



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

July 30, 2013

The regular meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, July 30, 2013, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 1st Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell, and Members Hal Burnside, Mike K. Davis Jr., Pedro Esquivel, and Carmen Sanchez and Alternate Members Phyllis McMillan and Carlos Fernandez. Absent and excused was Alternate Member Nicole Monsibais. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

II. Approval of Minutes – March 26, 2013

Staff noted two (2) administrative corrections. 1st Vice-Chair Wendy Phelps noted that she was not in attendance but the minutes reflected her attendance. Commissioner Carmen Sanchez noted that she was present and was recorded as absent. Staff noted that the minutes would be amended accordingly.

Commissioner Pedro Esquivel made a motion to approve the minutes as amended. Commissioner Hal Burnside seconded the motion, and the motion passed unanimously by voice vote.

III. Zoning Case #2013-391 – Manuel Rubio – Rezone 4.26 acres from the Sustainability Overlay (SO) to the Commercial/Industrial Overlay (CIO)

2nd Vice-Chair Olen Yarnell recused himself from consideration of the case noting a business conflict. Chairman Guerra III excused Mr. Yarnell and noted for the record that Commissioner Phyllis McMillan would be a voting Member for the zoning case consideration.

Chairman Claude Guerra III opened the consideration of Zoning Case #2013-391 at 6:35 p.m. Staff noted that Zoning Case #2013-391 was request by Manuel Rubio, applicant and property owner, to rezone approximately 4.26 acres of land from the Sustainability Overlay (SO) to the Commercial/Industrial Overlay (CIO). Staff also noted that the underlying zoning would remain B-3 (Commercial). Staff further described the project as being Lots 63, 64 and 65, Block 3, CB 5784A, of the Greenway Park – Leon Valley Addition Subdivision, at 6217 Grissom, 6645 and 6655 Poss Road. Staff presented the history of the area which indicated that it was gradually rezoned from R-1 (Single-Family) and B-2 (Retail) to B-3 (Commercial) beginning in 1969. Staff further explained that properties across the street along Grissom Road began to be rezoned from R-1 (Single-Family) and B-2 (Retail) to B-3 (Commercial) in 1967 and that rezoning continued in the area in 1975, 1983, and 1984. Staff stated that the zoning trend in the Grissom Road Corridor became commercial and commercial developments resulted. Staff also stated that the underlying zoning in the area is commercial and that the only change that occurred was the creation and implementation of the Sustainability Overlay for the Grissom Corridor in 2010. Staff noted that the 2009 Master Plan, 4CC Grissom Road Corridor, described the area as a B-3 (Commercial) area with some R-3 (Multiple-

Family), R-4 (Townhouse) and R-6 (Garden Home) zoning and that the area was encouraged to be B-3 (Commercial). Staff noted that letters had been mailed to nine (9) property owners within 200-feet of the requested zoning. Staff noted that seven (7) letters had been returned in favor of the request; three (3) that were within 200-feet and four (4) letters that were outside the 200-foot notification radius. Staff also noted that there were no letters received in opposition to the request and no letters that were returned undeliverable. Staff presented photographs of the site, concluded the presentation and remained available for questions.

Commissioner Mike K. Davis Jr., noted that he was concerned that previous cases where the overlay was changed from Sustainability to Commercial was setting a precedent. Staff noted that the cases were noted for historical data but each request was considered on a case-by-case basis.

Manuel Rubio, applicant, addressed the Commission and noted that he has had his business in Leon Valley for 28 years. He further noted that he wanted to purchase the building at 6655 Poss Road to expand his business. He explained that he already owned a portion of the property behind 6645 Poss Road where Pronto Rooter is located.

Commissioner Mike K. Davis Jr., asked Mr. Rubio what would be done with the building at 6645 Poss Road that Mr. Rubio wanted to utilize. Mr. Rubio noted the business would be the same; repair of vehicles.

Staff noted that Mr. Rubio was requesting the Overlay change because "automobile repair" is not allowed in the Sustainability Overlay. Staff also noted that it was requested that the applicant submit more than one (1) property for Overlay change consideration because the planning nature of overlays was to cover an area of land/properties not just one (1) property.

Commissioner Phyllis McMillan asked how the existing Miracle Body and Paint at 6217 Grissom Road was allowed at that location due to the Sustainability Overlay. Staff noted that Miracle Body and Paint was in existence prior to the implementation of the Sustainability Overlay and is an existing non-conforming business.

Chairman Guerra III opened the public hearing at 6:50p.m., being no one to speak Chairman Guerra III closed the public hearing at 6:51p.m.

Commissioner Carmen Sanchez noted that extending the proposed business did not appear to be a big change for the area.

