

## **MINUTES**

### PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS Regular Meeting, Monday Evening, 10 July 2017

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  
Shell Storer, Member  
Ron Hannan, Member  
Paul Najarian, Member  
Sally Cook, Member  
Scott Dagg, Member

**Also present:**

Ken Taylor, City Manager  
Marc Ross  
Byron Bexley  
Ken Brooks  
David Broadbeck, P.E.

**Commission Members Absent:**

Mike Dickinson, Member  
Steve Thompson, Secretary

3. **MINUTES OF PREVIOUS MEETING:**

Regular Meeting – 05 June 2017

**Ms. Cook moved to accept the minutes as presented. Mr. Hudson seconded the motion. The motion was approved on a 7/0 vote.**

4. **NEW BUSINESS:**

- A. **Public Hearing:** P.C. 506 (ZC 207 FLUP)—A request for an amendment to the **Future Land Use Plan** for a 3.8130 Ac tract located at 115 Villa Dr (CB 5054G Blk 12 Lot 18); specific request is to amend FLUP from NS-Neighborhood Services to CS-Commercial Services.

Mrs. Turner advised the Commission that ten notices were sent out to property owners within 200 ft regarding the FLUP amendment, Zone Change request and the Conditional Use Permit request; 1 notice was returned with no stated objections.

Mr. Jackson opened the public hearing at 7:02 PM.

No one from the public spoke for or against the request.

Mr. Jackson closed the public hearing at 7:03 PM.

- B. **Consider:** P.C. 506 (ZC 207 FLUP)—A request for an amendment to the **Future Land Use Plan** for a 3.8130 Ac tract located at 115 Villa Dr (CB 5054G Blk 12 Lot 18); specific request is to amend FLUP from NS-Neighborhood Services to CS-Commercial Services.

**Mr. Najarian moved to approve the amendment to the Future Land Use Plan as presented. Mr. Dagg seconded the motion. The motion was approved on a 7/0**

**vote.**

- C. **Public Hearing:** P.C. 506 (ZC 207)—A request for a **Zone Change** for a 3.8130 Ac tract located at 115 Villa Dr (CB 5054G Blk 12 Lot 18) from C1 Neighborhood Services to C3 Commercial Services per Zoning Ordinance 581.

Mr. Jackson opened the public hearing at 7:04 PM.

No one from the public spoke for or against the request.

Mr. Jackson closed the public hearing at 7:05 PM.

- D. Consider: P.C. 506 (ZC 207)—A request for a **Zone Change** for a 3.8130 Ac tract located at 115 Villa Dr (CB 5054G Blk 12 Lot 18) from C1 Neighborhood Services to C3 Commercial Services per Zoning Ordinance 581.

**Mr. Hudson moved to approve the zone change request as presented. Mr. Storer seconded the motion. The motion was approved on a 7/0 vote.**

- E. **Public Hearing:** P.C. 506 (CU 142) —A request for **Conditional Use Permit** for a 3.8130 Ac tract located at 115 Villa Dr (CB 5054G Blk 12 Lot 18) to allow convenience storage in a C3-Commercial Services District per Zoning Ordinance 581.

Mr. Jackson opened the public hearing at 7:05 PM.

No one from the public spoke for or against the request.

Mr. Jackson closed the public hearing at 7:06 PM.

- F. Consider: P.C. 506 (CU 142) —A request for **Conditional Use Permit** for a 3.8130 Ac tract located at 115 Villa Dr (CB 5054G Blk 12 Lot 18) to allow convenience storage in a C3-Commercial Services District per Zoning Ordinance 581.

**Mr. Storer moved to approve the conditional use permit request as presented. Ms. Cook seconded the motion. The motion was approved on a 7/0 vote.**

- G. **Public Hearing:** P.C. 507 (ZC 208 FLUP) —A request for an amendment to the **Future Land Use Plan** for a 0.6030 AC tract located at 1316/1320 Pat Booker Road E 103 FT of 17 & (CB 5054G Blk 12 E 103 FT of Lot 17 & W 72 FT of Lot 17); specific request is to amend FLUP from R-Retail to CS-Commercial Services.

Mrs. Turner advised the Commission that seven notices were sent out to property owners within 200 ft regarding the FLUP amendment, Zone Change request and the Conditional Use Permit request. Two notices were returned; one with no stated objections, one with comments. The Church across the street asked that if the requests were approved, that the City considers not allowing risqué bars and sexually-oriented businesses at the location.

