

MINUTES  
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS  
Regular Meeting, Monday Evening, 22 January 2018

1. CALL TO ORDER: Acting Chairman Jim Vinci at 6:00 PM
2. QUORUM CHECK: Kim M. Turner, Assistant City Manager

Members Present:

Jim Vinci, Acting Chairman  
Dolly Breithaupt, Member  
Mike Hudson, Member  
Ron Jackson, Member  
Michael Murray, Member  
Lori Putt, Member  
Mary Andrews, Member

Present:

Jacob Jenkins, Code Compliance Officer  
Jaclyn Redmon, Building Official  
Steve Brown, P.E.

Members Absent:

3. MINUTES OF PREVIOUS MEETING: Regular Meeting – 25 September 2017

**Ms. Andrews moved to approve the minutes as presented. Ms. Putt seconded the motion. The minutes were approved on a 7/0 vote.**

4. NEW BUSINESS:

- A. **Reconsider:** V.C.501.A—A request for an extension for a variance granted at 2925 Pat Booker Road (CB 5047M Block 2, Lot 1, Triangle Subd) to permanently retain a third pole sign AND to exceed the allowable 200 sq ft of facing on the third pole sign by 100 sq ft, zoned C2-Retail per zoning ordinance 581.

Mrs. Turner reviewed the original request for variance that was granted. She provided information relative to the length of time for the tenant to execute the lease with the landlord which precipitated the need for an extension of time to act on the variance.

**Ms. Putt moved to grant a 90-day extension [April 23, 2018] citing that the findings of fact for the variance request were still relevant. Mr. Hudson seconded the motion; the motion was approved on a 7/0 vote.**

- B. **Public Hearing:** V.C.638—A request for variance for a 55.592 acre subdivision [(25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) and (121 Kitty Hawk CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] to increase the maximum lot coverage for all lots from 50% to 65%, zoned R3-Medium Density Residential per zoning ordinance 581.

Mrs. Turner gave an overview of the FLUP and Zoning consideration given by the Planning & Zoning Commission and the City Council. She spoke about the revisions to the zoning ordinance to remove the developer's ability to construct townhomes, zero lot lines, and duplexes. She also reiterated the residents' concerns that were brought up and considered during the zone change process; namely, traffic, open space, environmental and drainage.

Mrs. Turner reviewed the difference between 50% lot coverage and 65% lot coverage; essentially adding the option of increasing the lot coverage by 900 sq ft. She indicated that the Board should not just look at the additional 900 feet as house because it could translate to outdoor amenities as well such as patios, pools, sheds, and the like.

Mr. Steve Brown, P.E. with Jones & Carter Engineering opened his remarks by stating that no changes had been made to the development since the zone change discussions with Planning & Zoning and City Council. Mr. Brown advised the Board that marketing of the property had begun and that it was important to find a builder who did not want to tear down all of the trees. With that being said, he explained that the builders want to construct high end homes that range from \$290,000 to \$350,000 which appeals very strongly to retired persons. He noted that as the developer, they have agreed to lessen the number of lots in the subdivision to retain the natural or green belt areas. However, the market demand is for single story homes and with the 50% lot coverage the homes would be limited to 2,100 sq ft. Demand wise, according to Mr. Brown, is for single story homes in the range of 2,400 to 2,600 sq ft. He provided that the 50% lot coverage will restrict the quality of homes and the amenities that homeowners like to have on their properties. He spoke further regarding property values and market demand for young professionals and retirees.

Mr. Jackson inquired about the minimum lot size. Mr. Brown responded that the smallest lot offered is 6,600 sq ft. He offered that not all lots will not have 65% lot coverage, but that he couldn't say which ones since it is up to the homeowner to determine the size of the house and the amenities.

Mr. Murray asked if they were marketing to retirees. Mr. Brown indicated they were marketing to retirees and young professionals as well. He said the proposed subdivision is very appealing to home buyers who want to downsize from a 3,000 to 3,500 sq ft house and that no longer have kids at home, but don't want to get rid of their furniture. Also, he noted that the extensive green belts make the subdivision appealing to those who want privacy.

