



Expanding Horizons

CITY OF CONVERSE
CITY ADMINISTRATION

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CITY OF CONVERSE
PLANNING AND ZONING COMMISSION
MINUTES OF NOVEMBER 15, 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, November 15, 2010 at 7:00 PM to discuss various items on the agenda.

The Following Commission Members were present:

Mr. Tito Escobedo, Chairman
Mr. Donnie West, Vice Chair
Mrs. Cynthia Turner, Member
Mrs. Renee Paschall, Councilwoman
Mr. Jeff Tondre, City Engineer
Mr. Robert J. Browning, Member

Mr. Marcelo Buckley, Member
Mr. Michael White, Member
Mr. Richard Fink, Member
Mr. John Quintanilla, Interim City Manager
Mrs. Odie Martinez, Recording Secretary

1. Call Planning & Zoning Commission Meeting to Order.

At approximately 7:02 PM, Chairman Escobedo called the meeting to order.

2. Roll Call and Recognition of Visitors

Chairman Escobedo announced roll call he stated member Guastella was not present. Member Browning arrived 7 minutes late.

Visitors: Councilman Grant Lopez, Councilman Steve Brown, Michael Berlanga, Blanca Hernandez, Bruce Cannon, Kathy Selko, Kate Marquis, Jim Keienburg, Fernando Aristeguieta, Sandra Duncan, Sarah Salazar, Stuart Perryman, Tara Ballard, Eloise Harris, Laura Beehler, Jeff Beehler, Kurt Schultz, John Woolery, Michael Eloy. Leo Ochoa.

3. Action to Approve Planning & Zoning Commission Minutes of October 18, 2010.

Member Turner announced the first motion. Member Buckley seconded the motion. Passed unanimously.

4. Public hearing on the Request to Rezone a Portion of a Parcel Land Located at 9175 FM 78 (CB 5063 P74C, ABS 431, Property ID 310492), for a Total of Approximately 0.5700 Acres of Land from B-2, Retail District to B-3, Commercial District. (Mr. Michael Berlanga, Owner).

At approximately 7:04 Chairman Escobedo announced the public hearing is now open.

Mr. Berlanga introduced himself as the current owner of the former Citgo gas station located at 9175 FM 78. He also stated he was involved in the plan development of Town Square apartments. He gave a brief description of how he would like to use this property. He is asking for the communities support to build a

brand new 4000 square foot structure for either a gas station or a restaurant preferably a gas station. Mr. Berlanga was asked if there would be any sales of alcohol his reply was to focus to have a gas station built.

At approximately 7:12 Chairman Escobedo announced the Public Hearing was closed.

5. Public Hearing on the Request to Rezone a Portion of a Parcel of Land Located at 9260 FM 78 (CB 5053 P-102B, ABS 745), (Property ID 307012), for a Total of Approximately 1.2870 Acres of Land from B-3, Commercial District to B-4, Special Commercial District. The B-4 Special Commercial District description is composed of land and structures used to furnish commercial needs where the activity may have higher than average levels of traffic, noise or odor. (Ms. Blanca Hernandez, Owner)

Interim City Manager Mr. Quintanilla made two corrections on Item number 5.

1st correction **It Reads:** Acres of land from B from B-3. **It should read:** Acres of land from B-3.

2nd correction was on the owners name of property 9160 FM 78. **It Reads:** Ms. Blanca Gomez, **it should read:** Mrs. Blanca Hernandez.

At approximately 7:14pm Chairman Escobedo announced the Public Hearing is now open.

Leo Ochoa of 108 Circle Dr. Universal City, TX presented himself as sister of the owner Mrs. Hernandez, he stated Mrs. Hernandez is requesting a change in rezoning from B-3 Commercial District to B-4 Special Commercial District due, to an open a bar.