Mrs. Turner spoke about the intended replatting of this parcel with the land at 115 Villa Dr. in order to move the front office of the mini storage to the Pat Booker Road location. She also offered that all request to allow a sexually-oriented

business requires a special consideration by City Council regardless of the zoning. The request for C2-Retail to C3-Commerical Services would not trigger the right to have a sexually-oriented business. She offered that C3-Commerical Services does have a broader range of retail/office uses versus the pure retail use in the C2-Retail zoning districts.

Mrs. Turner also noted that even though the property has two addresses; it is really only one lot. A past owner intended to subdivide the lots so he gave it two addresses without going through the replatting process.

Mr. Jackson opened the public hearing at 6:14 PM.

Mr. Marc Ross of 2121 Bandera Rd, San Antonio, introduced himself as one of the owners of the property at 1316/1320 Pat Booker Rd and 115 Villa Dr. He noted that Bob Ross Realty is a family owned real estate firm and it only looks to hold properties long-term; they do not flip properties. The firm's forte, according to Mr. Ross, is to take dilapidated structures and rehabilitate them. He offered that the mini storage at 115 Villa Dr. has a negative to it since it has no ingress/egress off of Pat Booker Road. Therefore, the firm purchased 1316/1320 Pat Booker Road with the intent of replatting the two parcels into one. Their due diligence showed that the use of the structure at 1316 Pat Booker Road as a restaurant has not been profitable for years and that it doesn't meet the needs of any modern day restaurateur.

Mr. Ross indicated that the back end of the building is being used by a catering company. Eventually, the front end of the building would be the front office and supply purchase area for the mini storage. He offered that the undeveloped portion of the property would eventually have a two story building with storage on the second floor and incubator office/warehouse on the first floor. He noted that the undeveloped portion of the parcel has no way to get a driveway to it so it can't be developed separately from the existing building. Everyone would use the Pat Booker driveways for ingress/egress, but the access at 115 Villa would remain open for fire access. Mr. Ross spoke about the \$100,000 he and his business partners have spent just to clean up the lot at 115 Villa Dr. and to add a security system. He offered that a sexually-oriented business or a risqué bar would not fit on the property and would not fit with his business model.

Mr. Dagg inquired about the drive pattern for ingress/egress. Mr. Ross offered that one driveway was for ingress; the other was for egress. Mrs. Turner inquired about the use of 18 wheelers to the site. Mr. Ross provided that the past restaurant uses already had 18 wheelers going in and out; the driveways could hand them. He stated that most convenience storage facilities do not have many 18 wheeled trucks, mostly moving vans or mid-sized U-Hauls vehicles. He said that the property managers would live on site at the 115 Villa address; that the junk vehicles were already being removed from 115 Villa and that eventually new units that included air conditioning would be added.

Mr. Ken Brooks, co-owner of 1316/1320 Pat Booker and 115 Villa Dr., spoke regarding the concerns of the Church. He noted that the City had control over the tenant use through its Certificate of Occupancy process. He also offered that the configuration of the new building, estimated at around 10,000 sq ft total, would not be amenable to most retailers since the space is so small. He provided that the bottom floor would be more of an appeal for office and office/warehouse. Mrs. Turner reminded Mr. Ross and Mr. Burns about outside

storage. They indicated that they would not let any tenants have outside storage.

Mrs. Turner asked about the number of for rent U-Hauls they would allow at the Pat Booker frontage. Mr. Burns stated they would have a few of each type on display at 1316/1320 Pat Booker, but that the remainder would be behind the fence at 115 Villa Drive as they are today. Ms. Turner advised Mr. Burns and Mr. Ross that the staff may limit the number of U-Hauls on display in the future when the new building is constructed to ensure adequate parking for tenants in the lease spaces and for those visiting the caterer and storage office.

Ms. Cook spoke regarding the conditional use permit staying with the property unless it is voluntarily converted to a conforming use.

Mr. Jackson closed the public hearing at 6:56 PM.

- H. Consider: P.C. 507 (ZC 208 FLUP) —A request for an amendment to the **Future Land Use Plan** for a 0.6030 AC tract located at 1316/1320 Pat Booker Road E 103 FT of 17 & (CB 5054G Blk 12 E 103 FT of Lot 17 & W 72 FT of Lot 17); specific request is to amend FLUP from R-Retail to CS-Commercial Services.

Mr. Jackson reminded the Commission members that even though the gentlemen standing before them were nice people, the conditional use stayed with the property, not the men standing before them now.

