

CASE NO: Z2002082

Continuance from May 21, 2002 and June 18, 2002

Zoning Commission Meeting Date: August 06, 2002

Council District: 10

Ferguson Map: 584 A3, B3

Appeal: Yes

Applicant:

George Gervin Academy, Barbara
Hawkins

Owner

George Gervin Academy

Zoning Request: From "C-3 R" Commercial Restrictive Alcoholic Sales District to "MF-33"
Multi-Family District.

Lot 1, Block 2, NCB 16889

Property Location: 6900 Block of East Sunbelt Drive

Applicants Proposal: To development a 54 unit multi-family complex

Staff Recommendation:

Denial. The property is within the 65 DNL noise contours, which are considered significant noise levels by the Federal Aviation Administration. The residential development does not meet the definition of compatible land use as prescribed by Federal Aviation Regulation Part 150. Staff also does not support the residential development in a Business and Industrial Park.

Zoning Commission Recommendation

Approval

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

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ZONING CASE NO. Z2002082 May 21, 2002

Applicant: George Gervin Academy

Zoning Request: "C-3R" Commercial Restrictive Alcoholic Sales District and "I-1" General Industrial District to "MF-33" Multi-Family District and "C-3R" Commercial Restrictive Alcoholic Sales District.

Andy Guerrero, 8000 IH 10 W., representing the applicant, stated they are requesting a continuance until June 18, 2002.

OPPOSE

Jerry Rankin, Aviation Department, stated they do not support this request. He further stated this property is located within the 65 DNL. He stated this development is not compatible land use for this area.

Corinne Staacke, 527 Country Lake, stated she is opposed to this request. She stated her property would only be 130 feet from the proposed school and less than 100 feet from the proposed dormitory.

Staff stated there were 34 notices mailed out to the surrounding property owners, 9 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Clamp and seconded by Commissioner McAden to recommend a continuance until June 18, 2002.

1. Property is located on Lot 1, Block 2, NCB 16889; Lot 3, Block 3, NCB 16890; the Southwest irregular 309.25 feet of Lot 1, Block 3, NCB 16890 at 6962, 6966 & 6918 Sunbelt Drive South.
2. There were 34 notices mailed, 9 returned in opposition and 1 returned in favor.
3. Staff recommends denial.

AYES: Mehringer, Cardenas-Gamez, Kissling, Hophan, Clamp, McAden, Morell, Martinez

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

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ZONING CASE NO. Z2002082 June 18, 2002

Applicant: George Gervin Academy

Zoning Request: "C-3R" Commercial Restrictive Alcoholic Sales District to "MF-33" Multi -Family District on Lot 1, Block 2, NBC 16889; from "I-1" General Industrial District to "MF-33" Multi-Family District on Lot 3, Block 3, NCB 16890; From "I-1 General Industrial District to "C-3R" Commercial Restrictive Alcoholic Sales District on the Southwest Irregular 309.25 feet of Lot 1, Block 3, NCB 16890.

Andy Guerrero, 8000 IH 10 W., representing the applicant, stated they would like to amend their application to omit Lot 3 from this request. He stated they would prefer Lot 3 remain zoned "I-1". He further stated they intent to relocate the school that is currently located on Sunbelt Drive to Lot 1, which is the purpose of requesting "C-3R". This academy will provide formal education for Pre-Kinder all thru 12th grade. He further stated they are also proposing to develop a 3 story multi-family structure approximately 54 units to house the elderly on Lot 1.

Barbara Hawkins, 6903 Sunbelt Drive, Executive Director of George Gervin Center, stated she has had numerous meetings with neighborhood association for a year to discuss the development and the expansion of the Youth Center. She further stated she has letters from the surrounding neighbors who are in support of this request. In addressing some of the concerns the surrounding neighbors and business owners have they have agreed to install a privacy fence. She further stated the hours of operation would be from 9:30 am till 2:30 pm. They have also agreed to assist in directing traffic and ensure that the students make a quick exit from the premises. She also stated their purpose in expanding the facility is to provide a more conducive learning environment for the students. She stated the elderly housing is a HUD funded project. She stated they will serve as volunteers and mentors to the students in their charter school.

FAVOR

Conrad Lindamen, Chairman of the Board of George Gervin Center, stated their chartered school has been in operation for approximately 6 years at their present location. He stated they have graduated over 325 students in the six-year period. He further stated they were unaware of their property being within the 65 DNL noise contour.

OPPOSE

Kathleen Palomino, 1018 Sumner Drive, stated she does not support the zoning request for the multi-family development. She is concerned that this low-income complex for citizens will increase crime in the neighborhood. She feels this may hurt the businesses in the area and possibly declined the quality of living for the residences in the neighborhood.

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Matt Brooks, 926 Sumner Drive, stated he operates a pecan processing business approximately one block from the Geroge Gervin School. He is concerned that this development would invite more vandalism to his business and increase crime in the neighborhood. He further stated he has a petition with 102 signatures from residences within this area that are in opposition of this request.

