

MINUTES

PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS Regular Meeting, Monday Evening, 06 February 2016

1. **CALL TO ORDER:** Chairman Ron Jackson at 6:00 p.m.
2. **QUORUM CHECK:** Kim M. Turner, Assistant City Manager

Commission Members present:

Ron Jackson, Chairman
John Hudson, Vice-Chairman
Steve Thompson, Secretary
Ron Hannan, Member
Sally Cook, Member
Paul Najarian, Member
Mary Andrews, Member
Michael Dickinson, Member
Scott Dagg, Member

Also present:

Ken Taylor, City Manager
Steve Brown
Jacob Jenkins, Code Compliance

Commission Members Absent:

Shell Storer, Member

3. **MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting – 05 December 2016

Mr. Hudson moved to accept the minutes as presented. Mr. Najarian seconded the motion. The motion was approved on a 8/0 vote.

4. **NEW BUSINESS:**

- A. **Consider:** P.C. 484.C—A **preliminary plat** of KB Kitty Hawk Phase 3 Subdivision, being a 22.134 acre tract of land out of the M.L. Torres Survey No. 81, A-745, CB 5053, and the R. Bushnell Survey No. 325, A-46, CB 5052, Universal City Texas, and part of a 80.5 acre tract known as “tract No. 1”, as conveyed to KB Home Lone Star, Inc., in Document #20150085218 and a 13.32 acre tract as conveyed to KB Lone Star, Inc., in document #20150085861 of the official public records of real property, Bexar County, Texas, to establish KB Kitty Hawk Phase 3 Subdivision, Block 7, lots 118 and 119; Block 16, lots 7-15; Block 20, Lots 14-29; Block 21, Lots 33 and 905; Block 22, Lots 1-24; and lots 903-911, zoned R3-Medium Density Residential per Zoning Ordinance 581.

Mrs. Turner noted that the preliminary plat is for the 3rd of eight phases. She also provided the plat was only at the preliminary plat stage due to the pending review of the CLOMR and other reviews by outside agencies.

Mr. Hudson moved to approve the preliminary plat. Mr. Dickinson seconded the motion, the motion was approved on an 8/0 vote.

- B. **Public Hearing:** P.C. 501--Proposed amendments to the **Future Land Use Plan** as authorized by Local Government Code Chapter 213. Specific

request is to reclassify approx. 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from P+FP-Parks/Future Parks to MDR-Medium Density Residential.

Mrs. Turner provided an overview of the Future Land Use Plan (FLUP), the Zoning Ordinance, and Public Hearing procedures so the audience would know what the process was for the evening and that each case would follow the same pattern; Staff Overview & Presentation, Developer Presentation, Open Public Hearing, Close Public Hearing, and then Board discussion and vote. She also reviewed the differences between a FLUP and a Zoning Ordinance. Lastly, she briefed the project specifics for 25 Kitty Hawk as it related to its current/proposed placeholder on the FLUP and the Zoning Ordinance.

Mrs. Turner provided that letters were sent out to the school district and to property owners within 200 feet of the subject site; 29 letters in total. Twenty-three letters were returned; 2 with no objections and 21 with objections. Objections included increased traffic on Kitty Hawk, not wanting apartments or KB Homes in their area, environmental concerns (pollution, soil erosion, flooding, wildlife displacement, and loss of flora and fauna), decreased property values, preference for 5 acre lots, too taxing on the sewer system, and an increase in noise and garbage. She noted that letters were also received from property owners not within the 200 ft area as well.

Mr. Steve Brown, representing the property owners of 25 Kitty Hawk and 121 Kitty Hawk, gave an overview of the project as it related to a proposed layout of 162 lots, the undevelopable floodplain areas, open/green space areas in and around the proposed development, the entrance location, lot coverage, and an average cost of \$300,000 per home on each lot. Lastly, he indicated where his client was proposing to add an additional 30 ft to the existing 29 ft CPS Energy power line easement to keep plenty of green area between the subdivisions and where the fire department had requested an ingress/egress point off of the golf course for emergency purposes only.

