

CITY OF ALAMO HEIGHTS
CITY COUNCIL
February 8, 2016

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, February 8, 2016.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Lynda Billa Burke
Councilmember Lawson Jessee
Councilmember Bobby Rosenthal
Councilmember Fred Prassel
Councilmember John Savage

Also attending were:

City Manager J. Mark Browne
Fire Chief/Assistant City Manager Buddy Kuhn
Assistant to the City Manager Marian V. Mendoza
City Attorney Mike Brenan
Finance Director Robert Galindo
Community Development Services Department Director Jason Lutz
Human Resource Manager Lori Harris
City Secretary Jennifer Reyna
Chief Police Rick Pruitt
Public Works Director Pat Sullivan

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Mayor Cooper opened the meeting at 5:30 p.m.

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Item # 1 Approval of Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the January 25, 2016, City Council meeting. A motion was made by Mayor Pro Tem Lynda Billa Burke to approve the minutes of January 25, 2016. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

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Item # 2 Announcements

Demolition Review Ordinance No. 1860 in order to construct a new single-family residence and accessory structure

Mr. Lutz made a PowerPoint presentation that included background information, photos, proposed site plan, elevations, and existing and proposed streetscapes.

Mr. Lutz identified the project and stated the applicant is seeking to construct a two-story 4,018 square feet home, a 251 square feet detached garage and a 400 square foot carport.

Mr. Lutz provided background information on the properties. On January 5, 2015, the Planning and Zoning (P&Z) Commission approved a replat. Council approved the replat on January 12, 2015. He explained the replat subdivided the property into two properties which created 610 & 612 Ogden. On January 20, 2015, the Architectural Review Board (ARB) reviewed and approved the demolition request of the existing home. He added that the home crossed the newly created lot lines for 610 & 612 Ogden. Council approved the demolition request on February 9, 2015. On March 17, 2015, ARB approved the compatibility of the proposed replacement structure for the newly created lot (eastern lot) located at 610 Ogden. Council approved the compatibility of the replacement structure on March 23, 2015. Mr. Lutz reported the home located at 610 Ogden (eastern lot) is currently under construction and 612 Ogden (western lot) had been used as a staging area for the construction of the home on 610 Ogden. Photos of the existing site were presented.

Mr. Lutz reviewed the existing and proposed Residential Design Standards (RDS). He stated the proposed structure will have an exterior comprised of stucco, stone, and have a standing seam metal roof. The proposed site plan, elevations, and existing and proposed streetscapes were presented.

On January 19, 2016, ARB reviewed and approved the compatibility request with the option of selecting one of the following conditions due to the topography on the site and the increase of impervious cover. The options are 1) regrade the drive to ensure no additional water run-off will impact the adjacent western land owner; 2) gutter the home and direct all run-off to the interior of the property; or 3) provide a drainage report showing that the run-off will not affect the adjacent western land owner. Staff received one postcard in support of the compatibility review and none in opposition.

Councilmember Rosenthal commented the FAR and lot coverages are not at maximum with the exception of the height. He asked how the department would measure the actual height.

Mr. Lutz responded that the department relies on the site plans and stated the building inspector conducts inspections during the construction.

A motion for approval was made by Councilmember Fred Prassel with ARB conditions. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

Item # 6 Mayor Cooper read the following caption.

Architectural Review Board Case No. 614F, consider a request of Kelly and Audra Kerr, owners, for the significance and compatibility review of the proposed replacement structure located at 248 Castano W. under Demolition Review Ordinance No. 1860 in order to demolish and/or encapsulate 83% of the existing roof and encapsulate 52% of the street-facing façade to add to the existing main structure

Mr. Lutz made a PowerPoint presentation that included background information, map, photos, elevations, proposed/existing site plan, and proposed/existing streetscapes.

Mr. Lutz identified the project and stated the applicant is seeking to demolish and/or encapsulate 83% of the existing roof and encapsulate 52% of the street-facing façade to add 1,423 square feet to the existing main structure. He added that the addition is proposed to accommodate a guest bedroom, master suite, master bath, den, and utility room.

