said you must have to have a game of chance, a lottery; you must have consideration or pay for the privilege of participating; you must have chance of the element of luck; and you must have a reward or a prize. If any of those are missing, by the same token, you have no lottery. It has been suggested by the City Attorney that in lieu of payment there might be a more legal means, if it were a matter of donation, not a required donation. Subterfuge might be if you don't give a donation, you don't get a card, that is purely a subterfuge. Donations were accepted that people were allowed to participate without the requirement of a donation, you would not have a lottery, am I correct?

CITY ATTORNEY PARKER: That's correct.

MAYOR PRO TEM PYNDUS: If I may, if I may get the, if I may get the implication of the Resolution. And I would appreciate the patience of the Council.

MR. TENIENTE: I've had my hand up for about 20 minutes.

MAYOR PRO-TEM PYNDUS: While we're clarifying, you'll be the first to speak, Mr. Teniente. There are some people in the audience that will feel they will have some relief if this Resolution is passed. The Chief of Police is before us, and he intends to carry out the law, the legal law. Now, if this Resolution is passed will the people named in the Ordinance receive any relief? What is the effect of this Ordinance on Bingo in this City, and that's the question I'm asking.

CITY MANAGER RAFFETY: It has none whatsoever, sir.

MAYOR PRO TEM PYNDUS: Mr. Teniente.

MR. TENIENTE: Mr. Chairman and some Council, I think from the very beginning we've made it quite clear that we were not going to direct, directly or indirectly, pose any problems to our Police Chief that would obstruct the law that would move away from the enforcement of any and all Ordinances and laws that the professional police officer and his staff are certainly obligated to uphold. The simple Resolution here, in the last caption, just addresses itself to that which our City Manager pointed out and that is to direct staff to explore the extent of legal possibilities of allowances of Bingo activities, to add or to try to make more of this than what it is would be a way of trying to, again, cloud up the issue and create more problems. I am ready for a vote on this and if it fails, we have tried and we will do something else, but I would like to just call for the question.

MAYOR PRO TEM PYNDUS: Reverend Black.

REV. CLAUDE BLACK: It matters that in the Courts regarding their legality, it seems to me that unless there is some mandate from the citizenry, Council is inappropriately relating itself to the intent of that law and the intent and that is on the side of - on a specific side of the controversy that's in Court.

Now my objections to this, it says to explore, extent, legally possible, it doesn't say, it isn't weighing the evidence, it's taking a side. It's expressing the intent of this Council. This Council has decided that Bingo should be played in the City. I don't know whether or not we have that position has been made clear by the citizenry, even though it's practiced. So, I could not - I do not want the intent of this Council to be placed on one side or the other. So, therefore, I could not

support this Resolution because of its effort to define intent. It is saying not that we hope that the Courts will resolve the issue. It's saying we're throwing our strength behind the legal possibility of Bingo, as I understand the conclusion of the Resolution. Now to explore the extent legally possible for the allowance of Bingo activities conducted by duly organizations. In other words, what's the legal possibility of it? Now, I cannot under those circumstances, vote for the Resolution.

MAYOR PRO TEM PYNDUS: Mr. Billa.

MR. BOB BILLA: I think that what Reverend Black says makes a good point, but I think that if the majority of this Council felt that they wanted paramutual betting or horseracing, it is done in other States legally, and we could take a stand on it. So, I see no difference here, and if he wants to vote against it, well, that's fine. I would support it. I don't think it's an illegal act, it's just asking for some means to be provided for something that's been going on, and if the Courts resolve that it's not possible, why, naturally, they'll have to suspend these operations.

MR. ROHDE: Yes, Mr. Mayor, I'd like to propose an amendment to this Resolution. is that we include two words that it would include legally constituted veteran groups and legally constituted non-profit organizations. And I ask a second from Council on that.

MR. HARTMAN: I would second that with the idea of getting clarification again here from the City Attorney on that particular issue. I'll second it for the purpose of discussion.

MAYOR PRO TEM PYNDUS: The request was made, Mr. Parker, to add the words, legally constituted non-profit organizations and legally constituted veteran organizations, is that the amendment?

MR. ROHDE: That's correct.

CITY ATTORNEY PARKER: It wouldn't have any real effect on it in my opinion.

MR. HARTMAN: With the intent of the Resolution.

CITY ATTORNEY PARKER: No, because anybody that's doing anything illegally would still be subject to the violation. As long as they stay legally, well, it is not a violation of the State law, then they've got nothing to worry about.

MR. HARTMAN: I would think then that that would be a very worthwhile addition inasmuch as it would identify other organizations. I think that if I may, Mr. Mayor, just to respond very briefly to Reverend Black's point, there's only one word in here, I think that is crucial to the concern you have and that's the word legally. It is in effect a direction to explore the legal evidence available, and all be it, I grant you, it recognizes intent but as long as those intents are within the legal bounds, I have no discomfort or heartburn with that motion.

MAYOR PRO TEM PYNDUS: Is there any more discussion before we vote on the amendment? Would you call the roll, please, Mr. Jackson?

CITY CLERK JACKSON: This is the motion on the amendment to add those words.

ROLL CALL VOTE: AYES: Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Black; ABSTAIN: None; ABSENT: Cockrell.

CITY CLERK JACKSON: Motion carried.

MAYOR PRO TEM PYNDUS: We will now vote on the original Resolution as amended.

ROLL CALL VOTE: AYES: Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Black; ABSTAIN: None; ABSENT: Cockrell.

