



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

December 3, 2013

The Special Meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, December 3, 2013, 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 and Carmen Sanchez, and Alternate Member Nicole Monsibais. Absent and properly excused were 1st Vice-Chair Wendy Phelps, Member Hal Burnside, Alternate Members Phyllis McMillan and Carlos Fernandez. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

II. APPROVAL OF MINUTES – October 29, 2013

2nd Vice-Chair Olen Yarnell made a motion to approve the minutes of October 29, 2013 as written. Commissioner Pedro Esquivel seconded the motion, and the motion passed unanimously by voice vote.

III. CONSIDERATION AND PUBLIC HEARING OF A 90-DAY MORATORIUM ON THE CONSTRUCTION, RECONSTRUCTION, OR OTHER ALTERATION OR IMPROVEMENT OF ANY UNDEVELOPED, DEVELOPED, AND PARTIALLY-DEVELOPED NON-RESIDENTIAL PROPERTY FOR USE AS A NON-CHARTERED FINANCIAL INSTITUTION LOCATED WITHIN THE DEFINED GEOGRAPHIC BOUNDARIES WITHIN THE CITY LIMITS; PROVIDING FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF PERMITS FOR THE CONSTRUCTION, RECONSTRUCTION, OR OTHER ALTERATION OR IMPROVEMENT OF PROPERTY FOR THE PURPOSE OF USE AS A NON-CHARTERED FINANCIAL INSTITUTIONS LOCATED WITHIN THE DEFINED GEOGRAPHIC BOUNDARIES WITHIN THE CITY LIMITS; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING AN APPEAL PROCESS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE WITH AN EXHIBIT DEFINING THE GEOGRAPHIC BOUNDARIES INCLUDED IN THIS MORATORIUM.

- A. Public Hearing**
- B. Zoning Commission Recommendation**

Chairman Claude Guerra III opened the discussion of the moratorium consideration at 6:32p.m. Staff presented the details noting that the moratorium was for a period of 90-days as allowed by Chapter 212 of the Texas Government Code with proper findings, an effective date, exemptions, appeals process, and waiver procedure. Staff explained that the Zoning Commission was appointed by the Mayor and Council and under Chapter 212 of the Local Government Code were required to conduct a public hearing for the consideration of the moratorium. Staff noted that this was one (1) of two (2) public hearings that were required. The second public hearing was scheduled for Monday, December 9th before the City Council.

Staff further explained that the Zoning Commission is charged with investigating matters relating to protection, enhancement and perpetuation of land uses and developments. Staff noted that the moratorium would allow the Zoning Commission and other City Official the opportunity to examine the effects of saturation of Non-Chartered Financial Institutions in Leon Valley and would temporarily stop any new developments. Staff noted that the goal was also to allow time to see what the Texas Legislature as well as examine the measures if any that the Legislature takes in regard to Non-Chartered Financial Institutions. Staff explained that a moratorium was justified if it appeared that existing development ordinances, regulations or other applicable laws need to be strengthened. Staff also noted the evidence and findings as follows: the location of non-charted financial institutions have negative impacts on nearby

property values, contribute to increase crime levels, negatively affect the general perception of the viability of commercial areas in which they are located, utilize on site advertising techniques which are generally incompatible with the general commercial areas where they are located and provide for an unattractive appearance, and displacement of conventional and traditional banks. Staff noted that per the Credit Access Bureau information there were thirteen (13) un-chartered lending institutions in Leon Valley; not including the institutions which may not be legally registered.

Staff further explained that the moratorium would cover new development, partial development and renovation but to ensure that occupancy permits were addressed an ordinance based on Chapter 51 and the City's general policing authority would be considered by Council in collaboration with the moratorium ordinance. Staff concluded the presentation and remained available for questions.

Chairman Guerra III noted that he supported the action but that it would be very important to work with other communities such as the Bexar County Council of Mayors on this matter to develop a unified effort to address non-chartered financial institutions. He further explained that the Texas Legislature has not addressed the matter and it is important to get momentum in addressing the issue by getting together with other communities.

Commissioner Hal Burnside asked if the City was hindered by being a general-law city versus a home-rule city. Staff noted that the authority making abilities of each form of government did make a difference. Commissioner Nicole Monsibais noted that Council had considered the difference between home-rule and general-law and their benefits and limitations.

2nd Vice-Chair Olen Yarnell noted that the Texas Municipal League may also be another good resource in addressing non-chartered financial institutions. He also asked what was going to happen after the 90-day moratorium expired. Staff noted that either an actionable item would be provided for consideration or a request for extension of the moratorium would be made.

Commissioner Pedro Esquivel asked that since most of the documentation that supported the moratorium was out of State what the City would do if the ordinance was challenged. Staff noted that the Council and City Attorney would determine how to proceed at that time. Staff additionally noted that there was other information in the documented research from places such as Brownsville and Garland, Texas which took a different approach to regulating non-chartered financial institutions like requiring additional registration, specific use permits, number within a certain distance and zoning district limitations.

Chairman Guerra III opened the public hearing at 6:56p.m., being no public comment Chairman Guerra III closed the public hearing at 6:57p.m.

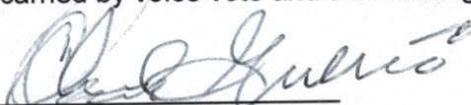
Commissioner Pedro Esquivel recommended approval of the proposed 90-day moratorium for Non-Chartered Financial Institutions noting it protected the health, safety and welfare of the general public. 2nd Vice-Chair Olen Yarnell, seconded the motion and the motion passed unanimously by voice vote, 6-0.

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

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

VI. ADJOURN

2nd Vice-Chair Olen Yarnell made a motion to adjourn, seconded by Commissioner Pedro Esquivel. The motion carried by voice vote and the meeting was adjourned at 6:59 p.m.


CHAIR


STAFF