



Meeting Minutes

Planning Commission

Wednesday, September 21, 2022

5:30 PM

Council Chambers

The Planning Commission shall be responsible to and act as an advisory body to City Council; shall review and make recommendations to City Council regarding the adoption/implementation of a comprehensive plan; regarding all proposals to adopt/amend land development regulations for the purpose of establishing consistency with the comprehensive plan; regarding zoning or requests for zoning changes in a manner to insure consistency with the adopted comprehensive plan; regarding the City's annual capital budget and any capital improvement bond program. The Planning Commission also exercises control (approving body) over platting/subdividing land within the cooperate limits and the extraterritorial jurisdiction of the City in a manner to insure the consistency of all plats with the adopted comprehensive plan.

I. Call to Order, Roll Call

The meeting was called to order by Chairman Zarghouni at 5:30 p.m. A quorum was present with Vice Chairman Miller, Commissioner York and Commissioner Salazar-Garza absent.

II. PUBLIC COMMENT: NONE

III. Approval of Absences: Commissioner Schroeder

A motion was made by Commissioner Mandel to approve the absences listed above and it was seconded by Commissioner Gonzalez. The motion passed.

IV. Approval of Minutes

1. [22-1579](#) Regular Meeting Minutes of September 7, 2022

A motion was made by Commissioner Gonzalez to approve the minutes listed above and it was seconded by Commissioner Mandel. The motion passed.

V. Consent Public Hearing: Discussion and Possible Action

Mark Orozco, Development Services, read the Consent agenda into the record. Item "5" was removed from the consent agenda. New Plat items "2, 3, 4 ,6, 7, 8 and 9" satisfy all requirements of the Unified Development Code (UDC)/State Law and the Technical Review Committee (TRC) recommends approval. After Staff's presentation Commissioner Schroeder asked a question on item 8. He asked if plat is located in commercial zoning. Staff responded that the plat is outside the city limits. Commissioner Schroeder stated that if their intent is residential, he is concerned because the plat is located in an area that floods significantly. Staffed responded it would be impacted at

the building stage not the plat, but staff will look into this and add a note if necessary. The public hearing was opened, there being no one to comment, the public hearing was closed. A motion was made by Commissioner Gonzalez to approve the Consent Agenda items "2,3,4,6,7,8 and 9", and it was seconded by Commissioner Munoz. The motion passed.

Item "5" was read into the record. The applicant has requested to move this plat to the next agenda. The public hearing was opened, there being no one to comment, the public hearing was closed. A motion was made by Commissioner Munoz to table item "5" until the next Planning Commission meeting, it was seconded by Commissioner Schroeder. The motion passed.

A. Plats

2. [22-1586](#) 22PL1061
LANDMARK AT AIRLINE, BLOCK 1, LOT 1 (FINAL - 11.16 ACRES)
Located east of Airline Road and south of Brooke Road.
3. [22-1620](#) 21PL1109
LONDON TOWNE SUBDIVISION UNIT 9A (FINAL - 18.42 ACRES)
Located north of FM 43 and west of London Pirate Road.
4. [22-1592](#) 22PL1122
WOODLAWN EST. BLOCK 6 LOTS 24R-A, 24R-B, 24R-C (REPLAT - .67 ACRES)
Located north of Williams Dr. and east of Clare Dr.
5. [22-1623](#) 22PL1124
BRIGHTON PARK ADDITION NO. 2 BLOCK 1 LOT 3R-1 AND 3R-2 (REPLAT - 2.00 ACRES)
Located north of Airline Road and west of Rodd Field Road
6. [22-1588](#) 22PL1130
SARATOGA PLACE BLOCK 4, LOT 1 (FINAL PLAT 1.97 ACRE)
Located on Saratoga Blvd. east of Sandra St.
7. [22-1601](#) 22PL1135
NUECES RIVER IRRIGATION PARK ANNEX 2 LOT 2 (REPLAT - 2.53 ACRES)
Located north of Northwest Blvd. just west of Riverwood Rd.
8. [22-1619](#) 21PL1174
POZO CRUZ-FLORES SUBDIVISION (FINAL - 94.08 ACRES)
Located south of Old Brownsville Road (FM 665) and east of FM 763

9. [22-1640](#) 22PL1143
Industrial Tech. Park Unit 3 Lot 2 (Final -2.99 ACRE)
Located north of Old Brownsville Rd. and west of SPID.

VI. Public Hearing: Discussion and Possible Action

Time Extension

10. [22-1600](#) **0816103-NP064 (16-20000008) - 3RD REQUEST**
LEXINGTON CENTER UNIT 2 (PRELIMINARY - 32.798 ACRES)
Located east of Crosstown Expressway (SH 288) and north of Holly Road.

