

MINUTES
PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 06 January 2020

1. CALL TO ORDER: Chairman Ron Jackson at 6:00 p.m.
2. QUORUM CHECK: Michael J. Cassata, Development Services Director

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| Commission Members present: | Also present: |
| Ron Jackson, Chairman | Kim M. Turner, City Manager |
| Sally Cook, Vice-Chairman | Habib Erkan, City Attorney |
| Scott Dagg, Secretary | |
| Elizabeth Dixon, Member | |
| Christina Fitzpatrick, Member | |
| Shelly Reynolds, Member | |
| J Svalberg, Member | |
| Ron Hannan, Member | |

Commission Members Absent:
None

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 04 November 2019

Ms. Reynolds moved to accept the minutes as presented. Ms. Dixon seconded the motion. The motion was approved on an 8-0 vote.

Mrs. Turner provide an update on the status of City projects and upcoming events.

4. NEW BUSINESS:

- A. Public Hearing to hear public input on P.C. 526 (ZC 211)—A request for a Zone Change for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39) from C1-Neighborhood Services to R5-Multifamily Residential, per Zoning Ordinance 581.

Chairman Jackson briefed the audience on the procedures for the public hearing and deliberation.

Mrs. Turner provided an overview of the petition and explained the difference between the current proposal and the previous application considered by the P&Z Commission in November 2019. She explained the end use would be the same; however, the current request is for a zone change only from C1-Neighborhood Services to R5-Multifamily Residential; whereas, the previous application included a FLUP change, rezoning and conditional use permit. Mrs. Turner also relayed her conversation with the Director of Office Refugee Resettlement (ORR).

Mrs. Turner also reminded the audience that the Planning and Zoning Commission is an advisory body only and would forward its recommendations to the City Council for further consideration.

Chairman Jackson opened the public hearing at 6:21 p.m.

Bishop Grady L. Moore Sr. of New Covenant Family Church introduced himself and advocated for the approval of the proposed rezoning and use at the subject property.

He emphasized the mandate that God had given him and his Church to take care of widows and orphans. He further expressed this mandate would be manifested in their partnership with VisionQuest.

In response to questions from the Commission, Bishop Moore stated the church is located at 814 Main Street, Schertz, TX. He clarified that the lease for the subject property was signed two weeks ago and the Church would not be making any money on the sublease. He would assume VisionQuest would make a profit. He also said he approached VisionQuest not the other way around.

Attorney Ken Brown with the law firm of Brown and Ortiz, representing VisionQuest, requested the Commission approve his client's petition for a rezoning to R5-Multifamily Residential, which allows the proposed Group Residential use by right. He stated the R5 District is a more appropriate zoning classification due to the surrounding uses. He pointed out the economic impact of approximately \$41 million by 2022 to the area. He stressed the net benefit would include taking a vacant building out of vacancy and upgrading it. He also noted the proposed use would generate very little traffic and noise and would provide for better life, safety and welfare of the community. He finished by repeating a request for approval.

Attorney Dan Dalton with the law firm of Dalton and Tomich, representing New Covenant Church, discussed the Religious Land Use and Institutionalized Persons Act (RLUIPA) and how it applies to the applicant's petition. He explained that zoning cases involving religious institutions have a constitutional right to be considered on the same level playing field as non-religious petitioners. Upon inquiry from the Commission, Mr. Dalton explained the Church's mission and partnership with VisionQuest falls within the purview and protection of RLUIPA. The mission of the Church is the religious exercise that is protected by RLUIPA.

Habib Erkan, City attorney, stressed the Commission should not consider the religious aspect or the secular aspect, but should consider whether or not the request and proposed use makes sense from a land use perspective. He further emphasized that by using the land use principles the Commission has been trained on, it should apply the facts of the case from a land use perspective and make a determination.

Chris Meyers, Director of Federal Programs with VisionQuest explained how the ORR contracts with both for-profit and non-profit groups and provided details on the different costs. He stressed the proposed facility is not a detention center and stated the average length of time in ORR care centers is 50 days. He added that when the children leave the facility, they would either be reunited with family or be placed in foster care. He stated VisionQuest canvassed the neighborhood and received support signatures.

