



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

May 29, 2014

The meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Thursday, May 29, 2014, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 2nd Vice-Chair Olen Yarnell, and Members Mike K. Davis, Jr., Pedro Esquivel, Hal Burnside, Phyllis McMillan and Carlos Fernandez. Absent and properly excused was Member Nicole Monsibais. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

II. Approval of the Minutes – March 25, 2014

Commissioner Pedro Esquivel made a motion to approve the minutes of March 25, 2014 as written. Commissioner Hal Burnside seconded the motion, and the motion passed unanimously by voice vote.

Ila. Ceremonial Items

- Presentation to Mike K. Davis, Jr., 4-years' service to the Zoning Commission
- Presentation to Wendy Phelps 14-years' service to the Zoning Commission

Chairman Claude Guerra III opened the ceremony at 6:35 p.m. presenting Commissioner Mike K. Davis Jr., with a certificate of appreciation for Mr. Davis' dedication and service of 4-years to the Zoning Commission. Chairman Guerra III noted that he was disappointed to hear that Mr. Davis had resigned and noted that he appreciated that Mr. Davis was a man of principal and stuck to his convictions.

Chairman Guerra III noted that former Vice-Chair Wendy Phelps was not in attendance to accept her certificate and noted that he wanted to schedule another opportunity to present her with it. He did mention that Ms. Phelps had completed 14-years of service to the Commission despite continual health issues and often attended Zoning meetings even when she was not feeling well. He noted she would be missed.

Chairman Claude Guerra III noted that there was also a certificate of service for former Commissioner Carmen Sanchez for her service of 3-years. He explained that Ms. Sanchez had been elected to serve on City Council.

III. Specific Use Permit #2014-272 – A Request by Carlos Trujillo to operate a "Playroom/birthday party room, kids only," at 6835 Bandera Road.

Chairman Claude Guerra III opened the discussion at 6:45 p.m. noting that Specific Use Permit Case #2014-272 was withdrawn. He explained that a dated Permitted Use Table (PUT) had been referenced and the current PUT did not require a Specific Use Permit. He noted the use was allowed by right in the B-2 (Retail) zoning district.

IV. Zoning Case #2014-393 – A Request by Henry Daughtry, Jr., applicant and property owner and agent for Leatrice Hans, Eddie Miller and Susana Guzman, to Rezone approximately 14.07 acres of land, being Lots 7, 8, 9, 10, 11 12A, Lot 15, Lot 23 or A, generally located at 6016, 6200, 6312, 6360 and 6400 Grissom Road.

Chairman Claude Guerra III opened the discussion at 6:47 p.m. Staff presented the case details noting that Zoning Case #2014-393 was a request by said owners to rezone approximately 14.07 acres of land from the Sustainability Overlay to the Commercial/Industrial Overlay at said lots and addresses. Staff noted the surrounding zoning and further explained that the history of the area indicated that it was gradually rezoned from R-1 (Single-Family) and B-2 (Retail) to B-3 (Commercial) beginning in 1969. Staff also noted

that these properties began to be rezoned from R-1 (Single-Family) and B-2 (Retail) to B-3 (Commercial) in 1967 and the rezoning continued in 1975, 1983, and 1984. Staff explained that the zoning trend in the Grissom Road Corridor had become commercial and commercial type developments resulted. Staff stated that the underlying zoning in the area is B-3 (Commercial). Staff further noted that the only change that occurred was the creation and implementation of the Sustainability Overlay for the Grissom Corridor in 2010. Staff stated that the 2009 Master Plan 4CC, Grissom Road Corridor, described this area as a B-3 (Commercial) area with some R-3 (Multiple Family), R-4 (Townhouse) and R-6 (Garden Homes). Staff noted the Plan also encouraged land uses in this area to be B-3 (Commercial). Staff comments included: that 1) if the properties are moved from the Sustainability Overlay (SO) to the Commercial/Industrial Overlay (CIO) they would still be protected by the overlay requirements for landscaping, streetscaping and building design; noting the primary difference between the overlays was the use types allowed within each of the overlay districts, and 2) as noted in previous hearings, upon general observation and discussion with Half consultants a zoning trend was emerging in the utilization of the Zoning Overlays between 2010 and the present, which indicated that properties zoned B-3 (Commercial) were suited to the Commercial/Industrial Overlay. Staff noted examples of properties like Reindeer Trail which was removed from the Sustainability Overlay (SO) to the Commercial/ Industrial Overlay (CIO), as was the B-3 (Commercial) Fiesta Dodge properties, and the newly rezoned B-3 (commercial) Ancira-Winton properties. Staff noted that Manuel Rubio of Miracle Paint and Body was also approved for an overlay change from Sustainability Overlay to the Commercial Overlay in 2013.

