

Z2008262
9455 IH 10 West (the old Calloway Location)
VJNI Email – Redacted (Privacy Information Removed)

From: Trakas
To: michael.shackelford@sanantonio.gov,district8@sanantonio.gov
Date: Sat, 6 Sep 2008 16:20:05 -0500
Subject: Calloway Zoning Case (Z2008262)

I am very disturbed by zoning case Z2008262.

I do not see anything positive about the requested change and have prepared an information sheet to distribute to affected neighbors. (See Attached.)

According to Staff Final Recommendation, D8 has requested a 'fast track' for this case. Do we have different viewpoints on this? What am I missing?

From: Trakas
To: VJ Directors
Date: Sat, 6 Sep 2008 16:25:19 -0500
Subject: Fw: Calloway Zoning Case (Z2008262)

VJ,

FYI - I hope D8 knows something positive about this zoning case, otherwise I'll ask for your approval to proceed.

From: AR
To: Trakas
Date: Sat, 6 Sep 2008 17:45:39 -0500
Subject: Calloway Zoning Case (Z2008262)

Dear Ted:

I don't know anything positive about this and am always suspicious of zoning cases that suddenly appear and are fast tracked. Ann

From: Trakas
To: VJ
Date: Tue, 9 Sep 2008 20:56:42 -0500
Subject: Zoning Cases - Mockingbird and Calloway's

VJ,

Spoke to Michael shackelford in D8 office.

He said he didn't know much about the Red McCombs' case on Mockingbird.

For the Calloway case, the Porsche dealership (from 4623 Fredericksburg Rd San Antonio, TX 78201?) wants to relocate. According to Michael, this is a high end operation (that neighbors should welcome). I repeated our usual mantra that once the property is rezoned anything under that category is fair game and such a rezoning could be used to justify other rezonings, aka the "Domino

Effect"). If the owners want to sway neighbors, they should meet with them to present their proposal and plans. They haven't done this and even if they did, . . . we'd still would have the "Domino Effect" to consider.

This is the same argument VJ and neighbors made for the Huebner/Sandstone case. Told him VJNI would be in opposition.

Unless there's an objection, I'll distribute the attached to the neighborhood tomorrow.

From: Trakas
To: michael.shackelford@sanantonio.gov
Cc: district8@sanantonio.gov
Date: Thu, 11 Sep 2008 07:46:19 -0500
Subject: Continuance of the Calloway Case

Michael,

My sense is that the proposed rezoning of Calloway's will be solidly opposed by neighbors and hence our association.

The only way this opposition might change is if the owner and neighbors and associations (condos and VJ) can reach an agreement for deed restrictions. This will take effort, coordination and time.

I recommend the case applicant request a one month continuance to allow these discussions to take place. I request D8 support of my recommendation.

Trakas
VJNI
www.vjni.org

From: LJ
To: district8@sanantonio.gov
Date: Thu, 11 Sep 2008 09:52:07 -0500

Councilwoman Cibrian,

I am vehemently opposed to the rezoning of the Calloway property to C-3. The procedure for the rezoning of this property is unusual and gives the impression of preferential treatment without taking in mind the concerns and needs of the neighborhood. Further, this rezoning opens the door for the types of business that will not be beneficial for the families of this area.

From: "Michael Shackelford" <Michael.Shackelford@sanantonio.gov>
To: "Frank Burney" <fburney@mdtlaw.com>, <dmbiggs@yahoo.com>
Cc: Trakas
Date: Thu, 11 Sep 2008 15:41:57 -0500
Subject: Zoning Case# Z2008262 9455 IH 10 West

Frank and Daniel,

The Vance Jackson Association has requested a 1 month continuance on the zoning case. Please advise if you are able to grant the continuance in order to meet with the neighbors, discuss deed restrictions and work out other details.

Michael N. Shackelford
Office of Councilwoman Diane G. Cibrian
District 8 City Council Aide

(210) 207-2888 Office#
michael.shackelford@sanantonio.gov

From: CS
Sent: Monday, September 15, 2008 10:46 AM
To: D8
Cc: MS
Subject: Zoning

What is the latest about the Porsche dealer rezoning. I thought you said last week you would send me something about restrictions you had placed on the property? I am hearing more objections, possibly based upon lack of information, to this one from residents and it appears to be best to delay going before zoning for a month.