CITY CLERK JACKSON: Motion carried.

Mr. Rohde: Chief, thank you for coming and hope I didn't - but I wanted to get that clear in my mind. It's my understanding that you will stick by this memo.

CHIEF PETERS: Yes, sir.

MR. ROHDE: Thank you.

76-49 The minutes of the meeting of October 14, 1976 were approved.

76-49 The following Resolution was read by the Clerk, and after consideration, on motion of Mr. Billa, seconded by Mr. Teniente, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Nielsen, Cockrell.

A RESOLUTION
NO. 76-49-81

APPROVING HOLDING THE ELECTION FOR DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY AND THE EDWARDS UNDERGROUND WATER DISTRICT IN CONJUNCTION WITH THE PROPOSED CHARTER REVISION ELECTION ON JANUARY 15, 1977.

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76-49 The following Resolution was read by the Clerk:

A RESOLUTION
NO. 76-49-82

REAFFIRMING RESOLUTION NO. 76-28-39 OF JUNE 10, 1976 EXPRESSING OPPOSITION TO ANY CHANGE IN THE APPLICABILITY OF THE TEXAS WATER QUALITY BOARD'S EDWARDS AQUIFER ORDER.

Mr. Hartman read a prepared statement urging support of this Resolution, a copy of which is filed with the papers of this meeting.

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

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1. CASE 6666 - to rezone a 0.88 acre tract of land out of NCB 15723, being further described by field notes filed in the office of the City Clerk, in the 15300 Block of Judson Road, from "B-1" and "B-2" Business Districts to "R-1" Single Family Residential District; and a 1.412 acre tract of land out of NCB 15723, being further described by field notes filed in the office of the City Clerk, in the 15300 Block of Judson Road, from "B-2" Business District to "R-3" Multiple Family Residential District.

The "R-1" zoning is located on the northeast side of Judson Road; being 120' southeast of the intersection of Oak Country Way and Judson Road, having 100' on Judson Road and a maximum depth of 296.18'.

The "R-3" zoning is located on the northeast side of Judson Road; being 220' southeast of the intersection of Oak Country Way and Judson Road, having 210' on Judson Road and a depth of 242.22'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,273

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 0.88 ACRE TRACT OF LAND OUT OF NCB 15723, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 15300 BLOCK OF JUDSON ROAD, FROM "B-1" AND "B-2" BUSINESS DISTRICTS TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT; AND A 1.412 ACRE TRACT OF LAND OUT OF NCB 15723, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 15300 BLOCK OF JUDSON ROAD, FROM "B-2" BUSINESS DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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2. CASE 6626 - to rezone Lot 1, NCB 16115, in the 7000 Block of N. W. Loop 410 Expressway, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the southeast side of N. W. Loop 410 Expressway, being 1470' northeast of the intersection of N. W. Loop 410 Expressway and Culebra Road, having 600' on N. W. Loop 410 Expressway and a depth of 700'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,274

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, NCB 16115, IN THE 7000 BLOCK OF N. W. LOOP 410 EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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3. CASE 6658 - to rezone Lots 9 and 10, Block 1, NCB 8963, 730 - 734 Division Avenue, from "B" Two Family Residential District to "B-2" Business District, located on the south side of Division Avenue, being 400' east of the intersection of Commercial Avenue and Division Avenue, having 100' on Division Avenue and a depth of 125'.

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

No one spoke in opposition.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the south property line. 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: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 47,275

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 9 AND 10, BLOCK 1, NCB 8963, 730 - 734 DIVISION AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE.

* * * *

4. CASE 6612 - to rezone a 2.870 acre tract of land out of NCB 16584, being further described by field notes filed in the office of the City Clerk, 16500 Block of Nacogdoches Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District; and a 9.047 acre tract of land out of NCB 16584, being further described by field notes filed in the office of the City Clerk, 16500 Block of Nacogdoches Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District.

The "B-2" zoning is located 1546.46' northeast of the cutback at the intersection of Nacogdoches Road and F. M. 1604, being on the northwest side of Nacogdoches Road, having 500' on Nacogdoches Road and a depth of 250'.

The "B-3" zoning is located northeast of the cutback at the intersection of Nacogdoches Road and F. M. 1604, having 201.59' on F. M. 1604, 1546.46' on Nacogdoches Road and 66.61' on the cutback.

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

No one spoke in opposition.

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

AN ORDINANCE 47,276

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 2.870 ACRE TRACT OF LAND OUT OF NCB 16584, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 16500 BLOCK OF NACOGDOCHES ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND A 9.047 ACRE TRACT OF LAND OUT OF NCB 16584, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 16500 BLOCK OF NACOGDOCHES ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

5. CASE 6643 - to rezone Tracts 19-B and 23, NCB 14952, in the 11400 Block of I. H. 35 Expressway, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District; and Tracts 21 and 21-A, NCB 14952, in the 6000 Block of Randolph Blvd., from "B-1" Business District to "B-3" Business 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, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. 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: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

00044

AN ORDINANCE 47,277

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 19-B AND 23, NCB 14952, IN THE 11400 BLOCK OF I.H. 35 EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT; AND TRACTS 21 AND 21-A, NCB 14952, IN THE 6000 BLOCK OF RANDOLPH BLVD., FROM "B-1" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

6. CASE 6633 - to rezone Lots 184 and 185, Block 4, NCB 15730, 230 Dinn Drive, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the south side of Dinn Drive being 730' east of the intersection of I. H. 35 Expressway and Dinn Drive, having 150' on Dinn Drive and a depth of 150'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,278

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 184 AND 185, BLOCK 4, NCB 15730, 230 DINN DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

7. CASE 6631 - to rezone the southeast 300' of the northwest 600' of the southwest 130' of Tract E, NCB 12172, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; and the southwest 130' of the northwest 300' of Tract E, NCB 12172, 1988 Austin Highway, from "A" Single Family Residential District to "B-3" Business District.

