

City of Alamo Heights
PLANNING AND ZONING COMMISSION
MINUTES
March 02, 2015

The Planning and Zoning Commission held a regularly scheduled meeting at the Council Chambers of the City of Alamo Heights located at 6116 Broadway St, San Antonio, Texas, on Monday, March 02, 2015, at 5:30 p.m.

Members Present:

Lori Becknell, Chair
La Una Cuffy
John Grable
WF Kiel
Tiffany Robinson Long
Stephen McAllister
Jeff Scheick
Jim Taylor
Kenneth Zuschlag

Members Absent:

Marsha Krassner
Thomas Pre Ball

Staff Present:

Mark Brown, City Manager
Buddy Kuhn, Chief of Fire Department
Rick Pruitt, Chief of Police Department
Jason B Lutz, Director of Community Development Services
Lety Hernandez, Planner
Councilman Lynda Billa Burke

The meeting was called to order by Ms. Becknell at 5:33 p.m.

Commissioner Taylor made a motion to approve the February 02, 2015 meeting minutes as corrected, seconded by Commissioner McAllister.

The motion was approved with the following votes:

FOR: Becknell, Cuffy, Grable, Kiel, Long, McAllister, Scheick, Taylor, Zuschlag
AGAINST: None

Case No. 365

Public hearing for consideration of a request by Broadway Ellwood, LLC as authorized by Section 16-105 of the Code of ordinances to close, vacate, and abandon the following parcels for the purpose of mixed-use development:

Parcel 1 being a 0.370 acre, or 16,132 square feet more or less, tract of land out of Ellwood Avenue right-of-way dedicated in the Alamo Heights subdivision recorded in Volume 105, Pages 4-10 of the Deed and Plat Records of Bexar County, Texas, said 0.370 acres being out of the W.E. Howeth Survey 4, Abstract 306, County Block 4024, said Howeth Survey 4 now all in the City of Alamo Heights, Bexar County, Texas

Parcel 2 being a 0.152 acre, or 6,606 square feet more or less, tract of land out of the Old Kampmann Avenue right-of-way dedicated in the Alamo Heights subdivision recorded in Volume 105, Pages 4-10 of the Deed and Plat Records of Bexar County, Texas, said 0.152 acres being out of the W.E. Howeth Survey 4, Abstract 306, County Block 4024, said Howeth Survey 4 now all in the City of Alamo Heights, Bexar County, Texas

Parcel 3 being a 0.082 acre, or 3,569 square feet more or less, tract of land being out of the Austin Highway right-of-way established in 1933 for State Highway 2, U.S. 81, Loop 368 under Project NRH-M-31-P II & III, said 0.082 acres being out of the 12-foot Alley of Block 67 of the Alamo Heights Subdivision recorded in Volume 105, Pages 4-10 of the Deed and Plat Records of Bexar County, Texas, and a portion of Old Kampmann Avenue now in said Austin Highway right-of-way, all in City Block 67 of the City of Alamo Heights, Bexar County, Texas and being out of the W.E. Howeth Survey 4, Abstract 306, County Block 4024, said Howeth Survey 4 now all in the City of Alamo Heights, Bexar County, Texas

Parcel 4 being a 0.040 acre, or 1742 square feet more or less, tract of land, being out of the Austin Highway right-of-way established in 1933 for State Highway 2, U.S. 81, Loop 368 under project NRH-M-31 P. II & III, said 0.040 acres being out of the north portions of Lots 16-20, Block 67 of the Alamo Heights subdivision recorded in Volume 105, Pages 4-10 of the Deed and Plat Records of Bexar County, Texas, said lots conveyed to Bexar County and now in said Austin Highway right-of-way, said Lots 16-19 (north ½) acquired from P.T. Smithey in instrument recorded in Volume 1379, Pages 415-416, said Lot 20 acquired from Fay Louise Campbell in instrument recorded in Volume 1365, Pages 194-195 and D.A. Saffarrans (Trustee) in instrument recorded in Volume 1361, Page 417-418 of the Deed Records of Bexar County, Texas. Said 0.040 acres being out of the W.E. Howeth Survey 4, Abstract 306, County Block 4024, said Howeth Survey 4 now all in the City of Alamo Heights, Bexar County, Texas

