



# CASE NO: Z2004206

## Staff and Zoning Commission Recommendation - City Council

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**Date:** October 14, 2004

**Zoning Commission Meeting Date:** September 21, 2004

**Council District:** 8

**Ferguson Map:** 549 A6

**Appeal:** No

**Applicant:**

Dennis Isbell

**Owner:**

Grace Baptist Temple

**Zoning Request:** From RM-4 PUD Residential Mixed Planned Unit Development District to RM-4 Residential Mixed District

7.059 acres out of NCB 14794

**Property Location:** Northside of Wurzbach Rd. 70 feet west of Fern Glen

**Proposal:** To remove the PUD overlay district and to build new church facilities

**Neighborhood Association:** None

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required

### Staff Recommendation:

Approval. The applicant is requesting the removal of the Planned Unit Development overlay district on the subject property that stretches from Wurzbach Road to Bluemel Street. The base zoning will remain RM-4 Residential Mixed District and serve as a good transitional district between the single-family residential neighborhood to the north east and the multi-family zoning to the southwest.

### Zoning Commission Recommendation:

Approval

**CASE MANAGER :** Fred Kaiser 207-7942

### VOTE

<b>FOR</b>	9
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

ZONING CASE NO. Z2004206 – September 21, 2004

Applicant: Dennis Isbell

Zoning Request: "RM-4" PUD Residential Mixed District Planned Unit Development to  
"RM-4" Residential Mixed District.

Dennis Isbell, 1928 Basse Road, stated the purpose of this request is to remove the PUD overlay. He stated this removal would benefit them as far as their building plans. He stated they intend to build a new church facility on the subject property. He further stated after meeting with the surrounding property owners they have agreed to erect a 6-foot privacy fence along the alley. They have a deed restriction their Real Estate Attorney has prepared to be a part of the title deed giving 3 feet of right a way from their property line along the alley prohibiting any egress or ingress to the neighborhood.

**OPPOSE**

Paul Manna, 9326 Fern Glen, stated he has met with Pastor Isbell to further discuss their proposal. He stated they are not in opposition of the church facility however their concerned with the removal of the PUD. He stated this would eliminate the existing ordinance is reads as follows: Provided that one-foot non-access easement is place along the north property line, that a six foot solid screen fence is erected and maintained along the north property line, tat a 3-foot right-of-way dedication is made from Mitchell Webb Drive to a point opposite the middle of the rear property line of Lot 5, Block 6 of Mount Laurel Unit 1 Subdivision, and that a 5 foot right-of-way is dedicated along the remainder of the alley. He stated they do not want traffic in and out of the neighborhood or the alleys. He further stated the alleys are currently being used for garbage pick up and is concerned that an increase in traffic with this removal of the PUD would interfere with the garbage trucks routes.

Betsy Donnelly, 9319 Fern Glen, stated she would like to echo Mr. Manna's comments. She stated they are concerned that this removal would negatively affect their property. She stated the ordinance that Mr. Manna read was approved in 1984 by City Council and the conditions have not change. She stated they invite the church however their intent is to protect their established neighborhood from undo traffic and noise.

Mark Harris, 9423 Fern Glen, stated they would like to maintain the non-access easement along with the fence is in place to protect their property.

Ronald D. Rodriguez, 9419 Fern Glen, stated he is in opposition of the removal of PUD. He stated they are in opposition of the church however their would like to keep the fence and keep the existing deed restrictions.

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## REBUTTAL

Dennis Isbell, 1928 Basse Road, stated they sent out notices to the surrounding neighbors to advise them of the Church's intent and also informed them that a 6 foot privacy fence would be erected, no access to and from the neighborhood along the alley. They have also agreed to a 3-foot right a way.

Staff stated there were 51 notices mailed out to the surrounding property owners, 25 returned in opposition and 1 returned in favor and staff received 52 notices outside the 200-foot radius expressing their 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 Stribling and seconded by Commissioner Grau to recommend approval with the following additions: 1. A 1-foot non-access easement. 2. A 3 foot right-of-way and also as the previous ordinance stated a 5-foot right-of-way are dedicated along certain point. 3. A 6 foot privacy fence and also just to repeat what they had in their original PUD agreement in order to accommodate the neighbors with the fence in particular and the right-of-way and non-access easement.

Chairman Martinez, asked staff for clarification on the recommendations included in the motion, if they are legally binding by the City of San Antonio.

John Jacks, Acting Planning Manager, stated this case is not a zoning request for conditional use therefore Zoning Commission and City Council cannot place any conditions as part of the zoning case.

Chairman Martinez asked staff, even though no conditions can be placed on the zoning, can it still be included, as part of the record.

John Jacks stated it could be included in the minute record. He further commented on alleys; the current code requires a 24-foot wide right-of-way for an alley with 18 to 24 feet of pavement. That is the current requirements for alleys.

Commissioner Dutmer, inquired about alley widths being enforced when construction of the homes began.

John Jacks stated the homes were already development before the PUD zoning district ordinance was put in place.

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Commissioner Dutmer, asked if a Church has a right to development and its related uses.

John Jacks, stated a church is permitted in "RM-4" as a use however they do have to comply with regulations of that district as far as setback and height regulations.

1. Property is located on 7.059 acres out of NCB 14794 at the northside of Wurzbach Road 70 feet west of Fern Glen.
2. There were 51 notices mailed, 25 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Kissling, Dutmer, Sherrill, McAden, Avila, Stribling, Peel**

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.