Milton Turner, stated his business is within the area of this request. He stated he is concerned with the location for the proposed expansion. He is concerned with the current and future adverse impact for the area for businesses and students. He also expressed concerns with the type of students that will be attending this school. He feels these troubled students will increase the crime rate in the neighborhood.

REBUTTAL

Barbara Hawkins, stated they have met with the surrounding property owners and business owners and have agreed to certain restrictions and they intend to comply with their request.

Staff stated there were 34 notices mailed out to the surrounding property owners, 9 returned in opposition and 2 returned in favor and the Wilshire Neighborhood Association is in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McGowan and seconded by Commissioner McAden to recommend a continuance until August 6, 2002.

1. Property is located on Lot 1, Block 2, NCB 16889; Lot 3, Block 3, NCB 16890; the Southwest irregular 309.25 feet of Lot 1, Block 3, NCB 16890 at 6962, 6966 & 6918 Sunbelt Drive South.
2. There were 34 notices mailed, 9 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Mehringer, Cardenas-Gamez, Kissling, McGowan, Hophan, McAden, Morell, Martinez

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Z2002082

ZONING CASE NO. Z2002082 August 6, 2002

Applicant: George Gervin Academy

Zoning Request: "C-3R" Commercial Restrictive Alcohol Sales District to "MF-33" Multi-Family District on Lot 1, Block 2, NCB 16889; from "I-1" General Industrial District to "C-3R" Commercial Restrictive Alcoholic Sales District on the Southwest Irregular 309.25 feet of Lot 1, Block 3, NCB 16890.

Ken Brown, 111 Soledad, representing the applicant, stated the property that was being requested for "C-3R" for the school site has been withdrawn as an application due to the information they have received from the City Attorney's Office of a charter school it is not subject to the zoning regulations. He further stated the small tract that is being considered is currently zoned "C-3". Their intent is to develop a 54 unit multi-family complex. He stated they have met with the neighborhood association to address their concerns. A petition in opposition was composed for the charter school.

Buck Benson, 111 Soledad, stated he has met with FAA regarding this request. He stated this property falls under the 65 DNL Noise Contour and under the FAA regulations it does not allow a zoning change from an industrial use to a residential use. He stated they FAA office has suggested they request a waiver from this requirement which has been forward to the FAA Office in Washington D.C. He further stated this property lies within the 65 DNL Noise Contour however in 2004 this property will be excluded from the noise contour.

Jerry Rankin, Aviation Department, stated this particular property lies within the noise contour and is considered non-compatible land. He stated they have been in contact with FAA and they wish to follow the FAA guidelines to insure their grand assurances throughout the airport.

FAVOR

Barbara Hawkins, 6903 Sunbelt Drive South, Director of the George Gervin Center, stated she feels this is a good opportunity for them and they have secured a federal grant by HUD to be able to build a 54 unit elderly housing project. She stated feels this is a good site for this development due to all the amenities. She stated they have also been working with the neighborhood association for over a year now to address their concerns. They have developed a plan through their architect to be able to reduce the noise level. She also stated this property lies within the noise contour however in 2004 this property will be excluded and they have also agreed to not apply for a certificate of occupancy until 2004.

Lenny Lindamen, 14014 Bluff Meadow Drive, Chairman of the Board of the George Gervin Center, stated this develop is for elderly housing. He stated not only would this be a housing complex but also it will offer jobs to maintain this complex. He further he feels this development is good for the community.

OPPOSE

Matt Brooks, 3515 Sunbelt, stated his business is one block north from the proposed complex. He stated he is concerned with the quality of this development. He also expressed concerns of the type of residences that will be residing in the complex.

Curtis Allred, 927 Sumner Drive, stated he has lived at this address for 29 years and has had to adjust to the heavy noise from the planes that pass over his house. He feels this area is no suitable for an elderly housing unit. He further stated there is 14 registered sex offenders that reside in the area and feels the elderly should not be subjected to type of environment.

Art Wilcox, stated he has lived in this neighborhood for 36 years. He stated this particular site is flooded and there is heavy traffic problems from Fort Sam employees. He stated feels this ground would not tolerate the structure due to water underground.

REBUTTAL

Ken Brown, 111 Soledad, stated Councilman Saunders has agreed to submit the waiver to the FAA and feels the waiver will be granted. He also stated he feels this area is an appropriate site for this multi-family structure. He further stated they have been working with VIA regard bus routes being in the area to the resides that will be occupying this multi-family complex.

Staff stated there were 34 notices mailed out to the surrounding property owners, 10 returned in opposition and 3 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McGowan and seconded by Commissioner Avila to recommend approval.

1. Property is located Lot 1, Block 2, NCB 16889 and the southwest irregular 309.25 feet of Lot 1, Block 3, NCB 16890 at 6944 & 6918 Sunbelt Drive South.
2. There were 34 notices mailed, 10 returned in opposition and 3 returned in favor.
3. Staff recommends denial.

AYES: Mehringer, Cardenas-Gamez, Kissling, McGowan, Hophan, McAden, Avila, Morell, Martinez

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.