Chairman Jackson opened the floor to public comment at 6:46 PM. He reviewed the time limit of 5 minutes per speaker and other considerations for meeting decorum. Mr. Jackson asked if there were any other slips to be turned in.

PUBLIC COMMENT:

Vern Handel, 130 Kitty Hawk: Zoning is too dense, would prefer R2 over R3 for his protection, greenbelt concern was addressed by the developer, traffic flow on Kitty Hawk, impact on schools; new schools would have to be built, water usage would go up.

George Logan, 109 Oak Meadow: Loss of open space and moving away from City's Parks Master Plan.

John Shuler, 106 Silver Springs: Too much traffic on Kitty Hawk, likes the wildlife in the area and wants to keep it that way, City needs to keep all the green space it can get, flooding of the Cibolo Creek.

George Stallard, 126 Broken Spur: Likes living next to a green space, proposed lots too small, what will happen to the trees, wants to keep his secluded community, Olympia Elementary too crowded already.

Heidi Sobotik, 111 Oak Circle: Development creates noise, atmosphere of her community would be lost and wildlife in the area would be lost, water runoff would create erosion problems, property values will decrease, road access to FM 1518 should not occur.

Jim Strand, 135 Forrest Trail: People will cut through from North Blvd and quality of life issues.

Terry Barnhart, 110 Spyglass: Chose the community because of the neighbors, doesn't want any new neighbors.

Charles Kemble, 129 Forrest Trail: Street access across the Cibolo Creek too expensive. Mr. Brown noted that his development had nothing to do with the extension of Kitty Hawk and a bridge over the Cibolo Creek.

Dwayne Ryan, 107 Oak Circle: Primary concern was flooding impact.

Jackie Sanner, 311 Forrest Trail: Creek area is a respite for her, traffic increase would break her quietness.

Kathy Wilkes, 1313 North Blvd: Loss of trees would equate to erosion, environmental issues and pollution.

Rick Moensch, 110 Laural Lane: Didn't want trees taken out to put in a road, topography is too steep, developer can't guarantee a quality development, agrees with everything stated before him.

Dana Roberts, 114 Laural Lane: Keep open space for unexpected events, green belt creates a buffer from noise of the planes from RAFB, in 1998 part of Kitty Hawk flooded, old water and sewer lines in the area can't handle any more development.

Tim Knotts, 134 Broken Spur: Doesn't want fire trucks going down the electrical easement.

Richard Martinez, 153 Kitty Hawk: Against making Kitty Hawk a thoroughfare and development would effect his way of life.

CL Massey, 142 Broken Spur: Quiet area needed for his PTSD.

Becky Ryan, 107 Oak Circle: Rezoning would change the fabric of her neighborhood.

Jon Lautenschlager, 122 Spyglass: Stated that he was against the development.

Susan Schneider, 130 Kettle Cove: State she was against the development.

Carol Murray, 1239 Cibolo Trail: Stated that an ecological study needed to be done to check for endangered species in the area.

Steve Dukes, 102 Fire Sage: Development would put stress on the police and fire services and the CPS electrical lines.

Son of Billie Hall, 133 Kitty Hawk: Stated he was against the development.

Charmaine Connolly, 111 Laural Lane: Repeated what others had previously said.

There being no further comments, Mr. Jackson closed the Public Hearing at 7:56 PM.

- C. **Consider**: P.C. 501--Proposed amendments to the **Future Land Use Plan** as authorized by Local Government Code Chapter 213. Specific request is to reclassify approx. 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from P+FP-Parks/Future Parks to MDR-Medium Density Residential.

Ms. Cook inquired about the existing house on Kitty Hawk. Mr. Brown indicated the house would stay and be situated on approximately 1.50 acres.