Parcel 5 being a 0.023 acre, or 1,016 square feet more or less, tract of land being out of the Austin Highway right-of-way established in 1933 for State Highway 2, U.S. 81, Loop 368 under project NRH-M-31 P. II & III, said 0.023 acres being out of the 12-foot Alley of Block 67 of the Alamo Heights Subdivision recorded in Volume 105, Pages 4-10 of the Deed and Plat Records of Bexar County, Texas, now in said Austin Highway right-of-way, all in City Block 67 of the City of Alamo Heights, Bexar County, Texas, and being out of the W.E. Howeth Survey 4, Abstract 306, County Block 4024, said Howeth Survey 4 now all in the City of Alamo Heights, Bexar County, Texas and

Case No. 366:

Public hearing for consideration of a request by Broadway Ellwood Co, LLC for approval of a Specific Use Permit (SUP) that includes public right-of-way (approximately 0.667 total acres including 0.370 acres of Ellwood Avenue; 0.082 acres of Ausway Lane right-of-way; 0.040 acres of Ausway Lane right-of-way; 0.023 acres of Ausway Lane right-of-way; and 0.152 acres of Old Kampmann Avenue right-of-way) and private property (approximately 0.84 total acres located at CB 4050, Block 67 Lots 1 thru 15) for a proposed mixed use project to allow for the following: 1.) a restaurant/retail uses 2.) a density of one unit per 437.6 square feet; 3.) no front setback; 4.) no side setback; 5.) five (5) feet rear setback; 6.) eighty (80) percent lot coverage; 7.) a height of up to fifty six (56) feet and four (4) stories; 8.) an off-street parking ratio for multi-family of 1.5 spaces per unit plus thirty seven (37) for the restaurant totaling two hundred

and sixty two spaces (262) with two hundred and fifty three spaces (253) provided in the parking garage; 9.) a reduction in parking stall size from 9 ft. x 20 ft. to 9 ft. x 18 ft. and; 10.) landscape buffers on all sides (varies in width); 11.) no required alley or service easement on the property; 12.) Main entrance not located on Broadway or Austin Hwy.

Chairman Becknell opened the public hearing for both cases 365 and 366 consecutively. Mr. Lutz presented the cases. After the staff presentation, Chairman Becknell reminded those attending of the meeting rules. Jason Lutz presented the case followed by a presentation by the developer and architect.

John Burnham of Argyle Residential, developer, spoke regarding the cases. He clarified regarding the gross square footage. Rick Archer, Architect, Overland Partners went on to speak regarding the cases. Sam Dawson, Pape Dawson Engineers, spoke regarding the flood areas and how the proposed construction would meet Chapter 7 regulations. He spoke regarding both existing and proposed conditions. He added that there would be no increase in water surface elevations after the building is complete and went on to speak regarding utility lines in the area. Mr. Burnham clarified they would not relocate the AT&T lines in the area due to the cost of relocating them. Mr. Dawson spoke regarding existing water and sewer lines in the area that would have adequate capacity. He spoke regarding the traffic capacity of the intersections and would propose modifying to existing lane assignments to Austin Hwy at Broadway. The modification would cause a four (4) second increase in wait time. Mr. Dawson went on to say that the existing public right-of-way would cover the emergency response time. Bob Anderson, Protection Home Inc., referenced the International Fire Code's Appendix D103.161 and how the proposed notes compliance.

Mr. Burnham spoke regarding comparable parking ratios adding the proposed would not create an issue for parking. He went on to speak regarding density, decrease in population, and how a building of this nature would be a way to allow for growth. He stated that they would maintain the public greenspace in front of the proposed building but would be up to the residents what would be put there (i.e., improvements).

Chairman Becknell opened discussion between the commissioners and the applicants and representatives. Commissioner McAllister asked questions regarding storm water drainage and if it was possible to treat and use for landscaping. Mr. Burnham responded that they could consider but would not be a predictable and dependable use of water as it would only capture during flooding. Mr. Archer responded to several questions posed by the commission regarding flooding. Mr. Dawson added that the system would capture a maximum amount of water and then it would be released within a required amount of time due to health reasons. He added that the rate of discharge was not of flood relevance.

Commissioner Taylor asked if there was a difference between floodplain and floodway. Mr. Dawson responded that all floodplain was designated floodway and would require a "No Rise" certification – zero tolerance. Commissioner Taylor asked questions regarding the utility lines and if overhead lines would be buried. The developer proposes to bury and/or relocate while not committing to bury anything on Austin Hwy or Broadway. No overhead lines would surround the proposed site.

