City of Alamo Heights
PLANNING AND ZONING COMMISSION
MINUTES
January 6, 2014

The Planning and Zoning Commission held a regularly scheduled meeting at Cambridge Elementary *located at 1001 Townsend Ave* on Monday, January 6, 2014, at 5:30 p.m.

Members Present:
Lori Becknell, Chair
Joe Donnelly
John Grable
Marsha Krassner
Stephen McAllister
Mike Reyna
Jim Taylor
Kenneth Zuschlag

Members Absent:
Thomas Pre Ball

Staff Present:
Mark Brown, City Manager
Michael Brenan, City Attorney
Rick Pruitt, Chief of Police
Jennifer Reyna, City Secretary
Marian Vargas, IT Manager
Brian Chandler, Director of Planning and Development Services
Nathan Lester, Building Official
Lety Hernandez, Coordinator

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The meeting was called to order by Ms. Becknell at 5:37 p.m.

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Ms. Krassner made a motion to approve amended minutes from December 02, 2013. It was seconded by Ms. Cuffy.

The motion was approved with the following votes:
FOR: Becknell, Donnelly, Grable, Krassner, McAllister, Reyna, Taylor, Zuschlag
AGAINST: None

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CASE NO. 351
Alamo Manhattan Properties, LLC

Request by Alamo Manhattan Properties, LLC for the issuance of a specific use permit (SUP) for construction of a new multi-family apartment project, including ground level commercial area of approximately 6,000 square feet (hereinafter referred to as the "Project"). The requested SUP would authorize the following: (a) a density of not greater than one dwelling unit per 438 square feet of land which would allow a maximum of 165 dwelling units on a property of 1.66 acres rather than a maximum of 110 dwelling units authorized under the current code, (b) no front yard

setback rather than the residential front yard setback requirement of 25 feet under the current code, (c) no side yard setback rather than the required side yard setback of 15 feet under the current code, (d) no rear yard setback rather than the required rear yard setback of 25 feet under the current code, (e) a maximum of 82% lot coverage rather than the residential lot coverage requirement of 35% under the current code, (f) a maximum height of five (5) stories and 58 feet rather than the current maximum of 35 feet for multi-family zoning under the current code, (g) an off-street parking ratio of 1.5 spaces per dwelling unit rather than the current requirement of 2 spaces per unit for multi-family zoning under the current code, (h) an off-street commercial parking ratio of 1 space per 200 square feet rather than 1 parking space for each 3 seats in a restaurant and/or 1 parking space for every 300 gross square feet of office, retail and business uses, (i) parking spaces measuring approximately nine (9) feet by eighteen (18) feet rather than the current requirement of nine (9) feet by twenty (20) feet, (j) no landscape areas along any property line rather than the landscape areas and impervious limitations required under the current code, and (k) ground level commercial area uses authorized in the B-1 Zoning District.

Building Official Nathan Lester presented a PowerPoint presentation that included background information on the case. Matt Segrest, President, Alamo Manhattan acknowledged that the developer received feedback from the community and introduced Rick Archer, Overland Partners Architects. Mr. Archer highlighted the public process and shared additional information on the proposed project. Mr. Archer referred to the 2009 Comprehensive Plan. He noted there will be a piece of public realm so the community may enjoy a plaza/park area. The project will include landscaping, sidewalks and provide retail opportunity. Mr. Archer briefly reviewed the project. He highlighted and addressed the concerns of the community.

Ms. Becknell thanked Alamo Manhattan for their presentation.

The Planning & Zoning Commission members expressed concern to the developers and asked questions. Concerns that were expressed were related to the recent development along Broadway, additional cost to the City, lack of a fully developed plan, off-site parking spaces, high density, and the different amount of floors proposal from an economic point of view.

Mr. Segrest responded regarding concerns. He stated costs are negotiable; for example, a median and/or right lane with the City. Mr. Segrest stated the project is accurate; however, Mr. Archer noted the project needs to be presented to ARB and Council. Mr. Segrest stated density has more site to build on and noted the garage is pushed down. He explained the calculations related to spaces per bedroom. Mr. Archer explained the process on an efficient way to place the building that reduced the cost of parking structure significantly allowing the decrease of floor levels, changing the number of apartment units to allow a level of parking be eliminated to accommodate 165 apartment units.