Mark Orozco presented item "10" for the record as shown above. This is the 3RD Request for a 24-month time extension for Lexington Center Unit 2. Located east of Crosstown Expressway and north of Holly Road, currently there is a convenient store at the corner. The preliminary plat does incorporate the back portion of the lot which is approximately 33 acres. Chairman Zarghouni asked staff about the length of the extension. He understood the length of an extension was one year. Staff answered for plats is one year. This is a preliminary so it would be two years. Chairman Zarghouni asked for the reason for the extension. Staff answered finalizing the bond project and staff has checked the utility map and it has not been installed. The consultant did state that it is near completion. Staff said this is a large tract, so they need the utility line all the way to Greenwood. The preliminary plat was approved in 2016 and in 2018 was the first extension request. Commissioner Gonzalez asked staff if they have a recommendation for this request. Mr. Dimas told the commissioner when it gets above one or two requests, staff does not give a recommendation. The applicant would need to make a case as why they are requesting the extension. Commissioner Schroeder asked what imposition is on the city or general public by extending this. Commissioner Schroeder asked if this extension was prohibiting other projects, from what he has understood one can speculate if the bond is really holding up this project, but there have been ongoing bond projects around this site. If the developer believes that that's their opinion, unless the extension causes problems for other public improvement projects or other neighboring properties. Commissioner Munoz asked staff if they know a time frame of installation of the utility line. Staff said it is near completion but will verify with Public Works their completion schedule for the extension to Greenwood. The public hearing was opened.

Burris McRee (6000 Staples Ste. 401) represents the seller for about 4 years. There have been a lot of situations that have happened at that location that has prevented them from development but the biggest percent of it has been utilities. Currently they have a contract in place with Circle K to extend their facility about an acre. Mr. McRee said about two years ago they sold 15 acres of the 32-acre tract to charter schools, because they could get utilities under the Crosstown Expressway to a lift station for sanitary sewer, so

utilities play a big part on order to get someone to take on a project. They sold 81 acres for a residential project on the west side of this property, but they were only allowed to do so because utilities are available.

Chairman Zarghouni asked if there is a convenient store should not the utilities line have been extended to the adjacent property. Mr. McRee said the line has not been extended to the adjacent property because there is not capacity there, so it is useless to extend. Chairman Zarghouni is concerned that they have owned this property for several years knowing that there were no utilities and requested a plat extension for several years. He did not understand if the utility was an issue, then why did the client purchase the property. To keep getting extensions for 6 years now for the same reason is not convincing him to extend this plat.

Commissioner Gonzalez asked Mr. McRee if the utilities were there tomorrow what is the future of this property? Original plans were to develop a retail center but since Covid those plans have been held up. But they get calls of people wanting to do certain things and sometimes it is just not what the developer wants to do there. The developer is wanting to stay away from industrial and would like to build apartments or retail. Commissioner Gonzalez asked if the utilities were done in the next three months do they have a plan on what the developer will do with this property. Mr. McRee said the rear part would be the retail center, and then have pad sites along the front. They could do around 4 or 5 pad sites and then another pad site to the north of the Circle K. The public hearing was closed, and discussion continued with staff. Commissioner Mandel asked if they were to deny the extension what would be cost for the owners if they had to reapply for the preliminary plat. Staff answered they would need to look at the municipal code, but this not an exorbitant cost to restart the project. They would base their reviews off previous comments to see if there was anything left unaddressed. It would go back to the Technical Review Committee, and it would need to follow today's standards if there are minor changes from 2016 till today. The zoning is CG-2 so it will allow all the uses Mr. McRee just mentioned excluding industrial. Chairman Zarghouni asked staff if it was common to have a property with no utilities. Mr. Dimas said during this time the developers are notified through the TRC and if there was any type of ongoing Bond project that would extend utilities that are not there by means of a city project, then the developer is responsible for extending the utilities for the site. Commissioner Schroeder asked what the Bond year and utilities project was, Mr. Dimas said he believes it was 2018, but he will verify. Commissioner Schroeder stated the project was almost done, and this would be prime time for sale. He researched if there are issues or problems with the UDC or AZC that would come up and none of those apply to this case, so he does not see why they would deny the extension.

The discussion concluded and Chairman Zarghouni called for a motion. A motion was made by Chairman Zarghouni to deny the applicant request for the extension for the third time. Commissioner Schroeder questioned if the Chairman could make a motion. Chairman Zarghouni said he only made the motion because he had none of the commissioners made a motion. He withdrew his motion and asked if someone else

would like to make a motion. A motion was made by Commissioner Mandel to deny the applicant the time extension for the third time, and it was seconded by Chairman Zarghouni. Chairman Zarghouni called for a roll call vote with Commissioner Schroeder, Commissioner Gonzalez, Commissioner Munoz and Commissioner Motaghi opposed. Chairman Zarghouni and Commissioner Mandel in favor, the motion failed.

A motion was made by Commissioner Munoz to grant the time extension and was seconded by Commissioner Schroeder. Chairman Zarghouni called for a roll call vote with Commissioner Munoz, Commissioner Schroeder, Commissioner Gonzalez and Commissioner Motaghi in favor. Chairman Zarghouni and Commissioner Mandel opposed. The motion passed.

VII. Director's Report : NONE

VIII. Future Agenda Items : NONE

IX. Adjournment

There being no further business to discuss, the meeting adjourned at 6:10 p.m.