Mr. Thompson indicated that the R3 zoning is dangerous because the lot lines are close and that it would allow for 5 to 7 units per acre. He also referred to the types of housing allowed under R3 zoning. Mr. Brown responded that there are always different restrictions with each zoning district and the allowable maximum lot coverage determines how much can be built on each lot. He noted that even though the lots appear smaller the amount of green space that has to remain in the proposed subdivision would equate to a R1 Zoning which is about 3.67 homes per acre. He offered that the topography of the land would not allow for any higher density. Mr. Brown stated that the lots on the low end of the 40 acre tract are 60 ft above the Cibolo Creek and that all of the drainage would stay within the proposed subdivision and then empty out straight into the creek; no homes would be impacted by drainage. He advised the Board that Mrs. Siebel is in her 90's and is using the potential sale and development of the property to pay for her long-term care. He noted that she has a right to rezone the property for residential use and that the use is compatible with the surrounding areas. He again stated that the topography of the land provided for expanses of open space and that proportionally the proposed subdivision is no larger than any other subdivision in the area.

Mr. Dagg asked about stop gaps along the way in the development of the subdivision. Mrs. Turner provided that the plat would be reviewed by City staff and an outside engineering firm to ensure it complied with the Subdivision Ordinance and engineering standards. She remarked that the plat is accompanied with a traffic impact analysis, environmental report, drainage studies and infrastructure and utility plans. The plat is also reviewed by the all of the utility agencies before it is sent to the Planning & Zoning Commission for approval.

Mr. Dickinson said that the show stopper for him was the single entrance and what would happen in an emergency and that the people who spoke wanted a green belt. He also had concern about lot coverage. Mrs. Turner reviewed the parkland map of the City to show how much green space already existed in that area of the City.

Mr. Brown offered that the current trend in housing is that people are down-sizing and want small yards; more green space around them, but smaller yards. He provided that his proposed development meets the standards of what people are looking for in this day and age. He opined that the second access point is desirable and is not unsuitable for police and fire vehicles. He added that if the Siebel property had been developed 30 years ago when the other subdivision had gone in that a stub out would have been required through Spyglass. This stub out is not able to be done now. He noted that an endangered species study was done by a professional firm recognized by the State of Texas and that there were no endangered species on

either of the properties.

Mr. Najarian asked to go back to the issue at hand of amending the FLUP and the zoning. Mr. Brown said his client was requesting a residential designation on the FLUP and for R3-Medium Density Residential for zoning. He stated that under the R3 Zoning, the maximum impervious coverage is 45 percent. Mr. Brown provided that because of the impervious coverage, he can't get to a higher density in the development.

Mr. Hannan noted that the properties will not stay in their natural state; something is eventually going to be built on the property.

Mr. Jackson evoked that the City is not going to buy the property. He noted that open space is fine, but the owner has made it clear that she intends to sell the property and that she has a right to sell her property. He also advised that her property is not for each member of the audience to use as their personal walking space and those who do are trespassing. Mr. Jackson called for a motion.

Mr. Thompson moved to disapprove the request for an amendment to the Future Land Use Plan. Ms. Cook seconded the motion.

Mr. Jackson offered that is preferable that motions be placed in the affirmative and then voted against. To ensure a smooth voting process, Mrs. Turner noted that a "yes" or "aye" vote was to approve the motion to disapprove the FLUP amendment.

The motion to disapprove the request failed on a 3/5 vote with Ms. Cook, Mr. Thompson and Mr. Dickinson voting "Aye" and Messrs Dagg, Hannan, Hudson, Najarian, and Jackson voting "Nay".

Mr. Jackson asked for a second motion set in the affirmative.

Mr. Dagg moved to approve the reclassification on the FLUP. Mr. Najarian seconded the motion. The motion was approved on a 5/3 vote with Messrs Dagg, Najarian, Hannan, Hudson and Jackson voting "Aye" and Ms. Cook, Mr. Thompson and Mr. Dickinson voting "Nay".

- D. **Public Hearing:** P.C. 501 (ZC 203)—A request for amendments to the **Zoning Map** as authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific request is to rezone approx. 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from OS-Open Space to R3-Medium Density Residential.

Mrs. Turner briefed the zone change request and noted that it was for the same parcel previously discussed.

Mr. Jackson opened the public hearing at 8:47 PM.