On Mon, 15 Sep 2008 18:43:17 -0500 CS writes:

I just saw that this is scheduled for Council on Thursday, Z-27.

From: Trakas
Sent: Tuesday, September 16, 2008 6:40 AM
To: CS
Cc: BC, KL, MS, D8
Subject: Re: FW: Zoning

Attached is my memo from last night's meeting between neighbors and Porsche dealer and his rep. We have substantial agreement for deed restrictions.

The owner didn't agree to restrictions for signage (excluding on-premise digital signs, banner, etc.) and dumpster placement (excluding it next to the condos) that I thought were reasonable. He stated that he didn't think Porsche corporate gives him latitude on these. (Personally, I can't believe this.)

My game plan is to go to the zoning board meeting and give tentative approval based on deed restrictions being settled.

t2

PS. The city council meeting minutes from June 19th are posted now. This was the date digital opponents went to 'citizens to be heard'.

From: BC
To: Trakas, CS, KL
Date: Tue, 16 Sep 2008 08:31:29 -0500
Subject: RE: FW: Zoning

Ted,

I would insist on no digital on premise signs, banners, balloon signs, location of dumpster and firm up the fencing. You could request a high fencecrete wall if that would appear to work, with shrubs in front of it for noise buffering.

From: CS
Sent: Tuesday, September 16, 2008 10:11 AM
To: Trakas
Cc: BC, KL
Subject: RE: FW: Zoning

Ted,

It is hard to support your efforts when you do not keep us involved.

From: Trakas
Cc: FB,DMB,D8,MS
Date: Tue, 16 Sep 2008 19:13:29 -0500
Subject: Re: My MFR for tonight's meeting

Frank,

From discussions at today's zoning meeting, I think we're converging on an agreement. Your September 16, 2008 1044 AM email [Attachment 1] agrees with much of my memo [Attachment 2] from last night. I now request that you

1. Add a 15' landscape buffer along the northern property line, which is adjacent to the condos. (Your email item # 2)
 - Reason: For much of the property line, the condos and dealership properties are at the same or comparable elevations.
 - Strawman specifications: Width – 15'; Shrubbery & Trees 20' high
 - Additional benefit: In addition to screening the dealership from the two-story condo on the north side, this buffer effectively solves the 'dumpster placement' problem.
2. Add dry cleaning operations to the excluded uses list. (Your email item #4)
3. Add restrictions against digital on-premise signs, banners, flags, temporary, inflatable displays, etc. (Discussed at the meeting but missing from your email.)

Your acceptance of these reasonable requests will seal the deal for VJNI.

Thank you in advance for your cooperation. See you again Thursday.

Ted Trakas, President
Vance Jackson Neighborhood, Inc
www.vjni.org

From: Trakas
To: CS,BC,KL
Date: Tue, 16 Sep 2008 19:16:27 -0500
Subject: Fw: Re: My MFR for tonight's meeting

FYI - Again, this is a fast moving train. If you can help, fine. If not, I can understand given the compressed timelines - goes to city council Thursday.

On Tue, 16 Sep 2008 19:19:37 -0500 BC writes:

Ted, I sent you my suggestions and I also would like to know who you are dealing with to get the deed restrictions done. Is it the owner or other?

From: Trakas
Sent: Tuesday, September 16, 2008 7:50 PM
To: BC
Cc: CS, KL
Subject: Re: FW: Zoning

I think our emails crossed on the wires.

Frank Burney was brought in to represent the owner. The plan is for him to send a letter to Cibrian outlining the deed restrictions. (His 09-16-08 is a draft.) She'll read the letter into the City Council record, and we (neighbors and VJNI) will agree to the zoning change, based on his letter.

Cibrian states that Frank is a straight shooter and she trusts him to follow thru. (You agree?)

Deed restrictions will be signed by (probably 2) neighbors and VJNI. Of course, I'll need legal representation to review the restrictions before signing.

More complicated and compressed a process than I like.

From: BC
To: Trakas
Date: Tue, 16 Sep 2008 20:14:46 -0500
Subject: RE: FW: Zoning

Yes, Frank will keep his word.

