

CITY OF CASTLE HILLS
ZONING COMMISSION PUBLIC HEARING
JANUARY 6, 2009

The Zoning Commission of the City of Castle Hills convened on the 6th day of January, 2009, at 7:00 P.M. in the City of Castle Hills City Hall, 209 Lemonwood Drive, San Antonio, Texas.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Schnall called the meeting to order and introduced the members of the Zoning Commission. Present and composing a quorum of the Zoning Commission were Chairman Marc Schnall, Douglas Steadman, LaVerne Japhet, and Walter Beuhler.

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

II. CONSIDER AND ACT UPON THE MINUTES OF THE OCTOBER 7, 2008, MEETING.

Motion: Ms. Japhet moved to approve the minutes of the October 7, 2008, meeting. Mr. Steadman seconded the motion. The motion carried unanimously.

III. REVIEW AND DISCUSS A SWORN AFFIDAVIT FROM CLIFF BIGGS TO WAIVE THE SIX-MONTH REAPPLICATION TIME LIMIT IN REGARD TO THE REZONING OF 108 PEG SUE COURT.

Chairman Schnall read Section 31.1904 of the City Zoning Code pertaining to the application time limit. He noted that the affidavit submitted by the applicant did meet the sworn affidavit requirement. Mr. Schnall said the issue at hand was not the merits, or lack thereof, of the rezoning request; but it was whether the applicant had brought forth adequate information for a waiver of the six-month reapplication time limit. Mr. Schnall stated that the basis for a waiver would be the presentation of new, relevant and substantial evidence which could not have been secured at the time set for the original hearing. He recalled that Mr. Buehler, Mr. Steadman, and Ms. Japhet had sat on the commission at the first hearing in August.

At Mr. Schnall's invitation, Mr. Biggs came forward to present information for the waiver. He passed out a packet of information to the commission members and explained that some of the information was available at the time of the first hearing, but that he was not aware that he needed to submit it.

Ms. Japhet clarified that Mr. Biggs bought the property in April of 2006. She noted that when he bought it, the restaurant, the shopping center, the bus stops were all there. The traffic has always been heavy. Ms. Japhet said that she did not see any new information.

Mr. Biggs explained that he wanted to rezone the property as commercial when he bought it and never got around to it. He said that the property is an excellent business location and not a desirable location for a family to live. He indicated that he wanted to get enough rent to maintain the property, and that previous tenants were unhappy living there. He added that the duplex is the only one in the Peg Sue cul de sac that is on the main drag.

Chairman Schnall advised the commission members that the first thing they needed to decide was whether the sworn affidavit, the supplemental material attached to the sworn affidavit, and the material circulated that evening meet the standard in the ordinance for the commission to waive the six-month waiting period. He said that, if the commission declines the waiver and City Council does not act on the original application, Mr. Biggs can return to the commission as early as March 3, 2009, with a fresh request and without the necessity of an affidavit.

Mr. Beuhler asked why the traffic counts could not be secured at the first meeting in August, 2008. Mr. Biggs said that they were available, but he did not know he needed them.

IV. CONSIDER AND ACT UPON WAIVING THE SIX-MONTH TIME LIMIT PROVISION IN REGARDS TO A ZONING CASE AFFIDAVIT AT 108 PEG SUE COURT.

Motion: Chairman Schnall asked for discussion or a motion. Mr. Beuhler moved that the commission not waive the six-month time limit. Ms. Japhet seconded the motion.

Mr. Schnall stated that the action taken would be the final action on the request for a waiver and that the City Council would not review the decision of the Commission on the request for a waiver. Chairman Schnall restated Mr. Buehler's motion. The motion passed with a unanimous vote of 4-0.

V. and VI. Chairman Schnall announced that items V and VI on the agenda were moot due to the action taken under Item IV.

VII. ADJOURNMENT

Motion: Ms. Japhet moved to adjourn the meeting at 7:55 p.m. Mr. Steadman seconded the motion. The motion carried unanimously.

Marc Schnall, Chairman

Attest:

Linda Gill, City Secretary