Subject property is located on the southeast side of Austin Highway, being 670' southwest of the intersection of Lanark Drive and Austin Highway, having 130' on Austin Highway and 600' in depth. The "B-3" being on the northwest 300' and the "R-3" being on the remaining portion of subject property.

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

No one spoke in opposition.

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

AN ORDINANCE 47,279

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 300'
OF THE NORTHWEST 600' OF THE SOUTHWEST
130' OF TRACT E, NCB 12172, FROM "A"
SINGLE FAMILY RESIDENTIAL DISTRICT TO
"R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT;
AND THE SOUTHWEST 130' OF THE NORTHWEST
300' OF TRACT E, NCB 12172, 1988 AUSTIN
HIGHWAY, FROM "A" SINGLE FAMILY RESIDENTIAL
DISTRICT TO "B-3" BUSINESS DISTRICT,
PROVIDED THAT PROPER REPLATting IS
ACCOMPLISHED.

* * * *

8. CASE 6646 - to rezone Lots 12 and 13 save and except the south 588', NCB 12116, 2400 Block of N. E. Loop 410 Expressway, from "A" Single Family Residential District to "B-2" Business District; and the south 588' of Lots 12 and 13, out of NCB 12116, 2400 Block of N. E. Loop 410 Expressway, from "A" Single Family Residential District to "B-3" Business District.

The "B-2" zoning is located on the north side of N. E. Loop 410 Expressway, being 636.10' east of the intersection of Starcrest Drive, and N. E. Loop 410 Expressway, being 588' north of N. E. 410 Expressway, having a maximum width of approximately 580' and a depth of 500'.

The "B-3" zoning is located on the north side of N. E. Loop 410 Expressway being 636.10' east of the intersection of Starcrest Drive and N. E. Loop 410 Expressway, having 580.61' on N. E. Loop 410 Expressway and a depth of 588'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,280

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 12 AND 13 SAVE AND EXCEPT THE SOUTH 588', NCB 12116, 2400 BLOCK OF N. E. LOOP 410 EXPRESSWAY, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND THE SOUTH 588' OF LOTS 12 AND 13, OUT OF NCB 12116, 2400 BLOCK OF N. E. LOOP 410 EXPRESSWAY, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

9. CASE 6614 - to rezone Parcels 51-A, and 51-B, save and except the northeast 500', NCB 13667, 9500 Block of Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; and the northeast 500' of Parcels 51-A and 51-B out of NCB 13667, 9500 Block of Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District.

The "R-3" zoning is located on the southwest side of Fredericksburg Road, being 1278.4' southeast of the intersection of Eckert Lane and Fredericksburg Road, being 500' southwest of Fredericksburg Road, having a maximum width of approximately 190' and a maximum depth of 595'.

The "B-2" zoning is located on the southwest side of Fredericksburg Road being 1278.4' southeast of the intersection of Eckert Lane and Fredericksburg Road, having 218' on Fredericksburg Road and a depth of 500'.

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

Mr. Charles B. Miller, the applicant, stated that he would have preferred the "B-3" change of zone rather than the "B-2" and would agree to a 30 day postponement of his case.

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

Case 6614 was postponed for 30 days.

10. CASE 6637 - to rezone a 28.734 acre tract of land out of NCB 15328, being further described by field notes filed in the office of the City Clerk, in the 6600 Block of Ingram Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located southwest of the cutback between Ingram Road and Loop 410 Expressway, having 1912.85' on Ingram Road, 1837.21' on Loop 410 Expressway and 68' on the cutback between these two right-of-ways.

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

No one spoke in opposition.

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

AN ORDINANCE 47,281

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 28.734 ACRE TRACT OF LAND OUT OF NCB 15328, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 6600 BLOCK OF INGRAM ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

11. CASE 6070 - to rezone Tracts 10-A, 10-A1, 10-A2, 10-B, 10-C, and 1-C, NCB 11186, 7100 and 7200 Blocks of Somerset Road, from "B" Two Family Residential District to "B-3" Business District, located northeast of the intersection of Somerset Road and Palo Alto Road, being 80' southwest of the cutback between S. W. Military Drive and Somerset Road, having a total of 1320' on Somerset Road, 230' on Palo Alto Road and a maximum depth of 1230'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,282

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 10-A, 10-A1, 10-A2, 10-B, 10-C, AND 1-C, NCB 11186, 7100 AND 7200 BLOCKS OF SOMERSET ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

12. CASE 6417 - to rezone Lot 1, Block 2, NCB 14862, 6400 Block of Melissa Lane, from "R-3" Multiple Family Residential District to "B-2" Business District, located northeast of the cutback between Melissa Lane and Babcock Road, having 266.2' on Melissa Lane, 150' on Babcock Road and 70.8' on the cutback between Melissa Lane and Babcock Road.

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

Mayor Pro-Tem Pyndus stated that the staff had recommended denial of this request, and spoke in opposition to the recommendation of the Zoning Commission approval.

No citizen appeared to speak in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper platting is accomplished. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Billa; ABSENT: Cockrell.

