



**MINUTES OF THE MEETING OF THE  
LEON VALLEY ZONING COMMISSION**

**August 25, 2015**

The meeting of the Leon Valley Zoning Commission convened at 6:32 p.m. on Tuesday, August 25, 2015, in the Training Room at the Leon Valley Fire Department at 6300 El Verde Road, Leon Valley, Texas.

**I. Poll for Attendance, Determination of a Quorum, Call Meeting to Order**

Present were Chairman Olen Yarnell, 1st Vice Chair Phyllis McMillan, 2nd Vice Chair Hal Burnside, Members Pedro Esquivel, Tony Westrich, Larry Proffitt, Alex Jenicek. Alternates Greg Price, Henry Diecker, and Richard Blackmore were in attendance and there were no absences. Also present was Elizabeth Carol, Director of Community Development Department, acting as recording secretary.

**II. Approval of the June 23, 2015 and July 14, 2015 Zoning Commission Minutes**

Commissioner Tony Westrich made a motion to approve both sets of minutes as written, and the motion was seconded by 2nd Vice Chair Hal Burnside. The motion passed unanimously.

**III. Specific Use Permit #2015-893 - A request by Fertitta Reality Inc., applicant to construct and operate a "coffee shop", in a B-2 (Retail) zoning district, being Lot 5, Block 1, CB 4446B, Bandera Heights Subdivision located at 7050 Bandera Road.**

Chairman Olen Yarnell opened the discussion and staff presented the case details noting that this was a request by the property owner to rezone approximately .56 acres of land to Specific Use Permit to allow for the development of a coffee shop and is needed to accommodate the construction of a restaurant that is not completely enclosed. Staff also noted that the plan conformed to the Leon Valley Code of Ordinances and that six letters were mailed to property owners within 200-feet and as of that evening there were no written input submitted on behalf of this project. Staff concluded the presentation and remained available for questions.

Chairman Olen Yarnell opened the public hearing at 6:48 and being that there were no speakers the Chairman subsequently closed the public hearing.

The Chairman then opened the floor for Commissioner discussion and 1<sup>st</sup> Vice Chair McMillian had questions about parking and stacking issues within the drive through lane. Jon Spenser, with Sterling Design Associates, LLC spoke on behalf of the project, and indicated that the proposed coffee shop exceeded the parking and stacking standards within Leon Valley. The Commissioners also explored the need for additional handicapped parking and for the

installation of sidewalks along Bandera Road. Mr. Spenser indicated that the extra handicapped parking space could be provided.

Commissioner Westrich, provided a copy of a letter (attachment) that he prepared outlining several concerns with the proposed development, and he went on to note that his concerns were addressed in staff presentation. He indicated that he now is supportive of the project, but regretfully he has another commitment and left the meeting at 7:10.

The discussion moved onto the need for sidewalks and Commissioner Alex Jenicek recommended that the need for sidewalks be considered separately, given the role of TXDOT. Commissioner Pedro Esquivel expressed concerns about setting a precedent, which was also supported by 1<sup>st</sup> Vice Chair Phyllis McMillian, who went on to note that sidewalks are included in the Master Plan.

The discussion evolved into the need for an improved Primo Bus Stop on Bandera Road, near this site. The Chairman inquired as a business owner, if Starbucks would be willing to assist the City in communicating their support to VIA in the hopes of expediting the installation of an improved Primo bus stop. Mr. Spenser indicated that Starbucks could lend their support of the proposal.

1<sup>st</sup> Vice Chair Phyllis McMillian then made a motion recommending approval of the SUP with the recommendation of the extra handicapped parking space. She went on to note that the proposed request for SUP Zoning is consistent and compatible with the surrounding area and the Leon Valley Master Plan, and that the proposed development protects property owners of all real property affected by the zoning request. The motion was seconded by 2<sup>nd</sup> Vice Chair Hal Burnside, and passed via a unanimous vote 7-0.