Gilmer Gaston spoke regarding possibly decreasing Broadway to four (4) lanes in the future adding that it would be sustainable if reduced from six (6) lanes. He spoke regarding traffic

counts from TxDot's website that show volumes were either declining or remaining flat including reopening of Hildebrand.

Commissioner Long questioned the exit/entrance on Broadway. Commissioner Grable asked if the proposed was remedial action to help control traffic. Commissioner Taylor expressed his concerns regarding the fire lane in the "public right-of-way" adding that it was not a safe area due to patrons exiting the neighboring businesses.

Mr. Burnham spoke regarding sustainability and their effort to be LEED certified but have not completed the full checklist and, therefore, did not have a scorecard yet. Commissioner Taylor added that they would have a higher LEED score if they did not build in a flood zone. Commissioner Taylor went on to ask how they would manage storm water discharge from the proposed building. Mr. Burnham responded innovative water systems. He added that they would commit to not contribute to the flood and will absorb additional runoff of added impervious cover. One and one-half (1.5) parking spaces were included for guest parking.

Commissioner Scheick expressed his concern regarding the left turn access adding that it should be controlled. A suggestion was made to have the developer install a median. There were several questions regarding the proposed height of the building. Commissioner Kiel added that he had a hard time understanding why would the developer propose more density in Alamo Heights than allowed in other areas (i.e., San Antonio). He went on to speak regarding excavation of the site, specifically the area for the proposed parking. He asked the developer if they had a good plan to minimize impact to the area and if they were willing to consider a water impact fee. Mr. Burnham responded that they were willing to purchase perpetual water rights for the project. Commissioner Taylor spoke regarding basement stories as defined in Section 3-1, Definitions, adding that the project could not be represented as a four (4) story under the City's code as per the definition of basement story. He added that it would be a five (5) story building on Ellwood. Mr. Archer responded that the project was at a conceptual level but were trying to be as clear as possible with the site asking if there was anything about the drawings the misrepresented their intent. He added that would be worked through at schematic design. Commissioner Taylor encouraged the applicant to look at the definition of basement story and adapt to that. Mr. Lutz clarified regarding basements and noting 7.1 of the City's Code of Ordinances. Commissioner Taylor commended the developer on the presentation adding that it was much more professional and in depth. He questioned regarding Broadway Ellwood LLC's involvement and asking what their role was and if that had changed from what was represented to the community. Mr. Burnham responded confirming that they would be equity partners. Commissioner Taylor referenced Section 16-105(b) which outlines the requirements to obtain a closure. Staff responded noting egress/ingress.

Those present and speaking regarding the case were as follows:

Claire Golden, 406 Patterson (opposed)
Andrew Himoff, 606 Patterson (in favor)
Kelly Fry, 802 Wiltshire (in favor)
Jeff Bailey, 155 E Elmview (in favor)
Philip Bakke, 308 Kennedy (in favor)
Will Rogers, 276 Claywell (in favor)
Madison Smith, 132 E Oakview (in favor)
Kim Marks, 150 Elizabeth (opposed)
Jimmy Carr, 218 Evans (opposed)
Olive Roen, 201 Ellwood, Unit 104 (opposed)

Lawson Jesse, 311 Wildrose (in favor)
Matt Michaelson, 637 Garraty (in favor)
Brent Bakke, read statement on behalf of Sharon Thurman (address not provided) (in favor)
Brent Bakke, 308 Kennedy (in favor)
Catherine Smith, 132 E Oakview (in favor)
Patsy Light, 300 Argyle (opposed)
Margaret Houston, 140 Patterson (opposed)
Trey King, 5600 Broadway (opposed)
Kimberly Lubianski, 209 Kampmann (opposed)
Sarah Reveley, 436 Corona (opposed)
Robert Collins, 206 Circle (neutral)
Lisa Price, 207 Alta (opposed)
Ron Tietz, 312 Joliet (opposed)
Elliot Weser, 301 Lamont (opposed)
Julian Hall, 515 Circle (opposed)
Sylvia Wong, 407 Circle (opposed)
David Hornberger, 201 Castano (in favor)
Tim Blonvist (spelling) 427 Devine (neutral)
Robert Rochelle, 313 Albany (in favor)
Bryan Gray, 201 Ellwood, Unit 201 (opposed)
Beverley Barshop, 214 Alta (neutral)

At that time, Chairman Becknell closed the public hearing and an open discussion between the commissioners followed.

