

## A Calloway Update

You will recall that one of the strange cases the association was involved in last year concerned a petition by the local Porsche dealership to rezone and buy the old Calloway property at 9455 IH 10 West, which is on the east side of IH 10 West, approximately 650 feet south of Colony Drive.

In early September 2008, the association learned: TPC Management, Inc. requested rezoning of the old Calloway's Nursery location from Commercial C-2 and Office O-2 to Commercial C-3; Zoning meeting would be on Tuesday, September 16<sup>th</sup> and City staff was going to recommend Approval; and shockingly, District 8 Council Office had requested fast tracking the case so that it would go to City Council two days later on Thursday, September 18<sup>th</sup>. (City of San Antonio Zoning Case Z2008262)

On Monday, September 15<sup>th</sup>, eight neighbors and I met at the District 8 constituent office with District 8 Councilwoman, Diane Cibrian, her assistant, Michael Shackelford, the owner of the Porsche dealership, Mr. Briggs, and his representative, Mr. Burney. We primarily discussed possible deed restrictions for property and had substantive agreement on a number of issues, but the following items were in contention (Ref 1):

- Signage: No on-premise digital signs, banners, flags or temporary or inflatable displays
- Restriction on dumpster placement, say 30' min from the north property line with the condos
- Building placement
- Air conditional placement
- Appearance of building from residential areas.

On September 18<sup>th</sup>, the day of the Council vote, Mr. Burney wrote a Letter to CW Cibrian and stated (Ref 2):

*“The issues that we reached agreement on are as follows:*

1. *Lighting: downward lighting will be installed on the property to prevent any spillover effect on adjoining neighborhood on Powhatan. Lighting shall also be installed to provide security lighting on the eastern buffer.*
2. *Landscaping: landscaping will be maintained on the eastern existing buffer to screen dealer operation from the neighborhood to the east*
3. *Access: entry to the property shall only be from the IH-10 frontage*
4. *Use: no bar, tavern, microbrewery, or sexually-orientated business will be operated on the property*
5. *Amplification: no outdoor speaker system other than Muszak will be operated on the property*
6. *Dumpsters: location is still to be determined, but it will be located adjacent to the Type C landscape buffer required by COSA regulations on the northern boundary of the property*

*These would be codified in deed restrictions enforceable by a group of neighbors, including those directly impacted and neighborhood association.”*

I went to City Council on Thursday, September 18<sup>th</sup>, and stated that the association was opposed to the change with the current offer for deed restrictions. Cibrian stated that she thought Burney's proposal for deed restrictions was sufficient, a Porsche dealership would be a plus for the neighborhood, bah, bah, bah, and moved to accept. The rest of the council followed suit. It passed.

So why do I mention this sorry case now?

As of this writing, the Calloway property has been physically cleared, but the Porsche dealership has not been built and the promised deed restrictions – the ones that Cibrian accepted by fiat and not the ones that the association requested – have not been finalized.

Moreover, the current formulation for the restrictions does not match what was promised. For instance, instead of “*no outdoor speaker system other than Muszak,*” the draft from Burney now reads “*No outdoor public speaker system will be operated on the Land that constitutes a legal nuisance to the residential lots located across Powhatan Drive from the Land,*” hardly equivalent commitments in my humble opinion.

Hopefully, the differences can be ironed out, but we not in a good negotiating position. These deed restrictions should have been completely hashed out prior to the council meeting last year.

### **Epilog**

We receive an email two weeks ago about a proposed zoning change to the old Golden Corral property, next to Calloway, to change it from Commercial C-2 to C-3 in order to allow . . . another auto dealership!

### **Ted Trakas**

#### References:

1. [http://www.vjni.org/Zoning-Cases/200809\\_I10-Wurzbach/20080915\\_Meeting-Results.pdf](http://www.vjni.org/Zoning-Cases/200809_I10-Wurzbach/20080915_Meeting-Results.pdf)
2. [http://www.vjni.org/Zoning-Cases/200809\\_I10-Wurzbach/20080918\\_Burney-2-Cibrian.pdf](http://www.vjni.org/Zoning-Cases/200809_I10-Wurzbach/20080918_Burney-2-Cibrian.pdf)