Blanca Hernandez, owner of property 9260 FM 78. Ms. Hernandez stated she purchased the property in 1992. She stated that in April of 2006 City Council created two businesses and was not notified. Special Commercial District B-4 and Leisure B-5. Shecomment her rights as an owner were taken away from her from B-2 Retail Business and Commercial District B-3. She gave a brief description on how the City and as an owner would benefit from the change of the rezoning such as property taxes, revenue and improvement to the property. Leo Ochoa addressed some of the businesses near the area.

Chairman Escobedo announced due to the large audience everyone would be limited to a two minute speech.

Bruce Cannon of 10839 Laurel Creek, recommended to rezone B-3 Commercial District to B-5 Leisure, which is restaurants and it would be good for business revenue. He disapproves to rezone to a B-4 Special Commercial District due to opening the doors to Night Clubs and Bars. He would like to keep the city family orientated and descancy. He recommends to rezone to B-5 Restaurants.

Kate Marquis and partner Jim Keinburg of Crystal Enterprises LLC. Ms. Marquis gave a brief description on how they were voted out by 1 to 6 at the City Council meeting in September 21, 2010. She stated she contacted Mr. Quintanilla the following day and discussed what information was needed for the situation. A meeting was scheduled a week later September 28th with Mr. Quintanilla, herself (Kate Marquis), Jim Keinburg, Blanca Hernandez and Mark Luft attended the meeting. She listed the documentations that were provided at this meeting. Those documentations are **Brief History of Events; Conversations; Expenditures to Date, FM 78 Alcohol Related Vehicle Crashes TXDOT, Mixed Beverage Allocation**

Historical Summary; Mileage Report; TABC Measurement Information. Ms Marquis addressed the documentations provided at the meeting on September 28th was also included in the current packet for tonight's meeting. Ms. Marquis announced she would point out the highlights of the documentations provided. She comment the letter in the packet was incorrect. She gave a brief description of documentation **(FM 78 Alcohol Related Vehicle Crashes, TXDOT)**. Due to the two minute limit speech, Just as Ms. Marquis started on her next documentation the two minute time was up.

Sandra Duncan of 8906 Scenic Creek a resident of Converse for more than 15 years and a small business owner addressed she is proud to live in a country and city where everyone can get together and voice out their own opinion. She stated we should vote based on fact and not emotion. She addressed the facts related to alcohol incidents in the city of Converse over the past 10 years have been less than 15 and either of which have resulted in fertility. She also explained students in Judson High School have access to liquor from locations that are much closer to the school than 9260 FM 78. Small businesses increase Economic Development, brings revenue and small successful businesses encourage large businesses to come into the city. Ms. Duncan comment, as a small business owner and a citizen of Converse she is a firm believer of American Free Enterprises and encourages to vote for B-4, Special Commercial District based on fact not emotion.

Tara Ballard of 9818 Autumn Arch a resident of Converse since 2003 and former active Air Force member speaks of why she chose to move to Converse. Family orientated and no bars or of such thing. She comment adding another bar will not help the community. Ms Ballard votes no to B-4. Limit access to bars.

Sarah Salazar-Schooman of 115 School St., owner of Sassy Styles speaks of the cities needs. Increased revenue. She comments we should separate emotions from revenue and separate state from church. Ms. Salazar also stated we should give the community the right to choose to purchase or not to purchase a drink from the tavern. She votes to approve the tavern.

Stuart Perryman of 9730 Gypsy Cove briefly stated he is not against restaurants nor against bringing in revenue to the community but, chooses not to vote for a bar because children are not welcomed. It does not fit within the community and it is not safe for children. He addressed that every restaurant in Converse is child proof and friendly. He moved to Converse for a better life. Mr. Perryman disapproves the bar.