Mr. Jackson advised the members of the audience that they could request that the comments that they previously made in the FLUP public hearing to be forwarded to the zone change discussion as well. The audience members responded in the affirmative. Mr. Jackson asked if there was someone who did not previously provide public comment and would like to offer it now or if there was anyone who wanted to add to their previous discussion to come

forward. The following persons came forward:

Steven Sobotik, 111 Oak Circle: Spoke about sheds and noted that the City has an appeal process for them and that is how this development should be done as well. He asked that if an environmental study was done, who would be reading it. Same for the traffic study.

James Strand, 135 Forrest Trail: Inquired about what else could be done with the property.

The following comments were moved forward from the public hearing for PC 501 (FLUP):

Vern Handel, 130 Kitty Hawk: Zoning is too dense, would prefer R2 over R3 for his protection, greenbelt concern was addressed by the developer, traffic flow on Kitty Hawk, impact on schools; new schools would have to be built, water usage would go up.

George Logan, 109 Oak Meadow: Loss of open space and moving away from City's Parks Master Plan.

John Shuler, 106 Silver Springs: Too much traffic on Kitty Hawk, likes the wildlife in the area and wants to keep it that way, City needs to keep all the green space it can get, flooding of the Cibolo Creek.

George Stallard, 126 Broken Spur: Likes living next to a green space, proposed lots too small, what will happen to the trees, wants to keep his secluded community, Olympia Elementary too crowded already.

Heidi Sobotik, 111 Oak Circle: Development creates noise, atmosphere of her community would be lost and wildlife in the area would be lost, water runoff would create erosion problems, property values will decrease, road access to FM 1518 should not occur.

Jim Strand, 135 Forrest Trail: People will cut through from North Blvd and quality of life issues.

Terry Barnhart, 110 Spyglass: Chose the community because of the neighbors, doesn't want any new neighbors.

Charles Kemble, 129 Forrest Trail: Street access across the Cibolo Creek too expensive. Mr. Brown noted that his development had nothing to do with the extension of Kitty Hawk and a bridge over the Cibolo Creek.

Dwayne Ryan, 107 Oak Circle: Primary concern was flooding impact.

Jackie Sanner, 311 Forrest Trail: Creek area is a respite for her, traffic increase would break her quietness.

Kathy Wilkes, 1313 North Blvd: Loss of trees would equate to erosion, environmental issues and pollution.

Rick Moensch, 110 Laural Lane: Didn't want trees taken out to put in a road, topography is too steep, developer can't guarantee a quality development, agrees

with everything stated before him.

Dana Roberts, 114 Laural Lane: Keep open space for unexpected events, green belt creates a buffer from noise of the planes from RAFB, in 1998 part of Kitty Hawk flooded, old water and sewer lines in the area can't handle any more development.

Tim Knotts, 134 Broken Spur: Doesn't want fire trucks going down the electrical easement.

Richard Martinez, 153 Kitty Hawk: Against making Kitty Hawk a thoroughfare and development would effect his way of life.

CL Massey, 142 Broken Spur: Quiet area needed for his PTSD.

Becky Ryan, 107 Oak Circle: Rezoning would change the fabric of her neighborhood.

Jon Lautenschlager, 122 Spyglass: Stated that he was against the development.

Susan Schneider, 130 Kettle Cove: State she was against the development.

Carol Murray, 1239 Cibolo Trail: Stated that an ecological study needed to be done to check for endangered species in the area.

Steve Dukes, 102 Fire Sage: Development would put stress on the police and fire services and the CPS electrical lines.

Son of Billie Hall, 133 Kitty Hawk: Stated he was against the development.

Charmaine Connolly, 111 Laural Lane: Repeated what others had previously said.

There being no further comments, Mr. Jackson closed the Public Hearing at 8:51 PM.

- E. **Consider**: P.C. 501 (ZC 203)—A request for amendments to the **Zoning Map** as authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific request is to rezone approx. 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from OS-Open Space to R3-Medium Density Residential.

Mr. Hudson moved to approve the zone change request from Open Space to R3-Medium Density Residential. Mr. Dagg seconded the motion. The motion was approved on a 5/3 vote with Messrs Dagg, Najarian, Hannan, Hudson and Jackson voting "Aye" and Ms. Cook, Mr. Thompson and Mr. Dickinson voting "Nay".

