

CITY OF CASTLE HILLS
ZONING COMMISSION PUBLIC HEARING
AUGUST 7, 2007

The Zoning Commission of the City of Castle Hills convened on the 7th day of August, 2007 at 7:00 P.M. in the City of Castle Hills City Hall, 209 Lemonwood Drive, San Antonio, Texas 78213.

Guests present were Margaret Lessing, Mike Bland, Joe Rodriguez, Ann Marie Edgerton, Johnny Rangel, Evangeline O'Sullivan, John and Sandra Bradley, Paula Stanley, M. Lisa Poole, Douglas Gregory, Terry Carter, Don Harris, Bill Schultz, R. D. Green, Walt and Cecile Graham, Bill Schluter, Ellen Szecsy, Derick Thomson, Daniel Ortiz, Brother William Dooling, Don Bankler, Claudia Bankler, Marsha Charles, Cathy and Phillip Walker, Pam Grunwald, Robin Stover, Anne Basel, Steve McGuire, Douglas Steadman, Joan Buerschinger, Bill Candler, Barbara Candler, Richard Craven, John Dawson, Baylor Eidelbach, Susana Rios, Rosemary and Doug Lewis, Barry Middleman, and Terry O'Sullivan.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Present and composing a quorum of the Zoning Commission were Acting Chairman Tim Turner, Douglas Lewis, Walter Beuhler, Brad Boeckner, and LaVerne Japhet. Not present was Chairman Marc Schnall and Douglas Steadman.

Staff present were City Manager Mike Rietz, Assistant City Manager Rita Hoyl and City Secretary Linda Gill.

II. ADMINISTER THE STATEMENT OF APPOINTED OFFICER TO NEWLY APPOINTED ZONING COMMISSION MEMBERS AND ALTERNATE MEMBERS.

City Secretary Linda Gill administered the Statement of Appointed Officer to newly appointed Zoning Commission members, Tim Turner, Douglas Lewis, Walter Beuhler, Laverne Japhet and alternate member Brad Boeckner.

III. ADMINISTER THE OATH OF OFFICE TO NEWLY APPOINTED ZONING COMMISSION MEMBERS AND ALTERNATE MEMBERS.

City Secretary Linda Gill administered the Oath of Office to newly appointed Zoning Commission members, Tim Turner, Douglas Lewis, Walter Beuhler, Laverne Japhet and alternate member Brad Boeckner.

IV. REVIEW AND DISCUSS A SWORN AFFIDAVIT FROM KENNETH W. BROWN, AICP TO DELIBERATE WAIVING THE SIX-MONTH REAPPLICATION TIME LIMIT IN REGARDS TO A ZONING CASE AFFECTING 103 SOUTH MANTON LANE.

Chairman Turner read a statement explaining that the petition to rezone 103 South Manton Lane was first considered at the Zoning Commission meeting held June 5, 2007. He recalled that the minutes of that meeting reflect a vote of 4 to 1 in favor of a motion

by Mr. Beuhler to recommend to City Council that the petition not be approved. He indicated that, after that meeting, the city council met on June 12, 2007 and July 10, 2007. Mr. Turner said that City Council did not consider or act upon the commission's recommendation in either of those meetings because the applicant requested a postponement until the August council meeting. He clarified that the 30-day requirement of presenting zoning requests to City Council did not apply since there was no approval request and no approval date. He stressed that the commission was dealing with the denial of a zoning request.

Mr. Turner related that Chapter 31, Section 1904, in the Castle Hills Code of Ordinances, states that there is a six-month waiting period before an application, once acted upon by the city council, can be presented to the Zoning Commission again. Since the council did not consider or act upon the application, he explained that the commission has the authority to waive the waiting period if the applicant issues a sworn affidavit that new, relevant, and substantial evidence can be produced that was not available when the application was originally considered by the Zoning Commission.

Mr. Turner said that Kenneth Brown, AICP did submit a sworn affidavit to the Zoning Commission in a timely manner. He reminded everyone that the only thing being considered under Item IV of the agenda is whether information referred to in the affidavit is new, relevant, and substantial evidence which was unavailable at the original hearing.

Attorney Daniel Ortiz introduced himself and said he was representing the law firm of Kenneth Brown, AICP. He indicated that the second rezoning application for 103 South Manton focused on providing the new information mentioned in the sworn affidavit. He referred to Exhibit A and said the restrictive covenants were revised to clearly reflect that such restrictions are binding and run with the land, and additional restrictions have been added to the previously presented restrictive covenants. He referred to Exhibit B, a Site Plan, which he said was not available at the time of the previous hearing. Mr. Ortiz also presented a petition signed by property owners who approved of the rezoning. He said he went to Fire Chief Riedel regarding the concern over losing the easement for fire trucks and emergency vehicles. Mr. Turner read the chief's letter out loud, which confirmed that the easement was never used.