**IN FAVOR OF THE MOTION:**

Chairman Olen Yarnell  
1st Vice Chair Phyllis McMillan  
2nd Vice Chair Hal Burnside  
Commissioner Pedro Esquivel  
Commissioner Larry Proffitt  
Commissioner Alex Jenicek  
Commissioner Greg Price

Chairman Olen Yarnell recommended a five minute break at 7:30 and the meeting reconvened at 7:38.

**IV. Update and Discussion of the Master Plan Amendments**

City Staff presented an updated to of the Master Plan Amendment process and noted that the updates were behind schedule, and staff anticipated that they would still be able to conform to the overall timeline.

Staff provided the Commission with the recommended updates to the Neighborhood Component and the changes were tracked. The Commission opted to review the substantive changes updates to the Neighborhood component of the Master Plan and a consensus was

reached to accept the changes with the exception of two items, which would be brought back to the Zoning Commission with additional clarification. The first item was Forest Oak Area and the proposed "Action Plan" to annex the adjacent cemetery and Community Center property. The second item was to assess the actual need for a turn lane to be added to Huebner Road. Staff was instructed to research both of these items and bring them back to the Zoning Commission for further discussion.

**V. Consideration and discussion of meeting time.**

The Zoning Commission discussed changing the starting time of the meetings, and after some discussion Chairman Yarnell recommended that the new time be through the remainder of 2015. Commissioner Pedro Esquivel made a motion for the meetings to start at 7:00 P.M. and; the motion was seconded by 2nd Vice Chair Hal Burnside and was approved with a unanimous vote.

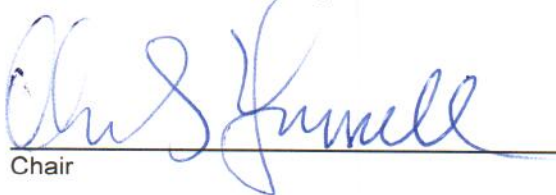
**VI. Executive Session in Accordance with the Texas Government Code.**

There was neither item, nor action necessary for this session.

**VII. Adjourn**

There was a brief discussion related to preparing agenda notebooks and having them delivered to the Fire Department, so that Commissioners could have hard copies prior to the meeting. The Commission also requested that staff provide contact information on behalf of each Commissioner and email Commissioners the links to Attorney Generals web page regarding mandatory Open meeting and Public Information training.

Commissioner Alex Jenicek made a motion to adjourn, seconded by Commissioner Pedro Esquivel. The motion passed unanimously and the meeting was adjourned at 8:11 p.m.

  
Chair

  
Staff

8-25-2015

Leon Valley Zoning Commission

Subject: Agenda item #3

Special use permit 2015-893

Lot 5, Block 1, CB 4446b

Bandera Heights Subdivision

Comments and Concerns from Commissioner Westrich

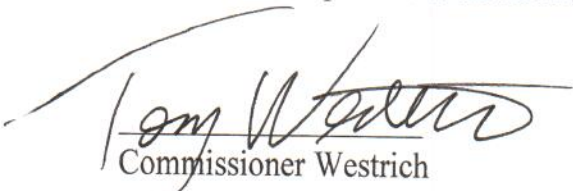
Adding a coffee shop to this location will be a valuable addition to this subdivision. It is consistent with the general master plan and will be a welcome asset to the area.

Note: The advance package only shows the existing use of the property. A site plan would be needed to show traffic and pedestrian flows, in order to give full approval.

Concerns:

1. This location has good access to Bandera Road, but a concern not to impede the north bound traffic access for Raising Canes.
2. Coffee shop drive thru should exit either on their south or east building side.
3. The removal of the light pole located on the south east corner of the existing building must be replaced with comparable lighting scheme.
4. Suggest the setback of the building be equal to Raising Canes and not as close to Bandera Road as Whataburger.
5. The design statement from Sterling Design Associates, LLC states the coffee show would be 1920 sf. How does this compare to the square feet of Whataburger and Raising Canes?

Finally, I support the staff comments listed on the case worksheet and support the re-zoning proposal. The only business with a major position in this matter is Raising Canes. I spoke to the assistant manager and suggested he contact his management. I recommended that a member of their staff be present at the zoning meeting if they have any concerns.

  
Commissioner Westrich