Questions that were asked by P&Z commission members included the success of nearby similar apartments such as Mosiac and Artessa, the explanation of the impact of floodway/drainage, lower density recalculations, consideration of off-site parking spaces, sale price of the property, sufficient parking ratio/spaces, and working with immediate neighbors while being sensitive to pollution and garbage collection, clarification of comprehensive plan, and removal of the cupola as there is a concern with mass.

Mr. Segrest responded that the success of neighboring apartment complexes: Mosiac and Artessa are high and the Alamo Manhattan Gateway Project would be the highest apartment complex in the City and stated the project is appropriate for the location. Mr. Archer acknowledged no engineering had been conducted; however, the project will meet the City's requirements with options of different avenues to meet compliance related to floodway/drainage. Mr. Archer stated off-site parking spaces were not taken into consideration as he explained ideally parking arrangements are on-site. Mr. Archer responded to the sale price that there is still a process proceeding with the transaction of land and the design of the project to Council as he noted Council has an opportunity to make a decision of the value of the property which

is unknown as of today. Mr. Wade Johns, Alamo Manhattan, responded parking 1.5 per unit includes parking of leasing retail offices. Mr. Archer stated the project cannot lease units if there is not sufficient parking. He stated there will be adequate parking spaces and stated what is proposed is reasonable and is more than required within the industry. Mr. Segrest stated he would work with immediate neighbors as he has met with some of them and received feedback. Mr. Archer explained that he referenced the comprehensive plan because if codified, a portion of the plan would have been implemented. Mr. Archer referenced the project site and stated the corner is appropriate and perhaps there are other considerations regarding removal or keeping the cupola.

Mr. Donnelly asked City Attorney Mike Brenan regarding spot zoning.

City Attorney Mike Brenan responded the zoning is appropriate use and noted the project included retail. He stated retail could be spot zoning as the project is not zoned commercial; however, he noted the surrounding area is. He stated if a SUP is granted it is interpreted as a natural amendment to the zoning code and eliminates the spot zoning issue.

Ms. Becknell reminded citizens of the time limit of 3 minutes to speak.

Those present and speaking in favor of the project were as follows:
Dwight Lieb
David Hornberger
Richard Peacock
Melissa Koehne
Ed Kopplow
Stephen Dyer
Allison Dyer
Ben Halbach
Richard Garison
Drew Smith
Charlie Malmberg
Todd Piland
Jeff Rochelle
Plack Cofr
Lawson Jessee
Rob Eversberg
Christian Korta on behalf of Stephen Dutton
Sarah Dede on behalf of Craig Wilson
Erik Steenken
Lori Steenken
Lowell Tacker
Nina Tobin
Barbara Barshop
Jeff Bailey
Tom McGaughy
Dick McCaleb
Bryan Patrick
Peter McLaughlin
Brittany Melau
Tina Sessions
Richard Ellwood
Hobson Crow for Ken Bentley
Lauren Vogl for Tim/Ann Swan
Bob Shemwell
Madison Smith

Colleen Dean
Mitch Meyer

Those present and speaking in opposition of the project were as follows:
Ron Tietz
Bill Kiel
Sarah Reveley
Olive Roen
George Geis
Joan Miller
Ken Wilson
Pal Wenger
Bruce Siebert
Betty Stone
Kimberly Lubianski
Patsy Light
Claire Goede
Linda Hutson
Patricia Celis
John Joseph
Bryan Gray
Nancy Dunson
Joan Siebert

The P&Z Commission members continued discussion of the SUP request.

Mr. Taylor stated there is regret that there was hard work for the 2009 Comprehensive Plan and had not been codified into Code of Ordinances. He commented that if the zoning was updated, a better roadmap would have been provided. Mr. Taylor stated, a volunteer citizen members - P&Z Commission, that the City's delay in updating the zoning code to conform comprehensive plan formally adopted by City Council in 2009 has fostered unnecessary controversy surrounding development project in our city. Therefore the P&Z Commission respectfully requests the City Council, City Manager and City Planning department to move promptly and expeditiously to fund to initiate and complete all work necessary to revise the City's zoning ordinances in accordance to the comprehensive plan. P&Z would not be spending so much time if we had a zoning code that matched the vision for the City.

Ms. Becknell stated that it had to be related to agenda item per City Attorney Mike Brenan and move forward. Mr. Lester added that Council had addressed in those aspects requesting staff to work on commercial development standards.

