

3MINUTES
REGULAR PLANNING COMMISSION MEETING
City Hall Council Chambers
April 9, 2014
5:30 P.M.

COMMISSIONERS:

Philip Ramirez, Chairman
Chris Hamilton, Vice Chairman*
Mark Adame
Fred Braselton
Marco Castillo
Mike Lippincott
Curtis Rock
Eric Villarreal
Marsha Williams*

STAFF:

Barney Williams, P.E., Interim Director,
Development Services
Miguel Saldaña, AICP, Senior Planner
Julian Grant, First Assistant City
Attorney
Annika Gunning, Project Manager
Kris Carpenter, Planning Technician
Linda Williams, Recording Secretary

***Absent**

I. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Chairman Ramirez and a quorum was declared.

II. APPROVAL OF ABSENCES

Motion to **approve** the absences of Chairman Ramirez and Commissioners Castillo and Williams for the March 26, 2014 meeting was made by Commissioner Braselton and seconded by Commissioner Rock. Motion passed with Vice Chairman Hamilton and Commissioner Williams absent.

III. APPROVAL OF MINUTES

March 26, 2014 Meeting

Motion to **approve** the March 26, 2014 minutes as distributed was made by Commissioner Villarreal and seconded by Commissioner Braselton. Motion passed with Vice Chairman Hamilton and Commissioner Williams absent.

IV. PUBLIC HEARING AGENDA ITEMS – DISCUSSION AND POSSIBLE ACTION

A. PLATS

New Plats

Miguel Saldaña, Development Services, read New Plats Case Nos. 1213169-NP113, 0314041-NP031 and 0314043-NP033 into record as shown below. Mr. Saldaña stated the plats satisfied all requirements of the Unified Development Code (UDC) and State Law and the Technical Review Committee recommended approval.

1213169-NP113 (13-21000043)

Rodd East Addition, Block 17, Lots 10A & 11A (Final Replat – 3.2 Acres)

Located on the southeast corner of Rodd Field Road (SH 357) and Wooldridge Road.

IV. PUBLIC HEARING AGENDA ITEMS – DISCUSSION AND POSSIBLE ACTION

A. PLATS

New Plats (cont.)

0314041-NP031 (14-2000001)

Westpoint Crossing (Preliminary – 111.52 Acres)

Located at the southwest intersection of Old Brownsville Road (FM 665) and South Padre Island Drive (SH 358).

0314043-NP033 (14-2000002)

The Vineyards Unit 4 (Preliminary – 44.34 Acres)

Located east of Airline Road and south of Saratoga Boulevard (SH 357).

After Staff's presentation, the floor was opened for comments and discussion by commissioners. There being none, the public hearing was opened with no one coming forward and the public hearing was closed.

Chairman Ramirez called for a motion. Motion to **approve** New Plats Case Numbers 1213169-NP113, 0314041-NP031 and 0314043-NP033 as presented by Staff was made by Commissioner Villarreal and seconded by Commissioner Rock. Motion passed with Vice Chairman Hamilton and Commissioner Williams absent.

B. ZONING

New Zoning

Kris Carpenter, Development Services, addressed the commission. Mr. Carpenter read Zoning Case No. 0414-01 into record as shown below.

Case No. 0414-01 – Klatt Thomas, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District, resulting in a change to the Future Land Use Plan from commercial and medium density residential to office uses.

Property is described as Lot 22, River Forest Acres, located along the northwest side of Interstate Highway 69 between Teague Lane and Cornett Road.

Mr. Carpenter stated the purpose of the requested change of zoning was to allow construction of two 3-unit multifamily structures. Mr. Carpenter continued the requested zoning would be an expansion of the office zoning district to the west and would not allow uses that were a nuisance to the adjacent residential uses. The subject property is located in the Northwest Area Development Plan and is planned for commercial and medium density residential uses. The proposed zoning change to the "ON" Office District is not consistent with the adopted Future Land Use Plan.

Mr. Carpenter presented several aerial views of the subject property. Mr. Carpenter stated sixteen (16) notices were mailed to property owners within the 200-foot notification area, three notices were mailed to property owners outside the notification area and no notices were returned. Mr. Carpenter stated Staff recommends approval of the change of zoning request.