Commissioner Hal Burnside noted that there have been similar requests for other areas.

Chairman Guerra III noted that as he was reviewing the case he could see legitimacy for overlay change consideration in the request.

Commissioner Mike K Davis Jr. noted that changing the Sustainability Overlay would have an impact in this area especially with the proposed Town Center area across the street.

Chairman Guerra III noted that when the Sustainability Overlay was first created the focus was primarily for Bandera Road and improving the design standards of businesses along Bandera Road.

Commissioner Mike K. Davis, Jr. noted that perhaps instead of changing the area "piece by piece" that perhaps staff should look at putting other overlay alternatives in order to re-evaluate this section of the Sustainability Overlay for possible change to the Commercial/Industrial Overlay.

Commissioner Pedro Esquivel noted that the vision still existed there for the area, but noted that reviewing requests on a case-by-case basis was best. He further explained that individual evaluations allowed the Commission the opportunity to review each request based on its own merits.

Commissioner Phyllis McMillan noted that she was not part of the Overlay creation process but noted that the consultant (Halff Associates) more than likely did not look at the overlay in terms of street by street, therefore there have been some needed changes along the way and that is why the Commission has received requests.

Staff noted that the Overlay creation process was as comprehensive as possible however, there was a lot of focus to the Sustainability Overlay encompassing mostly Bandera Road and the other areas were secondary.

Being no further discussion, **Commissioner Pedro Esquivel made a motion recommending approval of the overlay change noting that it was consistent and protected rights of property owners. 1st Vice-Chair Wendy Phelps seconded the motion and the motion passed by a vote of six (6) in favor of the overlay change with one (1) member abstaining from the vote.**

FOR THE MOTION

Commissioner Pedro Esquivel
1st Vice-Chair Wendy Phelps
Commissioner Phyllis McMillan
Commissioner Hal Burnside
Commissioner Carmen Sanchez
Chairman Claude Guerra III

ABSTAINED FROM THE VOTE

Commissioner Mike K. Davis Jr.

IV. Master Plan Discussion – Commercial Areas

Staff began the discussion of the first commercial corridor with 3CC Wurzbach Road Corridor. The following suggestions were noted: revision to the Land Use section to include language regarding the Commercial/Industrial Overlay and revision to the Interface section noting traffic is still a challenge on Wurzbach even after the construction of the elevated highway. Commissioner Pedro Esquivel noted that at one point a concrete barrier was being considered for the median of Wurzbach Road on the side between Bandera and Evers. 2nd Vice-Chair Olen Yarnell noted that it would be nice if there was signage or something similar to keep traffic from blocking driveways to businesses along the Corridor. Chairman Claude Guerra III noted that the Environmental and Action Plan areas should reflect any updates in water/sewer lines and the specific language that detention will be required for new developments to handle Stormwater runoff.

The second Corridor discussed was 4CC Grissom Road Corridor. The following suggestions were noted: revision of the Land Use to reflect both the Sustainability Overlay and the Commercial/Industrial Overlays and notation that the traffic is a challenge on Grissom Road during peak hours. Commissioner Pedro Esquivel noted that more traffic is traveling on Grissom Road which is coming from Bandera and Loop 410 and is adding to the congestion in the Corridor. Chairman Claude Guerra III noted that for Capital Improvements R-3 (Multiple-Family) should be deleted and the language regarding detention should remain general in application to all zoning in the area.

The final Corridor for discussion was 5CC Huebner Road Corridor. The following revisions were suggested: revision of the Land Use to reflect the Sustainability Overlay, language to reflect that the

zoning across from Pavona Place is B-1 (Small Business) and B-2 (Retail), and notation of traffic improvements occurring in the area. 2nd Vice-Chair Olen Yarnell noted that directional signs on the DPS Center property would be helpful to traffic so that they know where they are going (i.e. Bandera Road this way or Babcock Road this way). Commissioner Pedro Esquivel agreed.

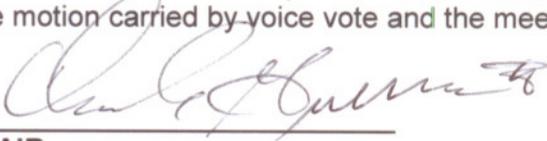
Commissioner Phyllis McMillan noted that the Land Use section needed to be reworded. Chairman Claude Guerra III noted that the Environmental and Action Plan areas should reflect any updates in water/sewer lines and the specific language that detention will be required for new developments to handle Stormwater runoff. He also questioned whether the uncapped well language was necessary any longer. Staff noted that Public Works would be asked regarding potential wells in the area.

V. Executive Session in Accordance with the Texas Local Government Codes

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 7:45 p.m.



CHAIR



STAFF