

CITY OF CONVERSE  
PLANNING AND ZONING COMMISSION  
MINUTES OF SEPTEMBER 20, 2010  
7:00 PM

The Planning and Zoning Commission of the City Of Converse met in a regular meeting at the City Council Chambers, 405 S. Seguin Street on Monday, September 20, 2010 at 7:00 PM to discuss various items on the agenda. The following were present:

Mr. Marcelo Buckley, Member	Mr. Tito Escobedo, Jr.
Ms. Cynthia Turner, Member	Mr. Donnie West, Member (Elected Vice Chair)
Mr. Steve Brown, Council Member	Mr. John Quintanilla, Interim City Manager
Mr. Jeff Tondre, City Engineer	Ms. Odie Martinez, Administrative Secretary
Ms. Penny Hieronymus, City Secretary	

1. Call Zoning Commission Meeting to Order

At approximately 7:00 PM, Mr. Quintanilla called the meeting to order.

2. Roll Call and Recognition of Visitors

Mr. Quintanilla stated all members were present.

Visitors: Ms. Catherine Marquis, Mr. Jim Keienburg, Ms. Blanca Hernandez, Ms. Renee’ Dopierala, Mr. Harold Sargeant, Ms. Dorris Sargeant, Ms. Harriet Aristeguieta, Mr. Fernando Aristeguieta, Mr. Mr. Salah Diab, Mr. Steve Harding & Mr. Danny Smith.

3. Action to Approve Zoning Commission Minutes of June 21, 2010

Member Escobedo made a motion to approve item #3, but asked for clarification on Page 2 with the City Manager having authority to make decisions on variances & the Assistant City Manager has authority if the City Manager is not available & by law we have to have the Public Hearings. Member Buckley seconded the motion.

Member Turner had a correction on Page 2, about the middle of the page.

It reads: “Updated on the personnel issue – Encourages everybody on the Planning & Zoning Commission should reapply for the new P&Z; the only change is no married couples on the Commissions.”

Should read: “Updated on the personnel issue – Encourages everybody on the Planning & Zoning Commission should reapply for the new P&Z; the only change is no married couples on the same Commissions.”

Member Turner made an amendment to the minutes with the above correction. Member Buckley seconded the motion. It passed unanimously.

4. Election of Planning and Zoning Vice-Chair

Member Turner made a motion to nominate Member Donnie West as the Vice Chair. Member Escobedo seconded the motion. It passed with 3 members (Buckley, Escobedo & Turner) voting for Member West as the Vice Chair & 1 member (West) abstaining due to it being him.

5. Public Hearing on a Request for a Special Use Permit (SUP) on a Parcel of Land Located at 9135 FM 78 (CB 5080A Blk. 31 Lot 3), approximately 0.001 Acres out of 0.8390 Acres of Land of the Schaefer Road Extension Subdivision to allow for the installation of an automated ice vending machine that measures 101" X 48" X 109" (L X W X H). This automated ice vending machine will be installed adjacent to the facility located at 9135 FM 78

At approximately 7:09 PM, Vice Chair West opened the public hearing.

Mr. Aristeguietz stated the address is 9190 FM 78 and this is adjacent to Church's Chicken. They want to take care of the demand to the customers at a good price & the demand for ice in the future.

Mr. Quintanilla recommended tabling this item to the next meeting due to it being the wrong address given to him, should be 9190 FM 78 and not 9135 FM 78.

At approximately 7:17 PM, Vice Chair West closed the public hearing.

6. Public Hearing on a Request to Rezone several parcels of Land located within the Judson Heights Subdivision, namely 8702, 8704, 8706, 8708, 8710, 8712, 8714, 8716, 8718, 8720, 8722 & 8722 (should be 8724) Pensive, Converse, Texas (CB 5071K Blk.4, Lots 2 through Lot 6, (Property ID's 1099652-1099656) for a total of approximately 1.2 Acres out of 10.152 Acres of Land from the Judson Heights Subdivision from R-2, Two-Family (Duplex) Dwelling District to R-1, Single Family Dwelling District to allow for the construction of single family homes (City Manager & John Finch)

At approximately 7:18 PM, Vice Chair West opened the public hearing.

