



MINUTES OF THE MEETING OF THE
LEON VALLEY ZONING COMMISSION

March 27, 2012

The meeting of the Leon Valley Zoning Commission convened at 6:35 p.m. on Tuesday, March 30, 2012, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Guerra III, Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell, and Members Rich Braune, Hal Burnside, Mike Davis, Jr., and Alternate Members Carmen Sanchez and Phyllis McMillan. Absent and properly excused were Member Pedro Esquivel. Alternate Member Linda Geraghty was not in attendance. Ms. Geraghty had previously submitted her letter of resignation from the Commission in Mid-March due to family matters. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

II. Approval of Minutes – February 28, 2012

Commissioner Phyllis McMillan made a motion to approve the minutes as written. Commissioner Rich Braune seconded the motion, and the motion passed unanimously by voice vote.

III. Specific Use Permit Request #2012-270 (Department of Public Safety Mega-Center)

Chairman Guerra III, welcomed the audience, thanked them for their attendance, and noted the process that would be followed for discussion and public hearing of Specific Use Permit Case No. 2012-270. Staff presented the case information noting that Specific Use Permit Case No. 2012-270, was a request by Barry Williamson, applicant and property owner, on behalf the Department of Public Safety (DPS), to operate and construct an "office" in the 7400 block of Huebner Road, being 3.4 acres of land out of 5.3 acres of land, measuring 24,302 square feet and being located on a B-2 (Retail) zoned property. Staff noted that Per Chapter 14, "Zoning Ordinance," Section 14.02.662, "Exceptions," where new construction abuts residential a specific use permit is required prior to obtaining a building permit. Staff gave the history of the area and then stated that the 2009 Master Plan, Section 5CC Huebner Road Corridor, and 7N Canterfield Area addressed the area in general encouraging any one who was rezoning property to consider R-1 (Single-Family), R-3A (Multiple-Family Retirement), R-6 (Garden Home), R-7 (Single-Family Medium Density Dwelling) and MX-1 (Mixed Use) zoning. Staff further explained that the use "office" as proposed was allowed in a B-2 (Retail) zoning district by right. Staff noted that the Master Plan discouraged development on Huebner Road to have an outlet to the Canterfield Subdivision. Staff noted that the applicant's site plan met the minimum requirements for site plan development including: streetscape/landscape, parking, lighting, trash receptacles, traffic impact and circulation, and other sustainability overlay requirements. Staff explained that as required by State law fifty (50) notices were sent to property owners within 200-feet of the site. Staff noted that as of that evening, twenty (20) letters were received from property owners opposed to the request, one (1) letter was received in favor, and two (2) letters were returned as undeliverable. Staff also noted that per M&C 3-06-12 the Council approved notification of 315 additional properties and of those notices one hundred forty-two (142) signatures were received via petition in opposition to the request.

2nd Vice-Chair Olen Yarnell, asked staff how far the notification circle was expanded. Staff noted that there was not a circle only specific neighborhoods and streets within the immediate area that were requested by Council.

1st Vice-Chair Wendy Phelps asked the hours of operation. Staff noted that the office would be open Monday through Friday from 8:00 a.m. to 5:00 p.m.

Commissioner Hal Burnside, asked staff how the property would be accessed from the North coming down on Huebner Road. He asked if vehicles would have to take a left at Evers Road to access the site. Staff noted that his description was accurate.

Chairman Claude Guerra III asked staff to clarify the traffic impact analysis in basic terms. Staff noted that the proposed development and the potential development on the hard corner at Evers Road and Huebner Road were submitted and the applicant determined that there would be less than 100 peak hour trips. Staff indicated that there was a technical formula from the Institute of Traffic Engineers (ITE) that is used to determine the trip generation based on the proposed use(s).

The City's reviewing engineer Sia Sayyadi noted that the DPS office did not have any facilities similar to the one proposed so they were using a smaller model that currently existed. He explained that in his efforts to work with the project engineer the smaller model would not work and the traffic impact was significantly more and for those reasons certain traffic calming measures were required by the City such as a traffic island at one of the ingress/egress at Huebner Road which allow traffic to turn right to come on the site, and turn right out of the site (right-in/right-out). The second ingress/egress would be similar with only a right turn to exit onto Huebner and head towards San Antonio. He further explained that all the rest of the traffic was directed to Evers Road, where a turn lane was required at the light. Mr. Sayyadi also noted that there were vehicle storage lanes at Evers and Huebner to assist with stacking and turning onto the site as well as to assist vehicles in merging into traffic. He further noted that the applicant would also address traffic signalization and geometry at the building permit phase to ensure that traffic will continue to move smoothly when it reaches the traffic signal at Huebner and Evers.

Commissioner Hal Burnside asked Mr. Sayyadi what percentage could be placed on the amount of traffic that would increase on Huebner and Evers. Mr. Sayyadi replied that the traffic increase would be under 10%.