Referring to the two site plans presented by Mr. Ortiz, Ms. Japhet commented that she did not see that much difference from what the commission originally voted on. Mr. Beuhler said that the revised restrictive covenants constituted a substantive change and qualified as new and relevant information.

- V. CONSIDER AND ACT UPON WAIVING THE SIX-MONTH TIME LIMIT PROVISION IN REGARDS TO A ZONING CASE AFFIDAVIT AT 103 SOUTH MANTON.

Motion: Without further discussion, Mr. Beuhler moved to accept the affidavit for the waiver the six-month waiting period. Mr. Turner seconded the motion. The motion carried with a vote of 4 to 1. Ms Japhet opposed the motion.

VI. DISCUSSION AND POSSIBLE ACTION ON A NEW APPLICATION BY KENNETH W. BROWN, AICP, FOR THE REZONING OF 103 SOUTH MANTON LANE FROM “A” SINGLE FAMILY DISTRICT TO “G” GENERAL BUSINESS DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A BANK ON THE PROPERTY.

Chairman Turner asked Mr. Ortiz to make his presentation. Mr. Ortiz explained that Wachovia Bank wanted to build a bank on the property that is currently occupied by a Chevron gas station and garage. He said that the residential property at 103 South Manton, behind the Chevron is needed for adequate parking required by Wachovia. Mr. Ortiz compared the differences between a bank and a garage regarding security, traffic, hours of operation, and property value. He showed the commission Exhibit B, the site plan that was unavailable at the previous hearing. He again pointed out Exhibit A, the restrictive covenants that run with the land.

Mr. Turner commented that he saw some weaknesses in the restrictive covenants. Mr. Boeckner stated that he thought the restrictive covenants should be filed before the commission voted on the case. There was general agreement among the commission members.

Mr. Turner opened the floor to the public at 8:30 p.m. for comments, asking each speaker to come to the microphone and try to keep comments to a 2-3 minute time limit.

Joe Rodriguez of 110 South Gardenview spoke against the rezoning.

Steve McGuire of 103 Zornia commented that City Council could not consider the restrictive covenants in its decision.

Walter Graham of 101 Zornia described his experience with his neighbor Sushihana’s.

Margaret Lessing of 103 South Manton asked that the rezoning request be approved, and Colin Strother read a letter Ms. Lessing wrote about living next to the Chevron station.

Terry O’Sullivan of 115 East Castle Lane spoke against the rezoning, stating that approval of it would bring commercial business one lot closer to his property.

Brother William Dooling of 201 Gladiola said there is plenty of general business zoning that can be redeveloped. There is no need for more commercial zoning.

Douglas Gregory of 212 Briarcliff, who said he could not vote on the case when it goes before Council because he is Senior Vice President at Wachovia, cautioned that residential zoning needs to be protected.

Douglas Steadman of 113 Sunflower said the city needs to be friendly to businesses because they support the city’s infrastructure. He said he was all for rezoning 103 Manton.

Joyce Buie of 222 Carolwood reiterated that the city cannot keep the infrastructure going without businesses.

Dan Torres of 105 South Manton pointed out that the property owner's most affected by the rezoning are in favor of it.

Robbie King of K-Jo Partners, LP explained how signatures were obtained from citizens in favor of the rezoning. He stressed that Wachovia would not build without the 103 South Manton lot.

Evangeline O'Sullivan stated that Mr. King's petition was misrepresented. She said the rezoning would be a mistake.

At 9:35 p.m. Chairman Turner closed the public hearing and explained what the Zoning Commission could do. He said they cannot approve the rezoning with conditions. He mentioned that they had Mr. Ortiz's verbal approval to state what is acceptable. Mr. Turner proposed tabling the motion until September or approving the rezoning request, and going to City Council to make their recommendations. He added that the commission can also deny the request. He explained that, if the council denies the request, the waiting period to come back is one year.

VII. DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS TO CITY COUNCIL REGARDING THE REZONING OF 103 SOUTH MANTON LANE.

Ms. Japhet said she had trouble with "G" zoning because it is too much of a change for residential property.

Mr. Beuhler commented that Wachovia would be a good corporate citizen and added that any other retail business would probably need the Manton lot for parking as well.

Motion: Ms. Japhet made a motion to recommend to City Council to deny the rezoning of 103 South Manton Lane. Seconded by Mr. Boeckner, the motion carried with a vote of 3 to 2. Mr. Turner and Mr. Beuhler opposed the motion.

VIII. ANNOUNCE THE DATE AND TIME RECOMMENDATIONS TO CITY COUNCIL WILL BE CONSIDERED BY CITY COUNCIL.

Chairman Turner announced that the recommendations of the Zoning Commission would be considered by City Council on August 14, 2007 at 6:00 p.m.

IX. ADJOURNMENT

Motion: Mr. Boeckner moved to adjourn the meeting at 9:50 p.m. Seconded by Mr. Lewis, the motion passed with a unanimous vote.

Tim Turner, Acting Chairman

Attest:

Linda Gill, City Secretary