Mr. Vinci recapped the request for the variance. Mrs. Putt offered that the variance request is for all lots. Mrs. Breithaupt inquired if Mr. Brown had looked at a lot coverage between 50% and 65%. Mr. Brown indicated that it was difficult to know which lots would need the increased lot coverage due to topography and which needed it do to home buyers desires and that a 65% lot coverage seemed to fit both scenarios.

Mr. Murray asked if an increase in lot coverage would translate into an increase on the environment. Mr. Brown provided information about preserving the natural site with natural topography versus cutting in the slab and having to take out trees to do so.

Mrs. Putt asked if the lot coverage remained at 50% would it eliminate high end builders from purchasing the lots. Mr. Brown replied in the affirmative.

Acting Chairman Vinci opened the public hearing at 6:37 PM

The following members of the public spoke:

Jody Williams Thomas, 130 Broken Spur, offered that more coverage on the lots would increase the runoff to the Cibolo Creek and all the way to Mexico. She noted that the developer should increase the lot size, reduce the size of the homes and market it that way which would have less impact on the environment.

John Shuler, 106 Silver Springs, noted that an increase to the lot coverage would create an increase to the drainage in the area.

Rebecca Ryan, 107 Oak Circle, reiterated the criteria for granting a variance and took issue with some of the conditions presented by the developer.

Rich Moench, 110 Laurel Lane, offered that he would not repeat what was previously said, but wanted to be on the records that he is against the 65% lot coverage and its impact on the environment.

Linda Roberts, 114 Laurel Lane, wanted to be on the records as being against the request to increase the lot coverage

Duane Ryan, 107 Oak Circle, stated that he echoes his wife's sentiments and that it was a liability for the City to increase the lot coverage and the flooding that it would cause.

Fran DePasquale, 146 Broken Spur, inquired about how to set a meeting with Councilmembers to discuss the project, noted that if anyone walked the area they would see flooding, and inquired about which property owners received letters regarding the public hearing.

Charmaine Connally, 111 Laurel Lane, asked about what would be done to ensure citizens that City Council will help with the environmental impact, crime, safety, and congestion the proposed subdivision will create.

There being no more citizens or members from the public that wished to speak, Acting Chairman Vinci closed the public hearing at 7:17 PM.

- C. **Consider:** V.C.638—A request for variance for a 55.592 acre subdivision [(25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) and (121 Kitty Hawk CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309)] to increase the maximum lot coverage for all lots from 50% to 65%, zoned R3-Medium Density Residential per zoning ordinance 581.

Acting Chairman Vinci recapped the request for variance and questioned staff on how plats and subdivisions get built and the review process by staff and the city engineer throughout the process. Mrs. Turner provided feedback and clarification. General discussion took place regarding the viability of the request and its impact on the surrounding environment.

**Mr. Hudson made the following motion:**

**“I concur with the findings of fact as outlined in the variance application. Specifically, that there are extraordinary conditions affecting the land; namely, the steep terrain and topography, and the floodplain; that the variance is necessary and essential to the preservation of substantial property rights, that granting the variance will not be detrimental to the public health or safety; that extraordinary conditions do not generally apply to other properties or subdivisions within the vicinity; that the unique conditions of the property were not created by the property owner; that the variance requested is in conformance with the City’s Future Land Use Plan; and the approval of the variance request allows the greatest utilization of the property. Therefore, I move to approve VC 638 to allow all lots within the subdivision to have a 65% maximum lot coverage.**

**Mrs. Putt seconded the motion. The motion was approved on a 6/1 vote with Hudson, Putt, Andrews, Breithaupt, Jackson and Vinci voting “Aye”, and Mr. Murray voting “Nay”.**

5. CITY MANAGER COMMENTS: Mrs. Turner provided information on the Fit Community program and invited all to join in.

6. ADJOURNMENT: The meeting adjourned at 7:23 PM.

Jim Vinci  
Acting Chairman