Buddy Kuhn, Fire Chief, spoke regarding fire access and the proposed fire lane. Rick Pruitt, Police Chief, spoke regarding the traffic impact analysis, the possibility of traffic safety impact, or just more traffic, and whether it would be manageable through police presence.

Commissioner Zuschlag left the meeting at 10:32pm.

Chairman Becknell made a motion to postpone cases 365 and 366 to the next scheduled meeting. Discussion followed during which Commissioner Taylor recommended, based on the commission's discussion and questions, the applicant provide the following for further review: (1) revisit with TIA with the issue of limiting left and right hand turns and with the decrease of Broadway to 4 lanes, (2) issue of public safety access with closure of Ellwood, (3) schematic of utility lines as committed by applicant, (4) return with LEED scorecard, (5) provide a better analysis of the parking and proof that 1.5 spaces is acceptable, (6) provide excavation calculations, (7) pay impact fees for apartment water supply, and (8) provide information regarding flood mitigation to ensure the proposed would not be adding volume to the flood area.

Discussion followed regarding the eight (8) issues identified by the commissioners concerning the project. The idea of a special meeting or workshop to address specific issues about the project was suggested. Chairman Becknell asked whether a special meeting could be held and city attorney Michael Brenan responded that such a meeting could be held and that possibly decisions could be made at such a meeting. He added that the commission would not need to receive public comments at the special meeting since the commission's public hearing had already been concluded. Commissioner McAllister stated that he felt that all parties could work together to achieve a satisfactory resolution of the issues surrounding the project and that the matter should be tabled until that occurred.

Commissioner Kiel seconded the postponement motion originally made by Chairman Becknell. The motion was approved with the affirmative votes of Commissioners Becknell, Grable, Kiel, Long, McAllister, Scheick and Taylor, and the negative vote of Commissioner Cuffy.

CASE NO. 367

Public hearing to consider the following amendments to the Zoning Code: 1.) Amendment to Sec. 3-2 of the Zoning Code "Definitions" to delete the definition "Retail shops and stores other than listed"; 2.) Amendment to Sec. 3-2 of the Zoning Code "Definitions" to add the definition "Retail General"; 3.) Amendment to Sec. 3-2 of the Zoning Code "Definitions" to add the definition "Stores Other Than Listed"; 4.) Amendment to Sec. 3-8 of the Zoning Code "Use of land and buildings" to delete from the Land Use Chart "Retail shops and stores other than listed"; 5.) Amendment to Sec. 3-8 of the Zoning Code "Use of land and buildings" to add the land use category "Retail General" to the Land Use Chart and to permit the land use, by right, in the B-1, B-2, and B-3 Districts; 6.) Amendment to Sec. 3-8 of the Zoning Code "Use of land and buildings" to add the land use category "Stores Other Than Listed" to the Land Use Chart and to permit the land use, by Specific Use Permit (SUP), in the B-1, B-2, and B-3 Districts.

Chairman McAllister made a motion to table the case for the meeting of April 06, 2015, seconded by Commissioner Taylor.

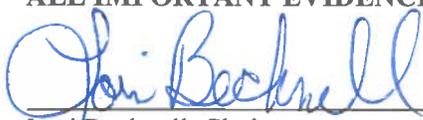
The motion was approved with the following votes:

FOR: Becknell, Cuffy, Grable, Kiel, Long, McAllister, Scheick, Taylor

AGAINST: None

There being no further business, Commissioner Cuffy moved to adjourn the meeting, seconded by Commissioner Scheick, and unanimous vote to support the motion. The meeting was adjourned at 11:01 p.m.

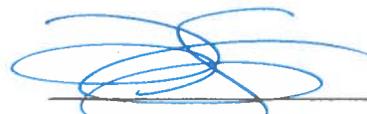
THE PROCEEDINGS OF THE MEETING ARE ALSO DIGITALLY RECORDED, AND THESE MINUTES ARE ONLY A SUMMARY OF THE MEETING. THESE MINUTES ARE NOT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS AND DO NOT PURPORT TO INCLUDE ALL IMPORTANT EVIDENCE PRESENTED OR STATEMENTS MADE.



Lori Becknell, Chair
(Board Approval)



Date Signed



Lety Hernandez
Planner
Community Development Services