- F. **Public Hearing**: P.C. 502--Proposed amendments to the **Future Land Use Plan** as authorized by Local Government Code Chapter 213. Specific request is to reclassify approx. 16.185 AC located at 121 Kitty Hawk [(CB: 5046G BLK: 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential.

Mrs. Turner reviewed the property location and request. She advised that 25 letters were sent out to property owners within 200 ft of the subject site, including the school district. Fourteen letters were returned; 2 with no objection and 12 indicating objections. Objections included increased traffic on Kitty Hawk, not wanting apartments or KB Homes in their area, environmental concerns (pollution, soil erosion, flooding, wildlife displacement, and loss of flora and fauna), decreased property values, preference for 5 acre lots, too taxing on the sewer system, and an increase in noise and garbage. She noted that letters were also received from property owners not within the 200 ft area as well.

Mr. Jackson opened the public hearing at 8:54 PM.

Mr. Jackson asked if anyone who had anything new to add or who had not previously spoken would like to come forward for public comment.

Duane Ryan, 107 Oak Circle: Noted the property owner should have the right to sell the property, but not for whatever they wanted it to be.

Pat Depasquale, 146 Broken Spur: Stated that as to homeownership the military are transient, young professional is code for starter homes, and that older people are not going to want to live in the proposed development.

Mr. Jackson closed the public hearing at 8:59 PM.

- G. **Consider**: P.C. 502--Proposed amendments to the **Future Land Use Plan** as authorized by Local Government Code Chapter 213. Specific request is to reclassify approx. 16.185 AC located at 121 Kitty Hawk [(CB: 5046G BLK: 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential.

Mr. Najarian stated this area is where he lives. He offered that he is a volunteer who cares deeply for the community. He did not come unprepared for the meeting; he walked the tracts and took pictures.

Mr. Dagg offered that he grew up in the area in question and also cares for the City, and did not come unprepared for the meeting either.

Mr. Najarian moved to approve the reclassification on the FLUP. Mr. Dagg seconded the motion. The motion was approved on a 6/2 vote with Messrs Dagg, Najarian, Hannan, Hudson, Dickinson, and Jackson voting "Aye" and Ms. Cook, Mr. Thompson voting "Nay".

- H. **Public Hearing**: P.C. 502 (ZC 204)—A request for amendments to the **Zoning Map** as authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific request is to rezone approx. 16.185 AC located at 121 Kitty Hawk [(CB: 5046G BLK: 1 LOT: 1 HOTCHKISS SUBD (1.500AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] OS-Open Space to R3-Medium Density Residential.

Mrs. Turner reviewed the project and noted that this was for the change in zoning.

Mr. Jackson opened the public hearing at 9:03 PM.

Jacqueline Sanders, 311 Forrest Trail: Offered that the property does not have to be rezoned. She noted that needing to sell your property and needing to sell for development isn't the same thing.

Nick Ryan, 107 Oak Circle: Said that plenty of people have spoke about why they didn't want the project, but that none had offered what the benefits are to the City.

Mr. Jackson closed the public hearing at 9:08 PM.

- I. **Consider:** P.C. 502 (ZC 204)—A request for amendments to the **Zoning Map** as authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific request is to rezone approx. 16.185 AC located at 121 Kitty Hawk [(CB: 5046G BLK: 1 LOT: 1 HOTCHKISS SUBD (1.500AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] OS-Open Space to R3-Medium Density Residential.

Mr. Hudson moved to approve the amendment to the zoning. Mr. Dagg seconded the motion. The motion was approved on a 5/3 vote with Messrs Dagg, Najarian, Hannan, Hudson, and Jackson voting "Aye" and Ms. Cook, Mr. Thompson and Mr. Dickinson voting "Nay".

5. **CITY MANAGER'S REPORT:**

No Report was given

6. **ADJOURNMENT:** The meeting adjourned at 9:10 PM.

Ronald N. Jackson
Chairman