Upon inquiry from Ms. Reynolds, Mr. Cassata confirmed staff received a support letters but did not verify all of the addresses.

Public Comment:

Billie Castleman, 13514 Mount Olympus, Universal City: Questioned why another petition was filed so soon and why the Church was involved. She appreciated the Bishop's remarks but believes VisionQuest has a history that is a disservice and shouldn't be allowed in the community.

David Robinson, 8611 Marathon Drive, Universal City: Expressed the hearing has nothing to do with God, VisionQuest or their attorneys. Said it is about zoning and land

use and those people who live in the community. He stressed that zoning can change peoples' lives. He asked the Commission to vote the issue down.

Leo Pacheco, 639 Kopplow, San Antonio: Discussed the area that he represents as a State Representative. He mentioned he couldn't be certain VisionQuest's use would be a religious use. He requested that the fabric of the neighborhood be preserved.

Jerry Geyer, 13315 Titan, Universal City: Stated that a lot of thought went into the FLUP, zoning and other land use plans. Stressed that the Commission's job is to consider the impact of the zoning on the area. Noted that the impact hasn't changed even if the players have changed; that is, the Church's involvement. Requested that this facility not be placed in the neighborhood.

Barbara Kelly, 106 Wildridge Terrace, Universal City: Asked the Commission to not change their minds and reaffirm their previous decision. Referenced internet articles regarding VisionQuest's past performance and its financial status. She stated that shelters were used to get the company out of debt.

Jeril Bills, 7600 W. Military Drive, San Antonio: Stated the request doesn't make sense from a land use perspective. Expressed it is a detention center and kids should not be treated that way. Encouraged the Church to not do business with a company that has a bad reputation.

Katy Murdza, 215 King Court, San Antonio: Stated the zoning ordinance promotes the life, health and safety of the community and the rezoning of the property would be a detriment to the welfare of the community. Spoke of the separation of children from their parents. Said the City shouldn't participate in a for-profit detention center.

Debbi Hernandez, 5918 Stoneybrook, San Antonio: Indicated she was an activist with SA Stands. Mentioned it is all about the money and that VisionQuest stands to make \$750 per child, per day, which adds up – follow the money.

Natalie Lerner, 539 Bailey Avenue, San Antonio: Stated the new proposal doesn't address structural issues of abuse of care and issues brought up in the previous zoning case.

Mike Bruce, 222 Millridge Road, Universal City: Stated Big Brother is trying to come to Universal City. Asked for Commission to do the right thing and vote against the proposal.

Sandi Peters, 529 W. Byrd, Universal City: Explained she didn't sign VisionQuest's petition because she didn't know what it was about exactly. Having more information, she doesn't want the facility in the neighborhood because she wants to keep her neighborhood safe.

Cheryl Basset, 410 Parkview, Universal City: Spoke about the definition of C1-Neighborhood Services District and expressed that an R5 District would affect the life, health and safety of the area. Stated it is not consistent with the character of the Old Town Residential area.

Carolina Gonzales, 6336 Mohavo, San Antonio: Spoke of the zoning request in San Antonio and that she opposed it. Stated there are other ways to seek solidarity with migrant children other than working with a for-profit company.

Daniel Cadena, 441 W. Byrd, Universal City: Asked if the federal government would

take over if the request is denied. Expressed that the facility is a detention center and that he is opposed to the location of the facility.

Jesusita Caballera, 525 W. Byrd, Universal City: Explained that her husband is elderly and can't walk outside alone; therefore, she doesn't want to have to look out for kids when outside with her husband as she can't trust anyone.

Paul Rodriguez, 201 Ivy Lane, Universal City: Stated the proposed use for migrant children does not constitute a family, which is required by the R5 District. Recited sections of the International Building Code and Webster's Dictionary.

Doretta Checote, 110 Hidden Grove, Universal City: Stated parents live at 110 Hidden Grove. Expressed concerns about property values and that the proposed use will not enhance the community.

Fatima Menendez, 110 Broadway, Suite 300, San Antonio: Noted she was with a Mexican legal defense organization that is a national civil rights law firm. Cited the R5 District definition in the zoning code and concluded the proposed use does not meet the definition. Expressed the request does not promote the life, health and safety of the neighborhood. Asked the Commission to reject the requested zoning change.

