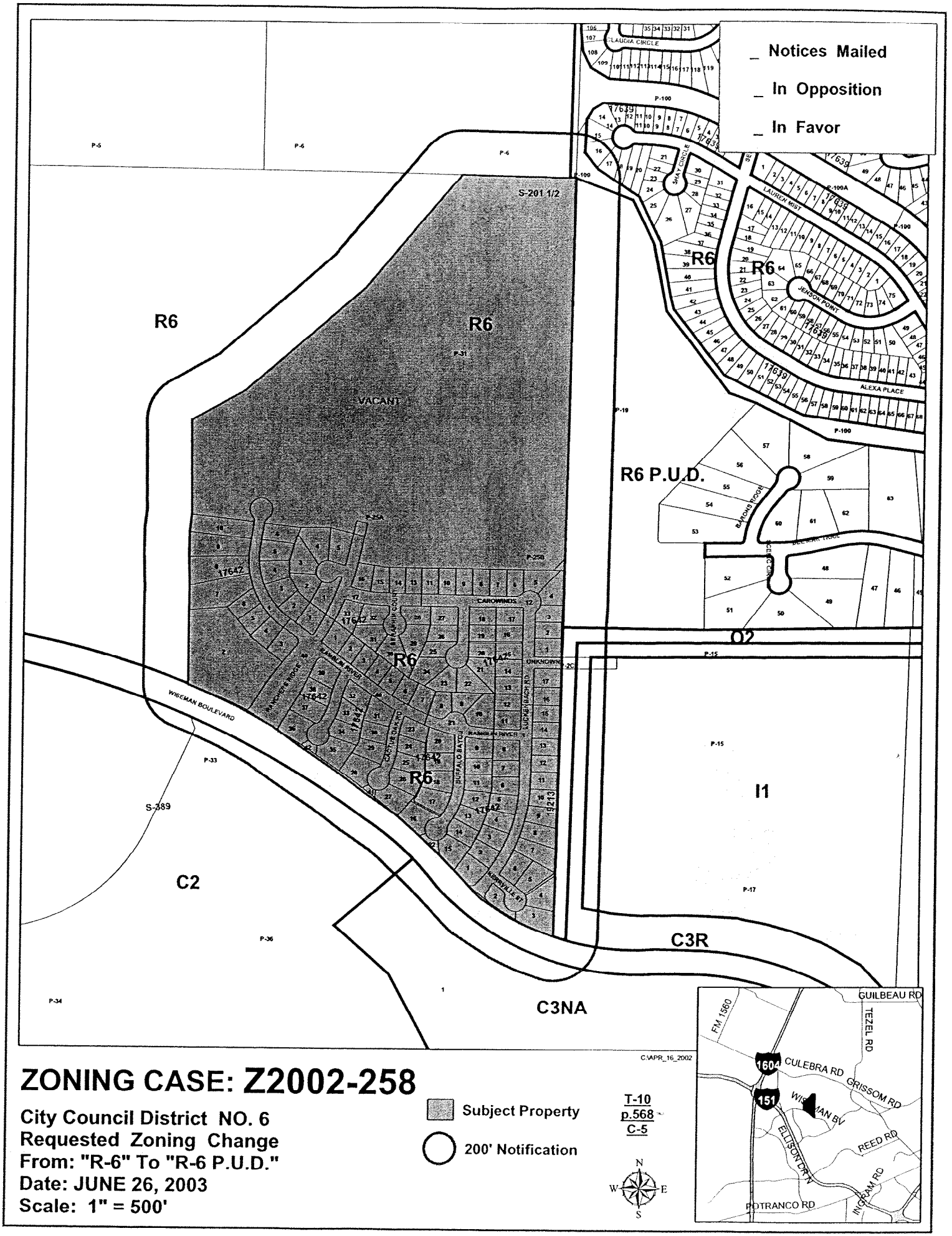

ZONING CASE: Z2002-258

City Council District NO. 6
Requested Zoning Change
From: "R-6" To "R-6 P.U.D."
Date: JUNE 26, 2003
Scale: 1" = 500'

Subject Property

200' Notification

T-10
p.568
C-5

CASE NO: Z2002258

Staff and Zoning Commission Recommendation - City Council

City Council continuance from January 9, 2003, February 13, 2003, March 13, 2003, April 10, 2003 and June 12, 2003.

Date: June 26, 2003

Zoning Commission Meeting Date: December 17, 2002

Council District: 6

Ferguson Map: 578 D5

Appeal: Yes

Applicant:	**Owner:**
City of San Antonio	WOH Holdings INC c/o Charles Martin Wender

Zoning Request:	From "R-6" Residential Single-Family District to "R-6 PUD" Residential Single-Family Planned Unit Development District
	92.34 acre tract of land out NCB 17642
Property Location:	4100 Block of Wiseman Road
	Northside of Wiseman Road (The Heights at Westover Hills)
Proposal:	To designate as a residential planned unit development
Neighborhood Association:	Stonegate Hill at Westover Hills Homeowers Association
Neighborhood Plan:	None
TIA Statement:	A traffic impact analysis is not required.