Mr. Quintanilla gave a briefing on what the developer would like to do with changing the zoning, which is due to the economy. Staff recommends approval.

Ms. Sargeant asked if these were going to be home owned occupied & would like to see it put in writing. They already have Section 8 homes below her & doesn't want to see it above them. She asked for the developer's name, which is Mr. John Finch of J&J Dev.

The City really can't do anything unless they have a Homeowner's Association (HOA) to monitor these kinds of problems for the residents. But, we can share the concerns with the developer at tomorrow night's CC mtg.

At approximately 7:22 PM, Vice Chair West closed the public hearing.

7. Public Hearing on a Request for a Special Use Permit (SUP) Request on a Parcel of Land located at 9260 FM 78, Converse, Texas (CB 5053, P-102B ABS 745, Property ID 307012), approximately 1.2870 Acres, the Old Pokey's Property to allow for the operation of a bar/tavern at the above mentioned address. This SUP has been requested by the property occupants, Crystal Ship Enterprises, LLC, dba Cooter Brown's Tavern (City Manager & Kate Marquis)

At approximately 7:23 PM, Vice Chair West opened the public hearing.

Ms. Marquis stated in 2006 the building was zoned B-3 & was changed to B-4, this is why they are requesting the SUP. She has done some research on the web site. There has been a liquor license on the premises since 1973. Ms. Marquis gave some history on Mr. John & Mrs. Margaret Gharib (Pokey owners); he passed away, there was a person interested in the bar but were unable to get the liquor license, it expired & Texas Alcoholic Beverage Commission (TABC) stopped her license. There are no residents within the property & there is plenty of distance from the schools & Church's as provided by law.

Mr. Quintanilla stated the zoning is incompatible for this request & this is why a SUP is being requested, otherwise they would have to rezone this area.

At approximately 7:30 PM, Vice Chair West closed the public hearing.

8. Discussion and Appropriate Request for a Special Use Permit (SUP) on a Parcel of Land Located at 9135 FM 78 (CB 5080A Blk. 31 Lot 3), approximately 0.001 Acres out of 0.8390 Acres of Land of the Schaefer Road Extension Subdivision to allow for the installation of an automated ice vending machine that measures 101" X 48" X 109" (L X W X H). This automated ice vending machine will be installed adjacent to the facility located at 9135 FM 78 (Fernando Aristeguieta)

Member Buckley made a motion to table this item until the next mtg. in Oct. Member Escobedo seconded the motion. It passed unanimously.

9. Discussion and Appropriate Action on a Request to Rezone several parcels of Land located within the Judson Heights Subdivision, namely 8702, 8704, 8706, 8708, 8710, 8712, 8714, 8716, 8718, 8720, 8722 & 8722 (should be 8724) Pensive, Converse, Texas (CB 5071K Blk.4, Lots 2 through Lot 6, (Property ID's 1099652-1099656) for a total of approximately 1.2 Acres out of 10.152 Acres of Land from the Judson Heights Subdivision from R-2, Two-Family (Duplex) Dwelling District to R-1, Single Family Dwelling District to allow for the construction of single family homes (City Manager & John Finch)

Mr. Quintanilla stated this development tributes to the market of duplex marketing. Staff recommends approval.

Member Turner made a motion to approve agenda item #9. Member Escobedo seconded the motion. It passed unanimously.

10. Discussion and Appropriate Action on a Request for a Special Use Permit (SUP) on a Parcel of Land located at 9260 FM 78, Converse, Texas (CB 5053, P-102B ABS 745, Property ID 307012), approximately 1.2870 Acres, the Old Pokey's Property to allow for the operation of a

bar/tavern at the above mentioned address. This SUP has been requested by the property occupants, Crystal Ship Enterprises, LLC, dba Cooter Brown's Tavern (City Manager & Kate Marquis)

Mr. Quintanilla stated currently this is zoned B-3 & there are no residential development within the area. Staff recommends approval.

Member Turner made a motion to approve agenda item #10. Member Buckley seconded the motion. It passed unanimously.