AN ORDINANCE 47,283

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 2, NCB 14862, 6400 BLOCK OF MELISSA LANE, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

13. CASE 6629 - to rezone a 0.392 acre tract of land out of NCB 15650, being further described by field notes filed in the office of the City Clerk, in the 5500 Block of Evers Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the northeast side of Evers Road, being 1080.47' southeast of the intersection of Wurzbach Road and Evers Road, having 89.70' on Evers Road and a maximum depth of 110'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,284

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 0.392 ACRE TRACT OF LAND OUT OF NCB 15650, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 5500 BLOCK OF EVERS ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

14. CASE 6634 - to rezone a 0.440 acre tract of land out of NCB 13008, being further described by field notes filed in the office of the City Clerk, in the 1900 Block of Babcock Road, from "A" Single Family Residential District to "O-1" Office District, located south of the intersection of E. Beverly Mae Drive and Babcock Road, having 175.71' on Babcock Road and a maximum depth of 192.05'.

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

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the southeast and southwest property lines. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Hartman, Cockrell.

AN ORDINANCE 47,285

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 0.440 ACRE TRACT OF LAND OUT OF NCB 13008, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 1900 BLOCK OF BABCOCK ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHEAST AND SOUTHWEST PROPERTY LINES.

* * * *

15. CASE 6627 - to rezone an 81.169 acre tract of land out of NCB 13663, being further described by field notes filed in the office of the City Clerk, in the 4800 thru 5200 Blocks of Medical Drive, from Temporary "A" Single Family Residential District and "A" Single Family Residential District to "B-2" Business District, located on the south side of Medical Drive, between Babcock Road and Wurzbach Road, having 3181.96' on Medical Drive, 1879.99' on Babcock Road and 1542.81' on Wurzbach Road.

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

No one spoke in opposition.

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

AN ORDINANCE 47,286

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 AN 81.169 ACRE TRACT OF LAND OUT OF NCB 13663, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4800 THRU 5200 BLOCKS OF MEDICAL DRIVE, FROM TEMPORARY "A" SINGLE FAMILY

RESIDENTIAL DISTRICT AND "A" SINGLE FAMILY
RESIDENTIAL DISTRICT TO "B-2" BUSINESS
DISTRICT, PROVIDED THAT PROPER REPLATTING
IS ACCOMPLISHED.

* * * *

16. CASE 6628 - to rezone Lot 19, NCB 11619, in the 1900 Block of Babcock Road, from "R-3" Multiple Family Residential District to "B-2" Business District, located on the northeast side of Babcock Road, being 629.91' southeast of the intersection of Louis Pasteur Drive and Babcock Road, having 348.69' on Babcock Road and a maximum depth of 160'.

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

In response to Mayor Pro-Tem Pyndus, Mr. Camargo stated that the staff would have preferred the approval of "O-1" or "R-3" zoning rather than the introduction of business zoning in the middle of this block.

Mr. Teniente stated that he is familiar with the area and there is much business activity already present.

Mr. Pyndus spoke in opposition to the approval of this Ordinance based on staff's recommendation of intrusion of business in a residential area.

No citizen appeared to speak in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the northeast and southeast property lines. Mr. Teniente seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Billa; ABSENT: Black, Cockrell.

AN ORDINANCE 47,287

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 19, NCB 11619,
IN THE 1900 BLOCK OF BABCOCK ROAD, FROM
"R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT
TO "B-2" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED,
AND THAT A SIX FOOT SOLID SCREEN FENCE
IS ERECTED AND MAINTAINED ALONG THE
NORTHEAST AND SOUTHEAST PROPERTY LINES.

* * * *

17. CASE 6645 - to rezone the southwest 200' of Lot 39, Block 1, NCB 12811, in the 7200 Block of Louis Pasteur Drive, from "D" Apartment District to "B-2" Business District, located east of the intersection of Babcock Road and Louis Pasteur Drive, having 248.17' on Babcock Road and 200' on Louis Pasteur 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 proper platting is accomplished. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

AN ORDINANCE 47,288

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST 200' OF LOT 39, BLOCK 1, NCB 12811, IN THE 7200 BLOCK OF LOUIS PASTEUR DRIVE, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

18. CASE 6622 - to rezone a 3.127 acre tract of land out of NCB 12190, being further described by field notes filed in the office of the City Clerk, in the 4700 Block of Walzem Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located 178.91' southwest and 55.67' southeast of the cutback between Walzem Road and I. H. 35 Expressway, having 161.48' on Walzem Road and 132.50' on I. H. 35 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, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. 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: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

AN ORDINANCE 47,289

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 3.127 ACRE TRACT OF LAND OUT OF NCB 12190, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4700 BLOCK OF WALZEM ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

19. CASE 6623 - to rezone a 1.157 acre tract of land out of NCB 16069, being further described by field notes filed in the office of the City Clerk, in the 4700 Block of Manitou Drive, from "B-1" Business District to "B-3" Business District, located on the northeast side of Manitou Drive, being 250' northwest of the intersection of Callaghan Road and Manitou Drive, having 215.83' on Manitou Drive and a maximum depth of 234.84'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,290

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.157 ACRE TRACT OF LAND OUT OF NCB 16069, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "B-1" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