After Staff's presentation, the floor was opened for discussion and comments by commissioners. There being none, the public hearing was opened with no one coming forward. Chairman Ramirez called for a motion. Motion to **approve** the change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District General Commercial District was made by

IV. PUBLIC HEARING AGENDA ITEMS – DISCUSSION AND POSSIBLE ACTION

B. ZONING

New Zoning – Case No. 0414-01 (cont.)

Commissioner Villarreal and seconded by Commissioner Lippincott. Motion passed with Vice Chairman Hamilton and Commissioner Williams absent.

Mr. Carpenter read Zoning Case No. 0414-02 into record as shown below.

Case No. 0414-02 – Peterson Properties, Ltd.: A change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District, resulting in a partial change to the Future Land Use Plan from light industrial to commercial uses.

Property is described as being a 118.30-acre tract of land out of Lots 9, 10, 11, 14, 15 and 16, Section 5, Range VIII of the Guggenheim and Cohn’s Farm Lots, located between Old Brownsville Road (FM 665), South Padre Island Drive (SH 358) and West Point Road.

Mr. Carpenter stated the purpose of the requested change of zoning was to allow future development of commercial uses. Mr. Carpenter continued that at this time, the applicant did not have a specific development plan for the property, but there was one potential commercial user located at the corner of Old Brownsville Road and South Padre Island Drive. The subject property is located in the Westside Area Development Plan and is planned for commercial and light industrial uses. The proposed zoning change to the “CG-2” General Commercial District is partially consistent with the adopted Future Land Use Plan.

Mr. Carpenter presented several aerial views of the subject property. Mr. Carpenter stated thirty-three (33) notices were mailed to property owners within the 200-foot notification area, four notices were mailed to property owners outside the notification area and no notices were returned. Mr. Carpenter stated Staff recommends approval of the change of zoning request.

After Staff’s presentation, the floor was opened for discussion and comments by commissioners. There being none, the public hearing was opened with no one coming forward. Chairman Ramirez called for a motion. Motion to **approve** the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District was made by Commissioner Braselton and seconded by Commissioner Rock. Motion passed with Vice Chairman Hamilton and Commissioner Williams absent.

Annika Gunning, Development Services, addressed the commission. Ms. Gunning read Zoning Case No. 0414-04 into record as shown below.

Case No. 0414-04 – BCH Investment Group, LLC: A change of zoning from the “RM-2” Multifamily 2 District to the “CG-2” General Commercial District, resulting in a change to the Future Land Use Plan from multifamily to commercial uses.

Property is described as being an 8.080-acre tract of land out of Lots 23 and 24, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, located along the west side of South Staples Street (FM 2444), approximately 400 feet south of Yorktown Boulevard.

IV. PUBLIC HEARING AGENDA ITEMS – DISCUSSION AND POSSIBLE ACTION

B. ZONING

New Zoning – Case No. 0414-04 (cont.)

Ms. Gunning stated the purpose of the requested change of zoning was to allow development of an indoor recreational family entertainment venue. Ms. Gunning continued the applicant proposes to develop the property with a 1,300 seat movie theater with ten movie screens, an 8-lane bowling center, a laser tag and arcade. The subject property is located in the Southside Area Development Plan and the property is planned for medium density residential uses and the proposed change of zoning is not consistent with the adopted Future Land Use Plan.

Ms. Gunning presented several aerial views of the subject property and a conceptual site plan of the proposed development. Ms. Gunning continued thirty-two (32) notices were mailed to property owners within the notification area, four were mailed outside the notification area and one notice was returned in favor. Ms. Gunning stated Staff recommends approval of the change of zoning request.

After Staff's presentation, the floor was opened for comments and discussion by commissioners. After comments and discussion concluded by commissioners, the public hearing was opened.

George Gray, 7005 Valley View Drive, addressed the commission. Mr. Gray stated he was with the representative of the Asbury Methodist Church located on Yorktown Boulevard where he volunteered with the children[s] ministry. Mr. Gray continued he would like to review several points of staff's zoning report.

- Existing Land Uses and zoning;
- Transportation; and
- Department Comments – Mr. Gray asked if the existing proposed use could be used in another zoning district other than the general commercial district. Mr. Gray stated a bar/lounge could be placed in the complex; which would have a negative impact on the neighborhood as well as the church.

Jason Teague, 7501 South Staples (Asbury Church), addressed the commission. Mr. Teague stated he was pastor of the Asbury Methodist Church. Pastor Teague stated he also wanted to express his concerns about possible drainage issues.