Staff Recommendation:

Approval. The Planning Commission on January 26, 1994 approved a Planned Unit Development Plan (The Heights at Westover Hills-total single family lots 261 and typical lot size 70'x120'=8400 square feet, 75'x120'=9000 square feet and 80'x120'=9600 square feet corner lots). The 92.34 acre tract was part of the Mountain View Area Annexation, approved December 31, 1996. The Heights at Westover Hills is a gated community and the only ingress/egress is through Wiseman Road. The "R-6 PUD" Residential Single-Family Planned Unit Development District will allow for the expansion of the existing PUD development. Abutting the property to the east is "R-6 PUD" Residential Single-Family Planned Unit Development District, "O-2" Office District and "R-6" Residential Single-Family District to the west. Revisions to a previously approved Planned Unit Development Plan shall be processed in the same manner as the initial Planned Unit Development Plan.

Zoning Commission Recommendation:

Denial

VOTE	
FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Pedro G. Vega 207-7980

ZONING CASE NO. Z2002258 – December 17, 2002

Applicant: City of San Antonio

Zoning Request: "R-6" Residential Single Family District to "R-6" PUD Residential Single Family Planned Unit Development District.

Ken Brown, representing Continental Homes, is in the process of purchasing the property. He stated he is requesting a residential planned unit development on an 83acre tract of land. He stated they have had numerous meetings with the neighborhood association to discuss this development. He stated their concerns are not associated with zoning. They expressed concerns with density and lots sizes, traffic congestion during the construction, damage to the roads and an alternative access for construction. The PUD Plan shows 261 lots at 3.2 units per acres. He stated they are proposing an amendment of 284 at 3.4 units per ace. He also stated they have agreed to pay for all damages to the roads during construction.

OPPOSE

Phil Garay, 105 N. Alamo, representing Stonegate Hill Subdivision, stated this subdivision is an existing Planned Unit Development that was a designed development approved by the Planning Commission in 1993. He stated this case was initiated by the City at the request of the landowner to properly zone the property. He further stated they do not oppose the zoning change however they are in opposition of the increase in density and amendment to the PUD Plan.

Bill Mariano, 9902 Cinnamon Ridge, stated they are requesting support under the nonconforming PUD aspect. He further stated they have met with the Continental Homes to discuss this request and an agreement has not been made. He expressed concerns with the trees, density, traffic impacts and home values.

Roger Carrillo, 9926 Rambling River Road, stated he purchased property within the proposed PUD area. He stated he strongly opposes this PUD plan. He expressed concerns with the density, traffic impact and the home values this development would bring into the neighborhood.

Roberto Zarate, 4103 Buffalo Baylou, stated he does not oppose the zoning, however he is in opposition of the PUD plan. He stated he feels this is not in the best interest of the residents. He would like a continuance to better discuss this development.

Susan Wood, 9807 Rambling River Road, stated she is opposition of this request. She further stated they have met with Continental Homes and have not reached an agreement. She expressed concerns with the small lot size these homes would be developed on.

Richard Wood, 9807 Rambling River Road, stated he does not want their community changed. He stated he feels this development would affect the appearance of the neighborhood. He would like to keep the community as a non-conforming PUD.

Vinnie Cole, 4119 Cactus Oak Road, stated he has lived in the Stonegate Subdivision since 1996. He stated he would like to request they be a non-conforming PUD.

George Abrego, member of Board of Director of Stonegate Hill, stated he does not support this request.

Pedro & Leticia Zepeda, 9902 Rambling River Road, stated he feels this development would have a negative impact on the community. He stated there have been several issues that have been brought to Continental Homes and no response has been received. Therefore he strongly opposes this request.

Trudy Perez, 4111 Lookenbock, stated she is concerned with the problems this development would bring into the neighborhood. She respectfully is requesting this case be continued to have more time to discuss this development.

James Echeburg, expressed concerns with the density. He stated he has submitted letters to Continental Homes and their representative to address several issues and no response has been received. Therefore, he is requesting this case be continued until January 21, 2003.

REBUTTAL

Ken Brown, stated he feels he has the non-conforming right to proceed. He has had numerous meeting the residents to discuss this development. However, their concerns are not associated with zoning.

Staff stated there were 141 notices mailed out to the surrounding property owners, 102 returned in opposition and 21 returned in favor and Stonegate Hill at Westover Hills Homeowners Association is in opposition.

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 Mehringer to recommend approval "R-6" PUD contingent upon to be in conformance with the original PUD plan 93207.