20. CASE 6625 - to rezone a 22.777 acre tract of land out of NCB 14862, being further described by field notes filed in the office of the City Clerk, in the 6400 Block of De Zavala Road, from "R-A" Residential-Agriculture District to "R-A" Residential-Agriculture District for a horse training facility located off the east side of De Zavala Road approximately 40' north of the intersection of De Zavala Road and Babcock Road, being an irregular tract of land lying 540.12' east of De Zavala Road, with a maximum width of 1340.43' and a maximum depth of 1530'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,291

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 22.777 ACRE TRACT OF LAND OUT OF NCB 14862, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 6400 BLOCK OF DE ZAVALA ROAD, FROM "R-A" RESIDENTIAL-AGRICULTURE DISTRICT TO "R-A" RESIDENTIAL-AGRICULTURE DISTRICT FOR A HORSE TRAINING FACILITY, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

21. CASE 6647 - to rezone Lot 27, Block 87, NCB 3252, in the 1300 Block of Summit Avenue, from "B" Two Family Residential District and "J" Commercial District to "I-1" Light Industry District, located south of W. Summit Avenue between I. H. 10 Expressway and the Southern Pacific Railroad R.O.W., having 174.16' on W. Summit Avenue, 554.05' on I. H. 10 Expressway and 544.06' on the Southern Pacific Railroad R.O.W.

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

AN ORDINANCE 47,292

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 27, BLOCK 87,
NCB 3252, IN THE 1300 BLOCK OF SUMMIT
AVENUE, FROM "B" TWO FAMILY RESIDENTIAL
DISTRICT AND "J" COMMERCIAL DISTRICT TO
"I-1" LIGHT INDUSTRY DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

22. CASE 6663 - to rezone Lots 67 thru 70, Block 70, Block 8, NCB 6542, 637 W. Hildebrand Avenue, from "F" Local Retail District to "B-3" Business District, located northeast of the intersection of Hildebrand Avenue and Beacon Avenue, having 100' on Hildebrand Avenue and 115' on Beacon 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. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the north property line. Mr. Teniente seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

AN ORDINANCE 47,293

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 67 THRU 70,
BLOCK 8, NCB 6542, 637 W. HILDEBRAND
AVENUE, FROM "F" LOCAL RETAIL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED,
AND THAT A SIX FOOT SOLID SCREEN FENCE
IS ERRECTED AND MAINTAINED ALONG THE
NORTH PROPERTY LINE.

* * * *

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23. CASE 6648 - to rezone Lots 28 and 29, Block 4, NCB 6310, 2503 W. Martin Street, from "GG" Local Retail District to "B-3" Business District, located northeast of the intersection of W. Martin Street and N. Cibolo Street, having 59.8' on N. Cibolo Street and 113' on W. Martin Street.

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

No one spoke in opposition.

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

AN ORDINANCE 47,294

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 28 AND 29,
BLOCK 4, NCB 6310, 2503 W. MARTIN
STREET, FROM "GG" LOCAL RETAIL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

24. CASE 6632 - to rezone Lot 7, Block 6, NCB 11722, 11218 - 11222 Bel Air Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the southeast side of Bel Air Drive, being 120' southwest of the intersection of Silver Oaks Drive and Bel Air Drive, having 120' on Bel Air Drive and a depth of 150'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,295

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 7, BLOCK 6,
NCB 11722, 11218 - 11222 BEL AIR DRIVE,
FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "R-3" MULTIPLE FAMILY RESIDENTIAL
DISTRICT.

* * * *

25. CASE 6660 - to rezone Lot 69, Block 3, NCB 11967, 607 E. Ramsey Road, from "A" Single Family Residential District to "B-3" Business District, located on the north side of E. Ramsey Road, being 490' east of the intersection of Plymouth Avenue and E. Ramsey Road, having 70' on E. Ramsey Road and a maximum depth of 358'.

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

No one spoke in opposition.

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

AN ORDINANCE 47,296

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 69, BLOCK 3,
NCB 11967, 607 E. RAMSEY ROAD, FROM
"A" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT.

* * * *

26. CASE 6652 - to rezone Tracts C, D, and E, NCB 12179, 2652 Austin Highway, from "A" Single Family Residential District to "B-3" Business District, located between Austin Highway and Walzem Road, being 380' northeast of the cutback between Austin Highway and Walzem Road, having 239.4' on Austin Highway and 239.4' on Walzem Road with a maximum distance of 447.7' between Austin Highway and Walzem Road.

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

No one spoke in opposition.

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

AN ORDINANCE 47,297

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 C, D, AND E,
NCB 12179, 2652 AUSTIN HIGHWAY, FROM
"A" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

27. CASE 6659 - to rezone Lot 16, NCB 7883, 603 W. Southcross Blvd., from "B" Two Family Residential District to "B-3" Business District, located northwest of the intersection of Southcross Blvd. and Commercial Avenue, having 105.63' on Commercial Avenue and 51.38' on Southcross Blvd.

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

No one spoke in opposition.

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

AN ORDINANCE 47,298

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 7883, 603 W. SOUTHCROSS BLVD., FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

28. CASE 6657 - to rezone the remaining portion of Tract A, Block 12, NCB 12040, 6635 Pecan Valley Drive, from "F" Local Retail District to "B-3" Business District, located on the northeast side of Pyle Road between I. H. 37 Expressway and Pecan Valley Drive, having 293.51' on Pyle Road, 74.61' on Pecan Valley Drive and a total of 278.08' on I. H. 37 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, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a non-access easement is imposed along the north 120' of the subject property along Pyle Road. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Teniente, Nielsen; NAYS: None; ABSENT: Black, Rohde, Cockrell.