Kathy Selko of 7327 Trance Lane a resident of Converse since 2003 informed the public of Chilis restaurant being a child friendly restaurant but, had a violation for serving alcohol to a minor of which was posted in the website. Sportsman's bar also had a violation for gambling. Ms Selko stated there have been 14 DWI'S 3 of which were Converse residents. In 2009 there were 9 DWI'S and non were Converse residents. January 1, 2010 to September 30, 2010 there were 5 DWI'S. She explains her neighborhood is gang hated, she has seen under age cigarette sales on FM 78 and as parents we have no control once our children leave our homes and home is where it all starts. We should not mix religion with personal emotions. She belief's that if Ms. Hernandez wants to start a business they should have the right to open it.

Michael Eloy a church member stated that it should not be an emotional city. The decision should be based to the best interest of the community. He asks to reconsider and that one more bar does not make a good choice for the community.

Jim Keienburg partners with Ms. Marquis explains they would have better control if they open as a bar. He briefly explains the differences between a bar & a restaurant / bar.

Porsche Harris a church member briefly explains she opposes to building a bar and we would be sending the wrong message to the children. She feels Converse is family oriented and therefore she disapproves to this decision.

John Woolery of 10604 Spruce Ridge a resident since 2003 disapproves to vote for the bar. He gives a brief description of the kind of traffic that would affect at the location.

Ms. Hernandez owner of property 9260 FM 78 comment that you can buy beer anywhere such as a store or liquor store.

A variety of church members disapproved the bar.

At approximately 8:07 pm Chairman Escobedo announced Public Hearing is closed.

6. Public Hearing on a request for a Special Use Permit (SUP) on a Parcel Land of land located at 9190 FM 78 (CB 5063E, Blk. 1 Lot 2), approximately 0.001 acres out of 0.520 acres of land of the Southland 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 vending ice machine will be installed adjacent to the facility located at 9190 FM 78. (Fernando Aristeguieta)

At approximately 8:08 pm Chairman Escobedo announced Public Hearing is now open.

Mr. Fernando Aristeguieta discussed of the Automated Ice Vending machine. He stated he currently has an existing machine located across the Wal-Mart on FM 78. He feels there is a need for a second ice vending machine due to running out so quickly. The machine has been installed less than a year. Mr. Buckley asked how the machine works. Mr. Aristeguieta replied, "the ice is made on sight and not transported which reduces any incoming traffic with the use of a truck. Water distributes through a hose then goes into the ice maker then drops the ice into a storage bin which then stores ice until it is vented out by a customer. The machine has a second storage which replenishes". Chairman Escobedo asked who pays for the water. Mr. Aristeguieta replied, "he is compensating the owner of the property while the owner pays for the utility bill". Councilwoman Paschall asked what type of maintenance is required, Mr. Aristeguieta replied, "every 6 months they clean out any kind of lime or scale build up. The machine is made up of aluminum and plastic therefore has no rust build up. Every 3 months they run test. Mr. Aristeguieta addressed they are licensed by the State of Texas". Ms Paschall asked to explain how he has succeeded from his first machine installed. Mr. Aristeguieta replied, "by the second Saturday of operational the machine is completely out of ice". He also mentioned it is installed with sensor's which indicates it is out of ice and will not accept any change. Mr. Aristeguieta said his cell number is on the machine in case anyone has issues or complaints. A board member asked who maintains at the site of the machines location. Mr. Aristeguieta replied, "The area is maintained two or three times out of the week". A member from the audience asked about contamination. Mr. Aristeguieta replied, "The machine is fully enclosed which has no access for contamination like a soda machine".

At approximately 8:18 pm Chairman Escobedo announced Public Hearing is now closed.

At approximately 8:19 pm Chairman Escobedo requested a 5 minute recess.

At approximately 8:23 pm recess ended.

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

Interim City Manager Mr. John Quintanilla presented drawings of Cimarron Landing Phase II, Plat 121. He discussed of reviews and corrections that were requested by staff to the developer. Since then corrections have been made. Staff recommends approval of the Preliminary Plat Amendment for Cimarron Landing Phase II, Plat # 121.

Interim City Manager Mr. Quintanilla stated the same Preliminary Plat will be presented at the next city council meeting at 7:00pm. November 16, 2010.