Tim Dowling, 8017 Villefranche Drive, addressed the commission. Mr. Dowling briefly presented several key points he was concerned about and that he felt were not adequately addressed in the zoning report.

Jeff Dinger, Rockport, Texas, addressed the commission. Mr. Dinger stated he was the developer of the project and he initiated the zoning change request. Mr. Dinger continued he has been in the movie business for approximately 37 years and has seen a lot of changes in the industry. The proposed venue will consists of a movie theater with 1,300 seats, along with the bowling alley, food, beverages. Mr. Dinger stated it was also proposed to have a venue for beer and wine, not a bar or lounge.

IV. PUBLIC HEARING AGENDA ITEMS – DISCUSSION AND POSSIBLE ACTION

B. ZONING

New Zoning – Case No. 0414-04 (cont.)

After further discussion and comments, the public hearing was closed. Chairman Ramirez called for a motion. Motion to **approve** the change of zoning from the “RM-2” Multifamily 2 District to the “CG-2” General Commercial District was made by Commissioner Lippincott and seconded by Commissioner Villarreal. Motion passed unanimously with a roll call vote and Vice Chairman Hamilton and Commissioner Williams absent.

Mr. Carpenter read Zoning Case No. 0414-03 into record as shown below.

Case No. 0414-03 – John O. Nicholson, III d/b/a Barton Street Pub: A change of zoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District, resulting in a change to the Future Land Use Plan from single-family to multifamily uses.

Property is described as being a 0.421-acre tract of land out of Lots 7 and 8, Block H, Flour Bluff Estates, located at the southeast intersection of Mounts Drive and Melody Lane.

Mr. Carpenter stated the purpose of the requested change of zoning was to allow construction of two multifamily structures consisting of seven (7) dwelling units. Mr. Carpenter continued the subject property is located in the Flour Bluff Area Development and is planned for commercial uses. The proposed change of zoning to the “RM-1” District is not consistent with the Future Land Use Plan.

Mr. Carpenter presented several aerial views of the subject property. Mr. Carpenter stated twenty-five (25) notices were mailed to property owners within the 200-foot notification area, two notices were mailed to property owners outside the notification area and no notices were returned. Mr. Carpenter stated Staff recommends approval of the change of zoning request.

After Staff's presentation, the floor was opened for discussion and comments by commissioners. There being none, the public hearing was opened with no one coming forward. Chairman Ramirez called for a motion. Motion to **approve** the change of zoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District was made by Commissioner Braselton and seconded by Commissioner Adame. Motion passed with Vice Chairman Hamilton and Commissioner Williams absent.

V. DIRECTOR'S REPORT

Barney Williams, Interim Director, reminded commissioners of the special meeting scheduled for April 17, 2014, 12 noon to 2 p.m. to meet with the consulting firm that will update the City's Comprehensive Plan.

Mr. Williams stated that a UDC text amendment on plat recordation will be scheduled as an agenda item for the April 17, 2014 meeting.

V. DIRECTOR'S REPORT (cont.)

Julian Grant, Legal Staff, stated that at a future meeting date, Staff will present the rules and procedures on protocol during a public hearing. Mr. Grant stated that discussion between the commission and the public should not be happening.

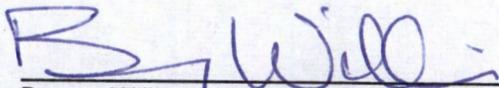
Mr. Grant stated he would review how the commission should be handling absences. Mr. Grant continued that in the Planning Commission bylaws, it states that during a term year, a commissioner could not have more than seven (7) absences; which means that no action would be needed. After the seventh absence, the membership was automatically terminated.

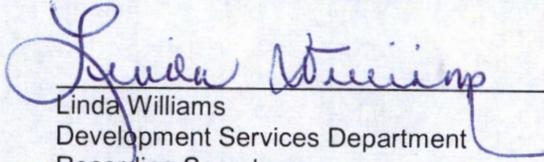
VI. Items to be Scheduled

None

VII. Adjournment

There being no further business, the meeting adjourned at 6:27 p.m.

 4/17/14
Barney Williams, P.E., Interim Director Date
Development Services Department
Interim Secretary to Planning Commission

 4/17/14
Linda Williams Date
Development Services Department
Recording Secretary