**Mr. Najarian moved to approve the amendment to the Future Land Use Plan as presented. Mr. Dagg seconded the motion. The motion was approved on a 7/0 vote.**

- I. **Public Hearing:** P.C. 507 (ZC 208) —A request request for a **Zone Change** for a 0.6030 AC tract located at 1316/1320 Pat Booker Road E 103 FT of 17 & (CB 5054G Blk 12 E 103 FT of Lot 17 & W 72 FT of Lot 17) from R-Retail to CS-Commercial Services District per Zoning Ordinance 581.

Mr. Jackson opened the public hearing at 6:58 PM.

Mr. Jackson reiterated the change in zoning. No one from the public spoke for or against the request

Mr. Jackson closed the public hearing at 6:59 PM.

- J. Consider: P.C. 507 (ZC 208) —A request request for a **Zone Change** for a 0.6030 AC tract located at 1316/1320 Pat Booker Road E 103 FT of 17 & (CB 5054G Blk 12 E 103 FT of Lot 17 & W 72 FT of Lot 17) from R-Retail to CS-Commercial Services District per Zoning Ordinance 581.

**Mr. Hudson moved to approve the zone change request as presented. Mr. Hannan seconded the motion. The motion was approved on a 7/0 vote.**

- K. **Public Hearing:** P.C. 507 (CU 143) —A request for a **Conditional Use Permit** for a 0.6030 AC tract located at 1316/1320 Pat Booker Road (CB 5054G Blk 12 E 103 FT of Lot 17 & W 72 FT of Lot 17) to allow convenience storage in a C3-Commercial Services District per Zoning Ordinance 581.

Mr. Jackson opened the public hearing at 6:59 PM.

No one from the public spoke for or against the request for conditional use permit.

Mr. Jackson closed the public hearing at 7:00 PM.

- L. Consider: P.C. 507 (CU 143) —A request for a **Conditional Use Permit** for a 0.6030 AC tract located at 1316/1320 Pat Booker Road (CB 5054G Blk 12 E 103 FT of Lot 17 & W 72 FT of Lot 17) to allow convenience storage in a C3-Commercial Services District per Zoning Ordinance 581.

**Mr. Storer moved to approve the conditional use permit request as presented. Mr. Hudson seconded the motion. The motion was approved on a 7/0 vote.**

- M. **Public Hearing:** P.C. 508 (CU 144) — A request for a **Conditional Use Permit** at 600 Pat Booker Road (CB 5768 Blk 1, Lot 50, 51 & Adj 15 FT Alley & CB 5054E Blk 1 Lot SW 55.97 FT of 1) to allow Financial Services in a R2-Retail District per Zoning Ordinance 581.

Mrs. Turner spoke regarding the conditional use permit granted to the bank when it purchased the dentist office at 117 E. Langley in 2015. She reminded them of the long-term plan of the bank at that time to use the building at 117 E. Langley to house the drive-thru and some bank staff. In order to make the drive-thru a reality, the bank needed to replat the 117 E. Langley property with the 600 Pat Booker Rd. property. Currently the 600 Pat Booker location is operating as an existing non-conforming use and cannot expand beyond its current boundaries without a conditional use permit being obtained.

Mrs. Turner introduced Mr. Byron Bexley, President and CEO of TexStar Bank.

Ms. Cook recused herself from the consideration and vote since she lived next to the bank property.

Mr. Jackson opened the public hearing at 6:05 PM.

Mr. Bexley noted that the facility at 600 Pat Booker Road had been operating as a financial institution since the 1960's. He offered that the conditional use permit and the replat of the parcels would provide for a more efficient use of the land. He noted that the current drive-thru across the street is inefficient and that most people do not use drive-thru banking much anymore. So, having just a small drive-thru at the 117 E. Langley address would be sufficient. He stated that the bank may sell the existing drive-thru parcel in the future.

Mr. Jackson closed the public hearing at 6:07 PM.

- N. Consider: P.C. 508 (CU 144) — A request for a **Conditional Use Permit** at 600 Pat Booker Road (CB 5768 Blk 1, Lot 50, 51 & Adj 15 FT Alley & CB 5054E Blk 1 Lot SW 55.97 FT of 1) to allow Financial Services in a R2-Retail District per Zoning Ordinance 581.

**Mr. Hudson moved to approve the conditional use permit request as presented. Mr. Najarian seconded the motion. The motion was approved on a 6/0 vote.**

5. **CITY MANAGER'S REPORT:** None provided
  
6. **ADJOURNMENT:** The meeting adjourned at 7:09 PM.

Ronald N. Jackson  
Chairman