From: Frank Burney
Sent: Tuesday, September 16, 2008 10:18 AM
To: Trakas; dmbriggs@yahoo.com
Cc: 'Diane G. Cibrian'; 'Michael Shackelford'
Subject: RE: My MFR for tonight's meeting

While we appreciate your willingness to represent the neighborhood on zoning issues, I believe it is inappropriate for you to contact Porsche for any reason. My client has contractual relationships with Porsche regarding its operations and is negotiating with it on a new franchise location. Any interference with those negotiations will not assist in resolving this zoning case.

On Tue, 16 Sep 2008 10:20:22 -0500 Trakas writes:

I am agreeable for your client contacting Porsche to verify that it does in fact have signage and dumpster requirements as he stated last night. A copy of an email to that effect would be sufficient.

-----Original Message-----

From: Trakas

Sent: Tuesday, September 16, 2008 7:13 PM

Cc: fburney@mdtlaw.com; dmbriggs@yahoo.com;

Diane.Cibrian@sanantonio.gov; Michael.Shackelford@sanantonio.gov

Subject: Re: My MFR for tonight's meeting

Frank,

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Ted Trakas, President
Vance Jackson Neighborhood, Inc
www.vjni.org

From: Trakas

Sent: Tuesday, September 16, 2008 7:50 PM

To: BC

Cc: CS, KL

Subject: Re: FW: Zoning

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More complicated and compressed a process than I like.

From: BC
To: Trakas
Date: Tue, 16 Sep 2008 20:14:46 -0500
Subject: RE: FW: Zoning

Yes, Frank will keep his word.

From: Trakas
To: Burney
Cc: briggs, Cibrian,Shackelford
Date: Wed, 17 Sep 2008 10:44:54 -0500
Subject: RE: My MFR for tonight's meeting

It would be good if you could confirm today that you'll accept my proposal below, otherwise I'll have to go to the council meeting tomorrow in opposition. Pls call me at work if this will expedite the matter.

From: Frank Burney
Sent: Wednesday, September 17, 2008 2:30 PM
To: Trakas
Cc: dmbriggs; Diane.Cibrian;
Michael.Shackelford
Subject: RE: My MFR for tonight's meeting

1. In our letter to CM Cibrian, I noted that COSA regs require a Type C landscape buffer, which as you know by Code requires 15' in width, solid screen fencing, and landscaping requirements. My client has agreed to such requirement but is not willing to commit to additional landscaping since the site plan has not been prepared. The project will comply with all current COSA landscaping regs, but we cannot agree to any additional landscaping until we know the layout of the building.

2. A prohibition on any use involving dry cleaning operations in the form of a deed restriction was not discussed, and my client is not willing to add it to the list. However, it is highly unlikely that given the value of this property fronting IH-10 that the highest and best use would ever include a dry cleaning operation.

3. Signage was discussed, and we stated our position that Porsche has signage requirements, all of which will comply with existing COSA signage regs. My client is unwilling to exclude the requested language on signage. Again, it is not likely that given the type of customer that Porsche brand attracts, that there would ever be inflatable as an advertising medium.

It is my understanding that Dan did commit to you to place the dumpster outside of the landscape buffer to the north. I will add such requirement to my letter to CM Cibrian.

Let me know if you have any further questions.

From: Trakas
To: "Frank Burney"
Cc: dmbriggs, Diane.Cibrian
Michael.Shackelford
Date: Wed, 17 Sep 2008 14:49:56 -0500
Subject: VJNI is in opposition to your application

1. At our meeting, I specifically raised the issue of a landscape buffer on the north side of the property, which is adjacent to the condos. Your letter, as I recall, only mentioned a buffer on the north side, which I believe is the existing one next to Powhatan. Are you stating you will be required to place a 15' buffer on the north side too? If so, let's write it into the restrictions. (Code can always change and sometimes not for the better.)

2. If economically a dry cleaning operation would not be desirable, I don't understand your hesitation to put that in the restrictions.

3. At our meeting, I raised the issue of signage. I don't understand how restricting the property from excessive, and garish signage, as I request, is a hardship, since your client says he wouldn't engage in these practices anyway. Our group always requests these types of signage restrictions in cases such as this. Almost always, applicants have been agreeable on this matter, and council persons are supportive.

I am sorry you are unwilling or unable to negotiate these remaining items. It may be we tried to rush the process too much. If you are unable to change your positions, I will have to appear at city council in opposition to your application tomorrow.

Sorry it's not working out. We tried.