Chance Moreno, 1606 Perrilton, San Antonio: Stated the children should be kept in mind and not be placed in shelters. He cited news articles and online posts of VisionQuest's misbehavior and mistreatment of migrants.

Tommy Calvert, 101 W. Nueva, San Antonio: Identified himself as a County Commissioner and wanted to reaffirm the Commission's November vote since nothing has changed. Stated that if the zoning code allows applicants to return frequently with new petitions, then the City should consider partnering with TML to rewrite that portion of the Code to avoid repetitive applications. Explained he is very invested in Byrd Street and that the County has given \$1.4 million to Byrd Street repairs in Universal City and he was prepared to remove the funding if that vote had passed. Further opined that County financial support would be the least of the City's worries as many things would be stymied for the residents regarding future economic development. Added that State law requires the shelter facility to be licensed by whoever owns that facility; in this case, the Church, before it could move forward. Brought up a similar case in San Antonio and played audio of a crying child he claimed was from a detention center. Closed by stating Universal City has made us proud for standing against this type of abuse in the past.

Harry Hewlett, 137 Beechwood, Universal City: Expressed the zoning ordinance is a marathon, not a sprint and since the Commissioners are the custodians of the FLUP, they should stick with the plan in place.

Marilyn McKim, 9150 Gothic Drive, Universal City: Stated she has a heart for the children as a teacher and a church member; however, this is not a religious or political issue and there are too many questions still unanswered to support the zone change request.

No one else from the public provided comment.

Chairman Jackson closed the public hearing at 7:51 p.m.

Ms. Fitzpatrick made a motion by stating "After conducting a public hearing on the

request for a Zone Change for the property at 401 W. Byrd Boulevard, the Planning and Zoning Commission has considered the request and moves to approve PC 526 (ZC 211) and the Zone Change request from C1-Neighborhood Services to R5-Multifamily Residential for the property at 401 W. Byrd Boulevard without conditions. Ms. Reynolds seconded the motion.

Ms. Cook asked staff to elaborate on the R-5 District.

Mr. Cassata explained the Zoning Code defines Group Residential as the residential occupancy of living accommodations by groups of more than five persons, not identified as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

Mr. Cassata further identified common permitted uses in the R5-Multifamily Residential District as apartment and condominium complexes, quads and two-flats. He confirmed a Religious Assembly use in the R5 District would require a conditional use permit.

Ms. Reynolds asked staff if the Commission should focus on the FLUP as part of their consideration.

Mr. Cassata stated the FLUP is to be used as a guiding document and that the Commission should focus on the Zoning District, per the Zoning Map; in this case, the R5-Multifamily Residential District.

Ms. Svalberg asked staff how many notices had been sent out and responses received.

Mr. Cassata stated 45 notices were sent out to property owners within 200 feet for the subject site. Two letters were returned as undeliverable and three were received in opposition to the Zone Change.

Mr. Jackson started the deliberation by stating the purpose and intent of the zoning ordinance is to promote the public health, safety and general welfare of the present and future citizens of the City of Universal City. In considering this, he found no benefit to the citizens of Universal City by approving the Zone Change and intended to vote no on the matter.

Ms. Reynolds discussed the surrounding uses and detailed the proposed use's incompatibility with these surrounding uses, especially considering the facility would house grown, young men, not children. She further stated that changing the zoning district would not be conducive to the surrounding neighborhood and intended to vote no.

Ms. Cook stressed that the area in question is the oldest part of the City with older homes. She expressed concern about the impact on home values and the burden the use would place on residents. She stated the City should keep in mind the wishes of the local residents and should not go against the land use plan already established for that area.

Mr. Hannan expressed the proposed use is really a detention facility that does not fit into that neighborhood, may impact property values, and would not be good for the safety of the community. As such, he intended to vote against the request.

Chairman Jackson restated the motion on the table and called for a vote.

The motion was disapproved on a 0-8 vote with all members voting “nay”.

Chairman Jackson thanked everyone and adjourned the meeting.

5. ADJOURNMENT: The meeting adjourned at 8:07 p.m.

Ronald N. Jackson
Chairman