Ms. Becknell asked what objectives the commission had. Mr. Mike Reyna expressed concern on density, moving forward with an activity for Alamo Heights, and stated he liked the project. He asked the developer if there were any ways to reduce density of project. Mr. Segrest reminded Mr. Reyna that the project began at 244 apartment units which then decreased at 210, and a final number of 165 apartment units. Mr. Archer responded if things are further eliminated then the project does not generate revenue.

Mr. Taylor summarized that the issues expressed were of height, density, and parking. He referenced that the Comprehensive Plan is clear. He commented if the fifth floor is eliminated the parking concerns are removed. He emphasized the need to work together.

A motion was made by Ms. Marsha Krassner to approve the SUP with the following conditions: 1) developer shall work cooperatively with the immediate neighbors on Ellwood to develop an agreement project design and operative standards to eliminate or minimize potential adverse on neighborhood impacts on the following: garage exhaust with fan noise, garage light trespass light pollution, garage

storage and collection, garbage storage and collection, service delivery for parking; 2) in consideration for public right of way land and subject to further review by the Planning & Zoning Commission, the developer shall pay the City a total dollar amount equal to or greater than the contract sales price for the private land parcel owned by Broadway Ellwood Company Ltd, LLC; 3) developer shall bear the cost to relocate any existing public utilities. All new utilities should be buried as shown in proposed project renderings, 4) property shall include mixed-used to include residential and retail uses and shall include a minimum of 5700 of net square of retail space along Broadway and/or Austin Highway.

Ms. Becknell commented that landscaping should be included as well as the tall greenery. P&Z agreed to friendly amend the motion to include landscaping. Ms. Becknell referenced the distance for the building away from the street. She recommended the project site can accommodate a large sidewalk and a greenway. Ms. Becknell expressed concern with Condition # 2 as the purchase of property is a separate process. She agreed with the condition that the developer works with the neighbors. Mr. Donnelly expressed agreement with Ms. Becknell's comments.

Ms. Krassner asked what if City will not pay fair market value for land. Mr. Taylor wanted to further discuss the purchase of land and shared that residents want to discuss the land purchase. Mr. Lester stated the value of land and SUP are separate issues. Mr. Johns stated the Texas laws are stringent on conveyance of land to include determination of fair market value, appraisal, and such. Mr. Johns stated the developer is prepared to follow the law.

Mr. Brenan encouraged P&Z to consider the item solely, SUP request. He noted there is a Council meeting on January 13th for Council to consider other items as such mentioned.

Ms. Krassner explained in her opinion, the denial of the SUP because of the amount of people that are concerned with the density and coordination among the developer. Mr. Taylor agreed with Ms. Krassner and commented the Brighton Group needed to be included as part of the coordination of the project. Ms. Becknell agreed with Ms. Krassner but noted Council will consider same matters P&Z is concerned with. Mr. Lester added that other concerns such as light trespass and garbage collection which will be reviewed by ARB.

A motion for approval of the SUP was made by Ms. Cuffy as long as the developer work cooperatively with immediate neighbors on Ellwood and the project shall create an attractive private realm with landscaping. Mr. Donnelly seconded the motion. The motion failed with the following votes:
FOR: Becknell, Cuffy, Donnelly
AGAINST: Grable, Krassner, McAllister, Reyna, Taylor Zuschlag

Mr. Zuschlag expressed the project as a wall instead of a gateway. Mr. Reyna asked the developer if there was any room for compromise on their proposal.

A motion was made by Mr. Reyna to go forth to City Council with reduction of unit count, height structure, and density. Ms. Krassner seconded the motion. The motion passed with the following votes:
FOR: Becknell, Grable, Krassner, McAllister, Reyna, Taylor Zuschlag
AGAINST: Cuffy, Donnelly

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There being no further business, a motion for adjournment was made by Ms. Krassner. Ms. Cuffy seconded the motion. The meeting was adjourned at 10:50 p.m.

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THE PROCEEDINGS OF THE MEETING ARE ALSO DIGITALLY RECORDED, AND THESE MINUTES ARE ONLY A SUMMARY OF THE MEETING. THESE MINUTES ARE NOT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS AND DO NOT PURPORT TO INCLUDE ALL IMPORTANT EVIDENCE PRESENTED OR STATEMENTS MADE.

Lori Becknell, Chair
(Board Approval)

07/07/2014
Date Signed

Loty Hernandez
Coordinator
Planning and Development Services