AN ORDINANCE 47,299

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE REMAINING PORTION OF TRACT A, BLOCK 12, NCB 12040, 6635 PECAN VALLEY DRIVE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A NON-ACCESS EASEMENT IS IMPOSED ALONG THE NORTH 120' OF THE SUBJECT PROPERTY ALONG PYLE ROAD.

* * * *

76-49 Councilman Al Rohde stated he would abstain from voting on the following two cases, Case 6596 and Case 6651, because the applicant is his son.

29. CASE 6596 - to rezone Lots 72, 73, and 74, Block 7, NCB 6785, in the 500 Block of Eleanor Avenue, from "D" Apartment District to "B-2" Business District, located northwest of the intersection of Eleanor Avenue and N. New Braunfels Avenue, having 199.98' on Eleanor Avenue and 175' on N. New Braunfels Avenue.

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

Mr. Tom Rohde, the applicant, stated that this is a very intense multi-family area and he would like the requested change in zone to construct a neighborhood convenience shopping center. Mr. Rohde further stated that the proposed shopping center would be beneficial and an asset to the community.

Mr. Pyndus spoke against the proposed rezoning based on staff's recommendation and also on the report from the Traffic and Transportation Department.

Mr. Teniente stated that this area is being considered for complete revamping and would not see anything wrong in extending commercial activity to this area and that a setback will be provided which will lessen the traffic problem.

No citizen appeared to speak in opposition.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Black, Hartman, Teniente, Nielsen; NAYS: Pyndus, Billa; ABSTAIN: Rohde; ABSENT: Cockrell.

AN ORDINANCE 47,300

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 72, 73, AND 74, BLOCK 7, NCB 6785, IN THE 500 BLOCK OF ELEANOR AVENUE, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

30. CASE 6651 - to rezone the east 88' of Lots 10 and 12, and the east 88' of the south 21.1' of Lot 8, Block 36, NCB 364, 401 W. Evergreen Street, from "D" Apartment District to "B-2" Business District, located northwest of the intersection of W. Evergreen Street and Maverick Street, having 88' on W. Evergreen Street and 133.6' on Maverick 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 is against the encroachment of business development into this high density residential area.

In response to Dr. Nielsen, Mr. Tom Rohde, the applicant, stated that he had not discussed this case with San Antonio College officials.

Dr. Nielsen asked Mr. Rohde to contact San Antonio College to discuss the school's master plan.

Mr. Pyndus spoke against the approval for the request of change in zone.

After consideration, Mr. Billa moved that this case be postponed for 30 days. 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: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell; ABSTAIN: Rohde.

Case 6651 was postponed for 30 days.

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

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

Mr. Camargo stated that the property in question lies on the Edwards Aquifer Recharge Zone.

Mr. Mel Sueltenfuss, Assistant Director of Public Works, stated that the sewage that will be generated will come into effect at the time that the building permit is obtained and the septic tank actually designed. At this time he could not say specifically that the use will or will not increase the amount of sewage as a change in zoning would.

Mr. Frank Corte, 7430 Wild Eagle, the applicant, stated he would like the requested change in zoning to operate a convenience-type facility on the subject property. Mr. Corte also stated that he has a septic tank permit and is complying with all regulations. He will agree to a 30 to 60 day postponement.

Mrs. Faye Sinkin, representing the Aquifer Protection Association, read a prepared statement in opposition to the approval of this request in rezoning. She said granting of this request would greatly increase the danger of polluting the Aquifer. She asked the City Council to abstain from voting in this case.

In rebuttal, Mr. Corte stated that people should also be concerned about the people and development below his property on the Recharge Zone. He said that the City should also extend sewers to this area.

After consideration, Dr. Nielsen moved to postpone this case for 60 days. Mr. Teniente seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell; ABSTAIN: Cisneros.

Case 6582 was postponed for 60 days.

32. CASE 6618 - to rezone the south 50' of Lots 21 and 22, Block 7, NCB 6549, 2013 Belknap Place, from "B" Two Family Residential District to "O-1" Office District, located on the west side of Belknap Place, approximately 93' south of the intersection of Belknap and Ridgewood Court, having 50' on Belknap Place and a depth of 49'.

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

Mr. Emanuel Gassman, opponent, stated he would like this case to be postponed until a full Council can be present for the hearing.

Mr. Carlos C. Flores, the applicant, stated he purchased the property in question three (3) years ago, and he would like the requested change in zoning to continue the use of an architect's office which has been used since the building was built by the previous owner and architect, Mr. G. Van Maltsberger. He also stated he does not intend to enlarge or rebuild the existing structure, but to continue its present use. Mr. Flores also stated that the architect's office is small with only two (2) employees who park their autos at Jim's Coffee Shop with permission from Frontier Enterprises. Mr. Flores further stated that the previous owner her operated his architect's office for 25 years at this location, and like Mr. Maltsberger, he does not wish to disturb the neighborhood, he only wants to continue this use. He would not be in favor of postponing this case.

The Council concurred in hearing the case today.

Mr. Oran J. Tsakopulos stated he is opposed to the requested change in zoning because it would be detrimental to the residential character of the neighborhood and would also constitute "spot" zoning.