Chairman Guerra III, asked staff if the routes that were proposed by the DPS for their driver's testing were available. Staff noted that there were three (3) scenarios which had been proposed and Route 3, was selected because it took the testing away from Leon Valley neighborhoods to San Antonio at Apple Green.

Thomas Robertson, Project Manager for Alamo Park Properties and Kiki Constructors, addressed the Commission and noted that there were several individuals representing the development who wished to speak on behalf of the project.

Rebecca Davio, Director of Licensing with the Department of Public Safety, addressed the Commission and noted that the State was aware that they have customer service issues and they were committed to changing their customer service to faster, easier, friendlier facilities and because of this they were looking at larger facilities with more cashier stations. Ms. Davio explained that the Texas Legislature saw the need as well and made funds available. She also noted that the State population had increased 21% and the State needed to keep up with the demand. For these reasons, Ms. Davio noted that the State intended to build six (6) new "mega" facilities, the one in Leon Valley being one (1) of them.

Commissioner Phyllis McMillan asked if any of the already existing DPS offices would be closed. Ms. Davio noted that there are four (4) DPS facilities in San Antonio and none would be closed. She stated the facility would be in addition to the existing facilities.

Senior Trooper Ben Zamora, addressed the Commission and noted that he had extensive experience with the functions of the DPS office and facility and troopers were stationed at the facilities to keep the office secure, maintain order and apprehend wanted individuals.

Chairman Claude Guerra III, noted that from the paperwork that was circulated by Alamo Park properties it was indicated that there would be detention areas on site during regular business hours but not overnight. Trooper Zamora noted that there would be holding cells to protect detainees and troopers.

Commissioner Hal Burnside, asked Trooper Zamora to explain the driver's test details. Trooper Zamora noted that highly experienced troopers ran the tests and three (3) routes had been determined for testing. He explained that they wanted to use all of the routes. Staff noted that Route #3 had been approved in review for the Specific Use Permit. Mr. Robertson interjected and noted that this was correct only Route 3 would be utilized and apologized for the confusion with the trooper.

Senator Leticia Van De Putte, addressed the Commission and noted the State had to cut many programs to balance the budget but one thing that was important to legislators was continuing to provide services. She explained that there were three (3) facilities: probation office, Child Protective Services or Welfare Office and the Department of Public Safety which took priority. Of these offices she noted that she advocated for the DPS Office for the northwest quadrant, especially because in 2013 the ID Act will go into effect requiring those who have driver's licenses to renew more frequently and provide documentation onsite. Ms. Van De Putte explained that the people that would visit this DPS office were the community's very own friends, neighbors and people that they went to church and school with. She also explained that DPS was a good presence in the area and would deter sex offenders, those with warrants or other issues with the law because these individuals would avoid the area. She urged the Commission to allow the DPS Office in the northwest quadrant, because the other location was in the northeast and would be more inconvenient.

Thomas Robertson, Project Manager for Alamo Park Properties and Kiki Constructors, addressed the Commission and continued to address concerns noting that the City would benefit from the ad valorem taxes that would be paid on the property. He also noted that the traffic number on record with the State based on the traffic impact analysis was 500-600 cars and overall there would only be a 3% additional impact on the traffic load. He also explained that there was no mass exodus from the site. Mr. Robertson noted that the use fit the zoning district and they would providing adequate buffering to the adjacent neighborhood.

Being no further discussion by the applicant or questions from the Commission, Chairman Guerra III opened the public hearing at 7:34 p.m.

Liz Maloy, 7411 Chenal Point, addressed the Commission noting that with her experience on the Zoning Commission, Council, a Master's degree in Planning and as the President of the Pavona Place Homeowner's Association, the proposed use was inappropriate for the area, would devastate the neighborhood and lower property value. She urged the Commission to deny the Specific Use Permit and find a more appropriate location for them such as the vacant Fiesta Dodge site on Bandera Road.

Paul Ottavio, 7415 Chenal Point, addressed the Commission and noted his concern with the dirt that was being moved on the property initially with no permitting, the detention cells, the traffic in relation to the neighborhoods and schools. He also noted that there would be no sales tax from the building and would not bring economic development to the City.

Charles Malouff, 6514 Fontana Point, addressed the Commission and noted that he was concerned with traffic and the cut-through's that would be created through the neighborhood and the potential hazard to kids in the area and the local school. He agreed that the Fiesta Dodge site on Bandera Road was a better location for the development.

Joe Hinojosa, 6506 Thunderbird, addressed the Commission and noted that traffic was already very bad in the area and did not need to be worsened by the proposed development. He explained that he did not believe this was a use that should be classified as "office." He also noted that he was

disappointed he was not notified. He explained that he learned about what was happening from the petition. He further noted that this was a bad project and urged the Commission to deny the SUP.