Member Ms. Turner made a motion to approve Preliminary Plat Amendment for Cimarron Landing Phase II Plat #121. Vice Chair West seconded the motion. Passed unanimously.

8. Discussion and appropriate action on the Request to Rezone a Portion of a Parcel of Land located at 9175 FM 78 (CB 5063 P-74C, ABS 431, (Property ID 310492), for a Total of Approximately 0.5700 Acres of Land from B-2, Retail District to B-3, Commercial District. (Mr. Michael Berlanga, Owner).

Member Ms. Turner made a motion not to approve due to lack of information & documentation. Member Fink seconded the motion. Item Tabled.

Interim City Manager Mr. Quintanilla stated this item will be presented at the next city council meeting November 16, 2010.

9. Discussion and Appropriate Action on the Request to Rezone a Portion of a Parcel of Land Located at 9260 FM 78 (CB 5053 P-102, ABS 745, (Property ID 307012), for a Total of Approximately 1.2870 Acres of Land From B-3, Commercial District to B-4, Special Commercial district. The B-4 Special Commercial District description is composed of land and structures used to furnish commercial needs where the activity may have higher than average levels of traffic, noise or odor. (Ms. Blanca Hernandez, Owner).

Interim City Manager Mr. Quintanilla addressed to the committee members of the long-term research and documentations Ms. Marquis provided has been a struggle. He also stated that letters were sent out to notify property owners within 200 lineal feet from the location. He received calls and all have disapproved of the rezoning.

Chairman Escobedo requested the hours of operation. Ms. Marquis replied, "3:00 pm to 2:00 am every day".

Committee members discussed the procedure of the rezoning. Discussed how the Bar hours of operation would affect traffic hours and would be a safety issue to the citizens of Converse. Discussed the contents of

the different zonings. Committee members requested proof of a notified letter sent to Ms. Hernandez regarding the rezoning and documentation of the rezoning sent to Public Hearing. Interim City Manager Mr. Quintanilla stated staff recommends not awarding this rezoning request and stated this item will be presented at the next City Council meeting November 16 2010.

Agenda Item disapproved, voted 5 to 2. Disapproved by Member Browning, Vice Chair West, Chairman Escobedo, Member Fink, Member Turner. Approved by Member White & Member Buckley. Member Guestall not present.

10. Discussion and Appropriate Request for a Special Use Permit (SUP) on a Parcel Land of land located at 9190 FM 78 (CB 5063E, Blk. 1 Lot 2), approximately 0.001 acres out of 0.520 acres of land of the Southland 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 vending ice machine will be installed adjacent to the facility located at 9190 FM 78. (Fernando Aristeguieta).

Member Ms. Turner made a motioned to approve the request for a Special Use Permit located at 9190 FM 78. Member Buckley seconded the motion. Passed unanimously.

11. Report by the City Council Liasion, Ms. Paschall.

- November 4, 2010 Council approved new members to the P & Z Committee, Mr. Fink, Mr. White, Mr. Browning and appointed Mr. Escobedo as Chairman.
- Approved Ordinance #734, Texting in Converse. Prohibiting the use of wireless communication devices to send, read or write messages.
- Approved to appoint Mr. Quintanilla as the Interim City Manager and serve as the EDC Director until one is officially hired.
- Approved the request from EDC to provide \$30,000.00 dollars for future capital funding to improve the reconstructive restrooms of North Park.
- Election for JISD Bond failed.
- Tabled Water acquisition fees for Water Resources.

12. Report by Interim City Manager.

- Has one request for a Special Use Permit by Ms. Jackie Wise which will be in the next December meeting.

13. Next Planning & Zoning Commission meeting will be Monday, December 20, 2010.

Chairman Escobedo discussed of the next meeting for December 20, 2010. Addressed everyone to please notify him if anyone will not be attending the next meeting due to the holidays.

14. Adjournment.

At approximately 9:15 pm Chairman Escobedo announced meeting is adjourned.