Mr. Emanuel Gassman stated he is the owner of the adjacent property. He stated he is opposed to the requested change in zoning because this is an all residential area which has maintained its good quality through the years and the zoning should not be changed for the benefit of one person and to the detriment of all others. Mr. Gassman also stated that this matter came up for hearing before the City Council in 1974. At that time, Mr. Flores pleaded financial hardship and stated to the City Council that if he were allowed to conduct his business on the subject property for a matter of two years to allow him to catch up financially, he would move his business by June 30, 1976. Mr. Gassman further stated that a written agreement was drawn up by and between Mr. Flores and the interested property owners whereby Mr. Flores agreed in writing to move his business not later than June 30, 1976. He stated this agreement was submitted to the City Council and in view of the same and Mr. Flores' promise to the Council that he would move his business by June 30, 1976, Mr. Flores was given permission to operate this business. Mr. Gassman then stated Mr. Flores had reneged on his promise; and asked the City Council to deny the requested change in zoning.

Mrs. Adolph Grier, 2122 Hildebrand Avenue, said she is opposed to this request because of the same reasons already mentioned by Mr. Gassman.

In rebuttal, Mr. Flores read portions of the agreement which stated that he had the option to come before the City Council and reapply for a rezoning change. He stated he did not want to rezone the property but had to because a complaint was filed.

Mr. Pyndus spoke against the rezoning based on staff recommendation against the introduction of this type of zoning in a residential area.

Assistant City Attorney Tom Finlay explained the code requirements on home occupations.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Black, Rohde, Teniente, Nielsen; NAYS: Pyndus, Billa, Hartman; ABSENT: Cockrell.

AN ORDINANCE 47,301

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 SOUTH 50' OF LOTS
21 AND 22, BLOCK 7, NCB 6549, 2013 BELKNAP
PLACE, FROM "B" TWO FAMILY RESIDENTIAL
DISTRICT TO "O-1" OFFICE DISTRICT.

* * * *

33. CASE 6503 - to rezone Tracts 8-N and 8-O, NCB 12057, 459 North Loop Road, from "A" Single Family Residential District to "B-2" Business District, located on the northeast side of North Loop Road being approximately 145' southeast of the cutback between North Loop Road and San Pedro Avenue, having 327' on North Loop Road and a depth of 539.5'.

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

Mr. Camargo explained that this property is involved in the expansion plans of International Airport. The Airport has received an initial grant for land acquisition and appraisal work in the area is underway.

Council members expressed fear that rezoning of this property would increase the value of the land which the City intends to purchase soon.

Mr. Norman J. Brown, owner of the property, urged the Council to approve the request. He said that its close proximity to the airport makes it unsuitable for residential use and FHA would not even approve a loan.

After discussion, Dr. Nielsen moved that the recommendation of the Zoning Commission be approved and that the ordinance rezoning the property become effective on March 15, 1977. The motion was seconded by Councilman Cisneros and failed to carry on the following roll call vote: AYES: Nielsen, Cisneros; NAYS: Pyndus, Billa, Black, Hartman, Teniente; ABSENT: Rohde, Cockrell.

After further consideration, Councilman Hartman moved that Case 6503 be postponed 60 days. The motion was seconded by Councilman Billa and was passed and approved by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente; NAYS: Nielsen; ABSENT: Rohde, Cockrell.

Case No. 6503 was postponed.

34. CASE 6611 - to rezone the southeast 140' of Lot 184, NCB 12008 being that portion within the City limits line, from Temporary "A" Single Family Residential District to "B-2" Business District, located 170' northwest of San Pedro Avenue and 170' northeast of Bitters Road, having 140' in width and 219.76' in length.

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

No one spoke in opposition.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the northwest and northeast property lines. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Nielsen; NAYS: None; ABSENT: Rohde, Cockrell.

AN ORDINANCE 47,302

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 LOT 184, NCB 12008, BEING THAT PORTION WITHIN THE CITY LIMITS LINE, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHWEST AND NORTHEAST PROPERTY LINES.

* * * *

76-49 The meeting recessed for lunch at 12:10 P. M. and reconvened at 1:35 P. M.

35. CASE 6620 - to rezone Lot 72-C, Block B, NCB 11508, 208 W. Ligustrum Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District for a day care center caring for over twenty (20) children, located on the northeast side of Ligustrum Drive, being 151.7' southeast of the intersection of Ligustrum Drive and W. Cheryl Drive, having 75' on Ligustrum Drive and 120' in depth.

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

Mr. Richard Cortez, representing his wife, the applicant, stated that his wife takes care of six children and she would like to take care of 10 to 12 children. He feels that the granting of the request for rezoning would not change the character of the neighborhood. Mr. Cortez further stated that parking will not be a problem and presented a petition on behalf of his request.

No citizens appeared to speak in opposition.

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

Mayor Pro-Tem Pyndus spoke against the motion based on the staff's and the Zoning Commission's recommendation of denial of this request.

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

Case 6620 was postponed for 30 days.

36. CASE 6630 - to rezone Lots 1 and 2, Block 49, NCB 3317, 702 Rigsby Avenue, from "B" Two Family Residential District to "B-2" Business District, located southeast of the intersection of S. New Braunfels Avenue and Rigsby Avenue, having 100' on Rigsby Avenue and 150' on S. New Braunfels Avenue.

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

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

Case 6630 was postponed for 30 days.

37. CASE 6650 - to rezone the west 65' of Lot 248, NCB 7846, 106 W. Mayfield Blvd., from "B" Two Family Residential District to "B-2" Business District, located on the south side of W. Mayfield Blvd., being 187' west of the intersection of W. Mayfield Blvd. and Pleasanton Road, having 65' on W. Mayfield Blvd. and a depth of 343.4'.