Shaun Greer, 6526 Fontana Point, addressed the Commission and noted concerns with traffic, congestion and the proposed peak hour trips.

Miguel Garza, Paradise Carwash, addressed the Commission and noted that he supported the office development and explained that he felt Leon Valley was staying behind. He explained that the new development should be supported by the City and that the neighbors who are opposing the project knew that the properties surrounding them were retail and commercial when they moved to the area. Mr. Garza urged the Commission to support the development.

Jeton Kellogg, 6615 Fontana Point, addressed the Commission and noted that there would be more noise generated from traffic into the Pavona Place neighborhood and she explained that it was already extremely difficult to get out of the subdivision. She also noted her concerns with the increased traffic and the nearby elementary school and daycare. She further noted that when the streets are closed for flooding the traffic situation is worse. She also noted concern with the holding cells and that she hoped that the Apple Creek neighborhood was informed.

Clarification was given by a member of the State Trooper Division indicating that there were four (4) holding cells because the law required that males, females and juveniles be housed separately.

Carol Smith, 7230 Grass Valley, addressed the Commission and noted her agreement with previous speakers and with looking for a better location for the DPS Office. She agreed with her neighbors that traffic was bad and urged the Commission not to recommend approval of the request.

Victor Diaz, 7210 Bridle Path, addressed the Commission and noted concerns with traffic, more accidents in the area, and vehicles speeding through the neighborhood to get to the light at Huebner and Evers Road. He expressed his opposition to the project.

Robert Trout, 7418 Ellerby Point, addressed the Commission and noted his opposition to the request stating that he can already hear the existing traffic from his master bedroom. He also explained that recently there was more incidents of crime in the Pavona Subdivision which would be worsened by the proposed development. He noted that he does not want the Police, Fire and EMS over-tasked. He noted that the area already had its share of concerns and the DPS office should find a better location.

Walter Geraghty, 7315 Ellerby Point, addressed the Commission and noted that he did not agree with the traffic count and he felt that there would be twice as many cars, especially with the driving test. He explained that it was already difficult to get in and out of the Pavona Place Subdivision and urged the Commission to deny the project.

Ann Sawyer, 6230 Walking Gait, addressed the Commission and noted that she had spoken to the property owner Barry Williamson who had promised a traffic study. She explained that she attended the church next door and she personally did not want the church parking lot used for parking. She noted that Bible classes were held on weekdays for approximately a dozen students and she was concerned with the traffic and their safety. She urged the Commission to consider the property as a nice residential area, but not apartments.

Lyn Joseph, 6423 Trotter Lane, addressed the Commission and noted that she was concerned with traffic and the students as well. She also noted that she did not want her neighborhood used as a cut through. She encouraged the Commission to look for another location for the development.

Duane Smith, 7230 Grass Valley, addressed the Commission and noted concerns with traffic and voiced his opposition to the request.

Being no further discussion, the public hearing was closed at 8:27 p.m.

After addressing questions that arose from the public hearing and much discussion, Commissioner Rich Braune made a motion to deny Specific Use Permit Case No. 2012-270, noting that it was not consistent and compatible with the Master Plan and surrounding zoning, did not protect the health, safety and welfare of the general public and did not protect the property rights of property owners affected by the proposed specific use permit. Commissioner Hal Burnside seconded the motion, and the motion was **defeated 3-4**. The votes FOR the motion were: Commissioners Rich Braune, Hal Burnside and Phyllis McMillan. The votes AGAINST the motion were: Chairman Claude Guerra III, Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell and Commissioner Mike Davis, Jr.

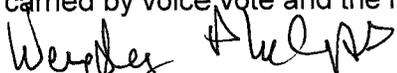
Commissioner Mike Davis, Jr., made a motion to approve Specific Use Permit Case No. 2012-270, with the following conditions: 1) the use of Route #3 only for driving tests (Huebner to Apple Green), 2) no extended hours of operation (8am-5pm only), and 3) the traffic study is sufficiently clarified and addressed as Council sees fit, noting that it was consistent and compatible with the Master Plan and surrounding zoning, did protect the health, safety and welfare of the general public and did protect the property rights of property owners affected by the proposed specific use permit. 2nd Vice-Chair Olen Yarnell seconded the motion, and the motion **passed 4-3**. The votes FOR the motion were: Chairman Claude Guerra III, Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell and Commissioner Mike Davis, Jr. The votes AGAINST the motion were: Commissioners Rich Braune, Hal Burnside and Phyllis McMillan.

IV. Executive Session in Accordance with the Texas Local Government Codes

There was neither item, nor action necessary for this session.

VI. Adjourn

Commissioner Rich Braune made a motion to adjourn, seconded by Mike Davis, Jr. The motion carried by voice vote and the meeting was adjourned at 9:40 p.m.



CHAIRMAN



STAFF