Roderick Sanchez, Assistant Director, stated a condition could not be made.

The motion was made by Commissioner Grau and seconded by Commissioner Morell to recommend approval "R-6" PUD.

AYES: Martinez, Grau, McAden, Morell,
NAYS: Cardenas-Gamez, Kissling, Hophan, Avila, Mehringer,
ABSTAIN: Sherrill

THE MOTION FAILED.

COMMISSION ACTION

The motion was made by Commissioner Mehringer and seconded by Commissioner Kissling to recommend January 21, 2003.

AYES: Kissling, Sherrill, Mehringer
NAYS: Martinez, Grau, Cardenas-Gamez, Hophan, McAden, Avila, Morell,

THE MOTION FAILED.

COMMISSION ACTION

The motion was made by Commissioner Grau and seconded by Commissioner Avila to recommend denial.

1. Property is located on 92.34 acre tract of land out of NCB 17642 at 4100 Block of Wiseman Road.
2. There were 141 notices mailed, 102 returned in opposition and 21 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Hophan, Sherrill, McAden, Avila,
Morell, Mehringer
NAYS: None

THE MOTION CARRIED.

RESULTS OF COUNCIL HEARING January 9, 2003.

City Council granted a continuance on this case until February 13, 2003.

Z2002258

RESULTS OF COUNCIL HEARING February 13, 2003.

City Council granted a continuance on this case until March 13, 2003.

RESULTS OF COUNCIL HEARING March 13, 2003.

City Council granted a continuance on this case until April 10, 2003.

RESULTS OF COUNCIL HEARING April 10, 2003.

City Council granted a continuance on this case until June 12, 2003.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

OFFICE OF THE CITY COUNCIL

CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL 02 NOV 21 PM 2:34

INTERDEPARTMENTAL MEMORANDUM

2002 NOV 21 PM 2:41
RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

TO: Mayor and Councilmembers

FROM: Enrique M. Barrera, Councilman - District 6

COPIES TO: Terry M. Brechtel, City Manager; Andy Martin, City Attorney; Emil Moncivais, Director of Planning; Florencia Peña, Director of Development Services; Tom Wendorf, P.E., Director of Public Works; Yolanda Ledesma, Acting City Clerk; Gayle McDaniel, Assistant to the City Council; File

SUBJECT: Designating the Heights of Westover Hills (Stonegate Hill Subdivision) with "P-1" Zoning
(See attached Field Notes for the Property)

Z2002258

DATE: November 21, 2002

Please join with me in directing staff to take those steps necessary to bring before the Zoning Commission for its recommendation and to this Council for final action a zoning case that would designate the above-referenced subdivision as a Planned Unit Development ("P-1") zoning district.

The above-referenced subdivision is a 92.34-acre development. The Planning Commission on January 26, 1994 approved a PUD Plan for this project. The approved PUD was designated PUD No. 93-027 and referenced as The Heights at Westover Hills, and included the aforementioned 92.34 acres. A copy of the PUD plan is attached for your convenience.

Due to the fact that this property had been part of the Westside Expressway Annexation, passed and approved by Ordinance No. 59776 effective December 31, 1984, this project was required to be zoned "P-1" before PUD approval. City records have no indication that this was done. Despite this fact, the Planning Commission approved the PUD. Units 1A, 1B, 2A, 2B, 3, and 4 have been constructed, and is an ongoing subdivision with gates that restrict access to Wiseman Road. The PUD designation is necessary to allow this subdivision to be consistent with the City's zoning regulations. Moreover, there is an undeveloped portion of the subdivision that is intended to be developed. By contractual agreement this undeveloped portion of the subdivision, when developed, shall become part of the existing homeowners' association. The only ingress/egress to this proposed development is through the existing gated streets. Without this zoning designation, all streets for the subject subdivision will be required to be public. This also will require the removal of the existing gates.

The Property is currently zoned "R-6" Single-Family Residential. By simply designating this project "P-1, R-6" this property will have zoning consistent with the PUD approval of the Planning Commission. It is further requested that staff be directed to place this matter on the December 17. 2002 Zoning Commission agenda and the January 9, 2003 City Council agenda.

Your concurrence is greatly appreciated.

ENRIQUE M. BARRERA
DISTRICT 6

EDWARD D. GARZA
MAYOR

DAVID A. GARCIA
DISTRICT 5

BOBBY PEREZ
DISTRICT 1

JULIAN CASTRO
DISTRICT 7

JOHN SANDERS
DISTRICT 2

BONNIE CONNER
DISTRICT 8

ANTONIETTE "TONI" MOORHOUSE
DISTRICT 3

CARROLL SCHUBERT
DISTRICT 9

ENRIQUE "KIKE" MARTIN
DISTRICT 4

DAVID CARPENTER
DISTRICT 10