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

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

Case 6650 was postponed for 30 days.

38. CASE 6610 - to rezone the remaining portions of Lots 21 and 22, NCB 6799, in the 1400 Block of N. W. 24th Street, from "B" Two Family Residential District to "B-3" Business District, located south-east of the intersection of N. W. 24th Street and Blueridge Street, having 90' on N. W. 24th Street and 98.75' on Blueridge Street.

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

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

Case 6610 was postponed for 30 days.

76-49

CITIZENS TO BE HEARD

MR. KARL WURZ

Mr. Karl Wurz spoke about the Voting Rights Act of 1975. He said that he has not seen the communication from the Justice Department and what they are objecting to, and this information should be published. He asked that the staff provide him with answers to his list of questions.

City Manager Raffety stated that Mr. Wurz can have access to all copies of minutes and the letter from the Justice Department in the City Attorney's office.

39. CASE 6636 - to rezone Lot 311, Block \$, NCB 11552, 4686 Callaghan Road, from "A" Single Family Residential District to "B-3" Business District, located southwest of the intersection of Callaghan Road and W. Horseshoe Bend Drive, having 203' on Callaghan Road and 229.27' on W. Horseshoe Bend Drive.

Mrs. Edna King Scalise, the applicant, asked for a postponement of her case for 30 days until a full Council is present for the hearing.

Mr. Billa moved to postpone this case for 30 days. Mr. Rohde seconded the motion.

The following persons spoke against postponement of this case:

Mr. Hulon W. Coburn
Mrs. Mary Purpura
Mrs. Mary E. Campbell

Mr. Billa then withdrew the motion to postpone. Mr. Rohde withdrew his second.

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

Mrs. Edna King Scalise, the applicant, stated that she has now been advised that the proposed buyer of the subject property is going to have a real estate office on the property and will restore antique automobiles in the backyard. Mrs. Scalise further stated that there is already business in the area and the buyer is willing to restrict deed against objectionable uses.

Mrs. Mary E. Campbell stated she was in opposition to the "B-3" zoning request. She also had a petition with signatures against the request.

Mr. Hulon Coburn read a prepared statement in opposition to the proposed rezoning because of the traffic situation, residential character of the neighborhood and the noise and congestion that will be created in a "B-3" zone.

Mrs. Mary Purpura spoke in opposition because she wants the neighborhood to remain residential.

In rebuttal, Mrs. Scalise's daughter stated that the area is becoming business oriented and urged the Council to approve the request.

After consideration, Mr. Billa moved to grant "B-2" zoning instead of the "B-3" zoning. Mr. Hartman seconded the motion.

Mayor Pro-Tem Pyndus spoke against the motion based on the staff's and Zoning Commission's recommendation to deny the request.

In response to Mr. Hartman's question, Mr. Camargo stated that the staff would not object to a "B-1" or "O-1" classification.

Mr. Rohde then made a substitute motion to approve "B-1". The motion died for lack of a second.

On roll call, Mr. Billa's motion to approve "B-2" zoning, carrying with it the passage of the following Ordinance, was passed and approved by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus; ABSENT: Cockrell.

AN ORDINANCE 47,303

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 311, BLOCK E,
NCB 11552, 4686 CALLAGHAN ROAD, FROM
"A" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-2" BUSINESS DISTRICT.

* * * *

76-49

CITIZENS TO BE HEARD (continued)

MRS. NANCY NEGLEY

Mrs. Nancy Negley, President of the San Antonio Conservation Society, read a prepared statement in opposition to the Hilton Hotel expansion. (A copy of her statement is filed with the papers of this meeting.)

MRS. SYBIL KANE

Mrs. Sybil Kane, 5550 Aspen Valley, stated that she lives in one of the annexed areas objected to by the Justice Department and asked the City Council if they considered them part of the City of San Antonio. She further stated that in connection with the Charter Revision election, their votes should not be segregated and should be counted equally with no distinction. The burden of proof should lie with the Justice Department and not the City of San Antonio.

Dr. Cisneros replied that Council had concurred that all votes would be counted equally. The votes will be segregated because they could be useful in case of any litigation.

MRS. KAREN SPRAGUE

Mrs. Karen Sprague, 6119 Haven Valley, stated that someone in authority from Washington, D. C. should come down to San Antonio instead of sending people to Washington to settle the matter of voting in the Charter Revision election. She also informed the Council of a meeting V.O.I.C.E. has scheduled on Tuesday, October 26, 1976 at 7:00 P. M. at the Sam Rayburn High School Auditorium and encouraged all Council members to attend.

MRS. KAY BROWN

Mrs. Kay Brown, 334 Dartmoor, stated she went to a Land Use Committee meeting of the Planning Commission and resented very much that everything in the land use plan shows growth to the north and nothing to the south side.

Councilman Hartman responded that the work of the Planning Commission is far from complete and a judgement at this time is not accurate.

76-49 The Clerk read the following letter:

October 15, 1976

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

Madam and Gentlemen:

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

October 12, 1976

Petition submitted by Mr. Charles Albidress, Sr., 150 Tabard Drive, and signed by the residents of Pecos Street, requesting the City to change the name of Pecos Street by adding La Trinidad, so as to read "La Trinidad-Pecos Street".

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

* * * *

There being no further business to come before the Council, the meeting was adjourned at 3:45 P. M.

A P P R O V E D

Lela Cockrell

M A Y O R

ATTEST:

G. V. Jackson, Jr.
G. V. JACKSON, Jr.
Clerk