Staff noted that Mr. Daughtry Jr., wanted to expand into the vacant lot on Grissom Road noting that he would construct a retail/ office storefront but he wanted to construct storage units in the rear and per the Sustainability Overlay table he would not be allowed to have storage. Staff also noted that the applicants/property owners were nonconforming and significant improvements to the properties trigger conformance to the Sustainability Overlay standards, which do not allow storage or automotive uses. Staff showed exhibits of the proposed façade for the retail/office storefront and also a magazine cover which demonstrated Mr. Daughtry's Camp Bullis site and design that was featured in an exclusive storage magazine.

Staff stated that 30 letters were mailed to property owners within 200-feet and as of that evening eight (8) letters were received in favor of the request, one (1) of which was a duplicate. Staff concluded the presentation and remained available for questions.

Commissioner Mike K. Davis, Jr. asked if there were any businesses in Leon Valley that conformed to the Sustainability Overlay. Staff noted three (3) examples: Bush's Chicken, Raising Cane, and Brass Knuckle Customs for building color. Staff further noted that there were also other examples of areas that have benefited from the overlay standards.

Commissioner Phyllis McMillian asked if the storage units would be indoor or outdoor. Mr. Daughtry Jr., noted that the storage units would be a combination of both with the enclosed units closer to the storefront and the outdoor units after, much like his new facility at Camp Bullis.

Mr. Daughtry Jr., addressed the Commission and noted the history of the Leon Valley Storage property noting that it used to be an airplane hangar circa 1945. He noted that he believed that this business was one of the oldest continuously operating businesses in Leon Valley. He further explained that the expansion project on the vacant lot (Ms. Hans's property) was estimated at \$1.2 million which would support the City's ad valorem tax. He also noted that sales tax is paid for the storage of vehicles.

Commissioner Hal Burnside asked if there would be some sort of separation of the business from the residential in the rear. Mr. Daughtry Jr., noted that there would be an 8-foot privacy fence. Staff noted an 8-foot privacy fence is required between commercial and resident by City Code.

Mr. Daughtry Jr., continued to address the Commission noting that in looking into development of the vacant property he and his engineers have closely looked at proper Stormwater management for both conventional detention ponding and even innovative processes such as permeable pavers. He explained that addressing drainage was very serious to him and by Federal law he could not put out more water from

the property than is already generated. He noted that he hoped whatever means was used would create less runoff.

As an aside, 2nd Vice-Chair Olen Yarnell asked if perhaps there could be some sort of official historical significance given to this area. Mr. Daughtry, Jr., noted that he would like that and would see what could be done.

Chairman Claude Guerra III, opened the public hearing at 7:00p.m.

Matthew Hodde, resident at 5813 El Verde, addressed the Commission and noted that he was pleased to hear Mr. Daughtry Jr., talking about drainage specifically detention ponds and/or permeable pavers. He noted that his property backed up to these properties and there was presently no catchment to keep rain water from going into his and other resident's back yards. He noted that he wanted to bring attention to the drainage matter because it was an important concern for him.

Being no further speakers, Chairman Claude Guerra III, closed the public hearing at 7:02 p.m.

2nd Vice-Chair Olen Yarnell asked if the LC-17 project would address some of the drainage concerns. Staff noted that LC-17 would address the areas of El Verde closest to Shadow Mist and then those up near the doctor's office. Staff explained that the middle section between these northern and southern points was the portion with uncompleted drainage. Staff noted that the County could be asked for possible assistance.

2nd Vice-Chair Olen Yarnell asked if the City could get involved to help. Staff noted that between Staff, Mr. Daughtry Jr., Mr. Hodde, Public Works and the County we could see if something could be done to assist with drainage in this area. 2nd Vice-Chair Olen Yarnell noted that he wanted to see that it is especially since it is a matter presently at hand.

Commissioner Pedro Esquivel, made a motion recommending approval of Zoning Case #2014-393 with direction to the City Council regarding careful attention to drainage in this area as a special project with the City and affected property owners. He noted that rezoning from the Sustainability Overlay to the Commercial/Industrial Overlay was consistent and compatible with the surrounding area and Master Plan, and protected property owners of all real property affected by the zoning request. Commissioner Phyllis McMillan seconded the motion, and the motion passed unanimously, by voice vote, 7-0.

IN FAVOR OF THE MOTION

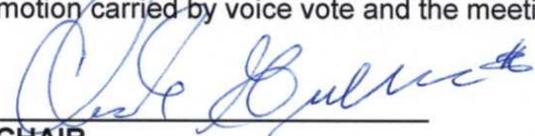
- Chairman Claude Guerra II
- 2nd Vice-Chair Olen Yarnell
- Commissioner Hal Burnside
- Commissioner Pedro Esquivel
- Commissioner Mike K. Davis, Jr.
- Commissioner Phyllis McMillan
- Commissioner Carlos Fernandez

IV. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE

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

VI. ADJOURN

Commissioner Pedro Esquivel made a motion to adjourn, seconded by 2nd Vice-Chair Olen Yarnell. The motion carried by voice vote and the meeting was adjourned at 7:11 p.m.



CHAIR



STAFF