11. Discussion and Appropriate Action to Approve the Preliminary Plat for MacArthur Park Unit III, Plat #120 (City Manager)

Mr. Quintanilla showed the drawings from Vickrey & Associates. We sent a letter to the developer; this will be developed in possibly 4-5 phases. This is 67 single-family lots, which is being replatted. Staff met with the engineer, both recommend approval.

Mr. Tondre recommended tabling item #11 until he discussed item #12 to get the variance first.

Member Turner made a motion to table this item until Mr. Tondre gives his briefing on item #12. Member Escobedo seconded the motion. It passed unanimously to table until the briefing by Mr. Tondre.

12. Discussion and Appropriate Action on a Request for Variance for MacArthur Park, Unit III (City Manager)

Mr. Tondre presented, briefed, & gave some back history of the drawings from Vickery & Associates, our City Engineer. They recommend approval with 4 stipulations:

\*Consultant demonstrates that no reasonable alternatives exists that would allow for increase street grades above the minimum requested ½ percent & in all cases the maximum street grade should be obtained.

\*During construction of the subdivision, a registered professional land surveyor should be engaged by the developer to confirm elevations of the final base course every 25' on streets that are less than 1 percent to ensure uniformity of the base material prior to placement of asphalt.

\*Following the placement of asphalt, it is recommended that the contractor demonstrate, through surface runoff along the street, that there is no localized ponding should be corrected immediately.

\*It is recommended to extend the standard 1-yr. warranty period to allow for additional settling or upheaval of the streets. Any deficiencies found within the recommend 2-yr. warranty period would be the responsibility of the developer. A bond for the potential repairs should be held for the extended warranty period.

Member Turner made a motion to approve item #12 with the above 4 stipulations noted. Member Buckley seconded the motion. It passed unanimously.

11. Discussion and Appropriate Action to Approve the Preliminary Plat for MacArthur Park Unit III, Plat #120 (City Manager)

Member Turner made a motion to approve agenda item #11. Member Escobedo seconded the motion. It passed unanimously.

14. Discussion and Appropriate Action on a Request for Variance for Cimarron Landing, Phase II (City Manager)

Mr. Quintanilla stated staff met with the consulting engineers on the 2 variance requests.

Mr. Tondre briefed on the fire codes as written now. The variances have to do with the turning radius for fire trucks in cul-de-sacs & drainage easement. He recommends disapproving Variance 1 for health & safety reasons. On Variance 2, he has no recommendation.

Mr. Quintanilla stated we want to stick with the code; have to adapt to new codes.

Member Buckley made a motion to approve agenda item #14. There was no second. The motion dies for lack of a second.

13. Discussion and Appropriate Action to Approve the Preliminary Plat Amendment for Cimarron Landing Phase II, Plat #121 (City Manager)

Mr. Quintanilla stated the applicant pulled this item.

15. Report by the City Council Representative on Council Actions and the City Staff on Future Zoning Actions

Council Member Steve Brown reported on behalf of Council Member Renee Paschall:

- Approved CC minutes
- Appointed Cynthia Turner to P&Z
- Other appointments to various Commissions
- Approved 1<sup>st</sup> reading of budget
- Approved 1<sup>st</sup> reading of tax rate for FY 2010-2011
- Approved 1<sup>st</sup> reading ad valorem tax rate Ord. for 2010
- Approved purchase procedures
- Approved ESD #1
- Approved Ord. 44-135 A school zone morning hours
- Discussed & approved a salary plan study
- City staff busy working JHS inspections
- Had a Memorial 9/11 ceremony @ North Park – very nice
- Street Dept. hired a new Street Foreman
- Placid Park Phase 3 – done
- Utility Dept. – 1604 construction to start this week on the 24” bore & re-location of the 8”
- Had executive session – City Manager resigned

Mr. Quintanilla reported:

- SUP for the ice machine
- Appoint 3 members & the Chair

16. Next Zoning Commission Meeting will be Monday, October 18, 2010

P&Z –9/20/10

Vice Chair West stated the next Zoning mtg. is scheduled for Mon., October 18 at 7 PM.

17. Adjournment

At approximately 8:24 PM, Vice Chair West adjourned the meeting.