

Zoning Update

In the Spring of 2004 City Council upheld the West Hills appeal of the MPC-approved plan for development of land bordering Stockton. The developer subsequently filed suit in Chancery Court to over turn that decision. That case is still pending, but at the end of this past January the West Hills attorney petitioned for a summary judgment for dismissal on the grounds that the case was without merit because of a subsequently discovered restrictive covenant. The Chancellor did not rule

in our favor, because of a technicality that the restrictive covenant was not part of the original case record. Apparently, the suggestion was made however, that the proper action would be to pursue a declaratory judgment, which essentially would be a validation of the restrictive covenant.

Although this may be the best legal approach, the cost of pursuing this would appear to be prohibitive. The association therefore has decided not to pursue this action at this time. After consultation with our attorney a different approach is be-

ing investigated with the foot-work being done by leaders of the association in order to save expenses.

Northwest City Sector One-Year Plan

On February 15th MPC held a public hearing at Bearden Middle School to present proposed modifications of the one-year sector plan, which potentially affects West Hills planning and zoning for the near future. Significantly, MPC staff recommended a change in designation

for the land west of old Weisgarber and north of Middlebrook (the Waterhouse property). The land is currently listed as "open space", and would be changed to "mixed use", which would allow low and medium density residential and office. In principle this was not a shift from previous MPC staff recommendations. There was no definition of how the different uses should be placed on the property. Although the hearing was not well attended, four residents of West Hills (Councilwoman Barbara Pelot, Dr. Reuben Pelot, Jean

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3.625"W x 4.9375"T

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3.75"W x 2.375"T

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1.8125"W x
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