From: Frank Burney
Sent: Wednesday, September 17, 2008 3:31 PM
To: briggs; diane.cibrian; Michael.Shackelford
Subject: Re: VJNI is in opposition to your application

There will be a 15' landscape buffer on the north side of the tract required by Code--we see no reason to add to deed restrictions since it is already required.

As to other issues, our position remains unchanged.

From: Frank Burney
Sent: Wednesday, September 17, 2008 4:05 PM
To: Trakas; diane.cibrian
Subject: Fw: Landscape buffer requirements

Attached is an excerpt of City Code re landscape buffer

From: Trakas
To: "Frank Burney"
Cc: diane.cibrian, <officers@vjni.org>
Date: Wed, 17 Sep 2008 16:32:36 -0500
Subject: RE: Landscape buffer requirements

Thanks for sending me this information but it validates my concerns.

Type C buffering is an anemic design for Z2008262, which is an extreme case whereby you propose to place a C-3 property immediately next to two-story condos (aka "apartments" in the city's papers) without the benefit of C-1 and O-2/1 buffering.

The property line needs solid line of canopy trees (and the other small trees and shrubs), but I don't see this as an option that the city recognizes. (No one ever accused SA of being that progressive, you know.) I plan to drop by the property after work and take pictures to show the issue. I'll be there around 5:30. If you want to meet, fine.

Perhaps this buffer is still negotiable with you, but we still have the other dry cleaning and signage problems.

On Thu, 18 Sep 2008 08:40:49 -0500 BC:

Who will be at CC to oppose?

From: Trakas
To: BC
Date: Thu, 18 Sep 2008 16:11:29 -0500
Subject: Re: Negotiation broke down for Calloway Property

Just me. The 'rush to judgment' really hurt the cause. No chance to rally the troops.

I had hoped for a last minute compromise, but we lost. If Cibrian had been more insistent for a compromise, the issue could have been settled differently. I had hope for more support from her. (I guess I'm still spoiled from when Art Hall was D8; he always tried to align with our HOA - from my memory.)

I'm having flashbacks to Dec 6, 2007 - the digital billboard vote. I hope this doesn't set a trend.

From: Trakas
To: district8@sanantonio.gov, michael.shackelford@sanantonio.gov
Date: Fri, 19 Sep 2008 06:36:34 -0500
Subject: My Post Mortem on Yesterday's Council Mtg

Here's my post mortem for yesterday's city council meeting, which I've published on the VJ web site:

Sep 18, 2008 - City Council Meeting on the case

- Ted Trakas (VJNI) - Address to City Council - "[Problems with Z2008262](#)" | [PPT Version](#)
- Cibrian moved to approve the zoning request even though VJNI, a party to the proposed deed restriction, was opposed to it - The rest of council followed suit - WE LOSE
- We give Cibrian a score of 'F' for this case. Why?

- She approved 'fast tracking' the case without consulting VJNI or neighbors
- The first she brought the neighborhood and developer together was 1 day before going to Zoning and 3 days before going to City Council
- Unlike Art Hall, she did not force the developer to enter into a voluntary agreement with our HOA before giving them the 'green light'. (*That's why they did not negotiate in good faith.*)

I plan to publish a fuller article to this effect in VJ November newsletter.

Looking to the future, I hope we don't see a repeat of these mistakes.

From: Trakas
Sent: Sunday, September 28, 2008 9:00 PM
To: Frank Burney
Subject: Draft deed restrictions for Z2008262 Property

I will need to have the deed restrictions for the Z2008262 property (Old Calloway's) reviewed for the association before signing.

When will you have a draft?

On Mon, 29 Sep 2008 14:59:43 -0500 Frank Burney fburney@mdtlaw.com writes:

We are working on the acquisition of the property and closing issues. As soon as we complete those issue, we will prepare a draft of the proposed restrictions and forward to CM Cibrian's office for her review.

From: Trakas
To: fburney@mdtlaw.com
Cc: michael.shackelford@sanantonio.gov, district8@sanantonio.gov
Date: Mon, 29 Sep 2008 18:30:22 -0500
Subject: Re: Draft deed restrictions for Z2008262 Property

Of course, it's ok with me that you send your draft to CW Cibrian's office, but pls also send it to all signatories for the restrictions, which include all participants of September 15th meeting. Some participants may opt out, but VJNI won't.