Mr. Lutz reviewed the existing and proposed RDS. He stated the proposed structure addition will have an exterior comprised of wood siding to match the existing material. The proposed roof will be comprised of a composition shingle roof. The existing/proposed site plans, elevations, and proposed/existing streetscapes were presented.

On January 19, 2016, the ARB reviewed and approved the compatibility requests. Staff received six postcards in support of the project and none in opposition.

Mayor Pro Tem Billa Burke asked if any trees will be removed.

Audra Kerr, applicant, responded that all trees will remain on property.

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

Planning and Zoning Commission Case No. 383, public hearing, consideration, and action regarding a request for approval of a specific use permit (SUP) application to allow for a vapor shop at 4704 Broadway Street on property zoned B-1 (Business District). The property is currently identified as a portion of CB 5600, BLK 2, LOTS 20 & 21 & W ½ of 22

Mr. Lutz made a PowerPoint presentation that included background information, existing site plan, and photos.

Mr. Lutz identified the project and stated the applicant is seeking a Specific Use Permit (SUP) to allow the land use of "Stores Other than Listed" for the property located at 4704 Broadway. He reminded Council that on May 26, 2015, amendments to the City's zoning code regarding "Retail General" and Stores Other than Listed" were approved by Council.

Mr. Lutz stated the proposed business is "Smoke to Live" vaping shop and would be located in a retail shopping center. He noted the products offered require the purchaser to be at least 18 years of age and the land use is categorized as "Stores Other than Listed" and triggered the SUP requirement.

Mr. Lutz explained that there is a sunset provision in the proposed ordinance stating if the business ceases to operate the SUP would be revoked and any similar land use that may come after would be required to go back to P&Z and City Council for approval. The SUP shall automatically expire if the applicant moves from 4704 Broadway or transfers, sells, or otherwise conveys any ownership of applicant's business to a third party or if the applicant fails to comply with all applicable federal, state and local laws and regulations pertaining to public health and safety. The existing site plan and photos were presented.

On February 1, 2016, P&Z reviewed the requested SUP and recommended denial of the request. Staff received no postcards in support and one in opposition of the SUP request.

Applicants were present, Mert Kirat, business owner, and Robert Osborn, store manager.

Mr. Osborn made a brief PowerPoint presentation that included background information about the business establishment since 2008 noting there are 10 locations within San Antonio. He clarified they are not a tobacco shop. Recordings of customer testimonials were briefly presented.

Mr. Kirat stated he has a reputable company not selling products to minors and commented that he is successful because he cares for his clients as they no longer share their cravings with cigarettes.

Councilmember Bobby Rosenthal asked Mr. Lutz about P&Z's discussion of the SUP request.

Mr. Lutz stated image and safety concerns were the primary concerns that were expressed by P&Z. They voted denial unanimously with one abstention.

Mayor Cooper and Council shared that residents had expressed concerns related to image and safety for minors.

Dr. Joan Cunningham, resident, inquired about the use of their products. She expressed concern for the chemicals in vaping. She expressed dislike of their desired location in Alamo Heights offering young students at their convenience.

Mr. Osborn acknowledged research had been conducted due to unregulated products; however, noted individual ingredients within the product had been tested. He shared there are clients that take a hobbyist aspect. He shared briefly of the chemicals in the product and stated nicotine is in the product.

Councilmember Fred Prassel shared the research he had conducted and noted this industry had an explosive growth. He referenced an article and stated there is a 200% - 400% markup for this product and noted that e-cigarettes still contain nicotine. He commented vapor products are not fully regulated by the federal government. He expressed concern for the youth and stated this business does not fit in community.

A motion for denial was made by Councilmember John Savage. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

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City Manager Mark Browne introduced Miss Isabel Martinez who attends Clark High School. He shared that she is in attendance to learn and observe municipal government. Council welcomed Miss Martinez and any questions she had.

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There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Councilmember Jessee and passed by unanimous vote. Mayor Cooper adjourned the meeting at 6:10 p.m.


Jennifer Reyna
City Secretary


Louis Cooper
Mayor