

PLANNING & ZONING COMMISSION MINUTES
JUNE 13, 2016

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 13th day of June, 2016 the Planning and Zoning Commission convened in a Regular Called Meeting being open to the Public at the special meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum:

<u>PRESENT:</u>	RANDALL FREEZE	CHAIRPERSON
	LISA BARKER	COMMISSIONER
	ELIZABETH DORRIS	COMMISSIONER
	PAT FENTON	COMMISSIONER
	SHIRLEY GALLAGHER	COMMISSIONER
	CAROL SALINAS	COMMISSIONER

<u>ABSENT:</u>	RICHARD (Sandy) KUBEK	VICE CHAIRPERSON
	KATHLEEN SWEATT	COMMISSIONER

<u>STAFF PRESENT:</u>	Miguel S. Saldaña, AICP	Development Services Director
	Katherine Comeaux	Planner

OTHERS PRESENT:

I. CALL TO ORDER

Chairperson Freeze opened the meeting at 5:14 p.m. and stated there was a quorum with Vice Chairperson Kubek and Commissioner Sweatt absent.

II. APPROVAL OF MINUTES

A. Regular Called Meeting of May 9, 2016

Commissioner Salinas made a motion to approve the minutes as written for the May 9, 2016 regular called meeting. Commissioner Barker seconded the motion and the motion carried with Vice Chairperson Kubek and Commissioner Sweatt absent.

III. PUBLIC HEARING AGENDA ITEMS – Discussion and Possible Action

A. PLATS

a. **1606007-P04 (Public Notice Plat)**

PILE ADDITION, LOT 35-R (FINAL – 1.063 ACRES)

Located between S. Commercial Street (SH 361) and S. Arch Street, north of E. Danforth Avenue.

Chairman Freeze opened the public hearing. Commissioner Gallagher recused herself from the council chambers during this discussion.

Applicant Rocky Chacon was present and spoke on behalf of his application. Mr. Chacon wanted to discuss re-zoning his property to GB. Commissioner Barker informed Mr. Chacon that the matter of re-zoning his property would have to be considered at another meeting following due process. Director Saldaña confirmed that the only matter on this meeting's agenda was the aforementioned plat.

Director Saldaña informed the commissioners that the plat met the minimum requirements of the zoning ordinances and state law, and as such staff recommended approval. Commissioner Barker motioned to approve item III-A-a, the Pile Addition final plat. Commissioner Dorris seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

B. ZONING

- a. **Case No. 1606-01 – Kevin L. & Samantha J. Simon:** Application for Conditional Use Permit for a Bar, Lounge or Tavern in the "GB" General Business District for the property located at 208 E. Wheeler Avenue. The property is describe

Chairperson Freeze opened the public hearing.

Chairperson Freeze asked if notices were sent out. Director Saldaña confirmed that notices were sent out to all owners within a 200 foot radius. Only one response was received at the time of the meeting, from Steven Stephenson, who was in favor of the request. Director Saldaña further informed the commissioners that the staff had reviewed the site and is recommending the approval of the conditional use permit, subject to the conditions presented to the commissioners. He then presented photographs of the bar in question and the surrounding property.

Ms. Samantha Simon, applicant, spoke on behalf of the application. She stated that they wished to open the bar upon TABC approval. She stated that they intended to do some minor renovations, including painting and installing security cameras.

The commission then discussed the staff-recommended conditions for the permit, including the fence between the bar and the residential area. Commissioner Salinas asked if the fence already up was on the property, and Ms. Simon stated that it was not on the property, but on the neighbor's property. Director Saldaña stated that the

fence would need to meet minimum standards before the certificate of occupancy was issued.

The commission and the applicant then discussed the parking lot, which does not currently meeting the minimum standards of the City ordinances. Ms. Simon stated that she was worried that if they paved the parking lot in asphalt or concrete that it would create run-off issues in the event of a flood. Director Saldaña stated that the council could recommend crushed shell for the parking lot, but that it's currently a requirement for all new businesses to pave the parking lot in either asphalt or concrete.

Mr. Daniel Jimenez spoke in favor of the application, stating that in the years past that the bar had been open had presented no problems

Chairperson Freeze closed the public hearing. Commissioner Barker moved to approve the application with the conditions recommended by staff for a one year permit. Commissioner Gallagher seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

b. Case No. 1605-01 – City of Aransas Pass: Application for an amendment to the Official Zoning Map from “AG” Agricultural District to “R-7B” Single-Family Dwelling District on Tract 1; “GB” General Business District on Tract 2 and “LI” Light Industrial District on Tract 3.

Chairperson Freeze stated that the case had to be removed from the table before proceeding. Commissioner Salinas moved to untable Case No. 1605-01. Commissioner Dorris seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

Chairperson Freeze opened the public hearing.

Director Saldaña stated that this item had been discussed at length during the last meeting. One citizen spoke against it. Director Saldaña stated that staff still recommended that Tract 3 be rezoned an “LI” District, especially since further in the agenda is a proposed text amendment that recommends removing outside work restrictions in the “LI” District. Staff still recommends Tract 2 be zoned a “GB” District, and Tract 1 to be zoned a “MH” District, so that the current mobile homes could remain. Director Saldaña reminded the commission that whether Tract 1 was rezoned to a “R-7B” District or was rezoned a “MH” District, recreational vehicles would still not be allowed.

Mr. Daniel Jimenez also gave a summary of the discussion over this item at the last Planning & Zoning meeting. Mr. Jimenez went on to state that he wants those on Tract 1 to have the option to upgrade their mobile homes to houses eventually. He then read the definition of “mobile home,” emphasizing their transient nature. He recommended that the tract be zoned as MH, but that it allowed property owners to

build a home if they so choose. He also stated that he received no notice for the June 9th meeting.

Commissioner Barker stated that rezoning the area to allow construction of single family homes at some point was a possibility.

Mr. Paul Harrison rose to speak, stating that no one in his area had received notice. Commissioner Barker asked staff if notices had been mailed. Director Saldaña answered that the notices had been sent, and that the notices were sent to the addresses on the most recent tax roll.

Mr. Ed Ryan rose to speak, stating that he had lived in an RV for 35 years and is currently living on social security. He stated that he was not going to leave his RV and expressed concern that the City might rezone the area in which he lives to disallow RV's.

Mr. Bruce Calvin rose to speak. Mr. Calvin also stated that he had received no notices regarding the annexing and rezoning of the Sherwood Forest area. He told the commission that he moved to that area due to its cheapness, as he is on a fixed income. Mr. Calvin requested that the City not make any changes.

Ms. Clarrisa Calvin rose to speak and complained about the state of the roads and the amount of mosquitos.

Mr. David Ripley rose to speak and asked if one of their mobile homes was destroyed, would they be allowed to replace it. Director Saldaña said that if the zoning is approved as MH, then manufactured homes can be replaced, providing the replacement manufactured home is 10 years old or less.

Chairperson Freeze closed out the public hearing.

Commissioner Barker motioned to approve the change of zoning from "AG" Agricultural District to "MH" Mobile Home District on Tract 1; "GB" General Business District on Tract 2 and "LI" Light Industrial District on Tract 3. Commissioner Salinas seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

Director Saldaña recommended that the matter go before the City Council on July 11, 2016 in order to provide time for more notices to be sent to the residents concerned. The commission also expressed a desire to postpone bringing the matter before the council so as to have time to consider amended MH district to allow single family homes.

C. TEXT AMENDMENT

Commissioner Barker moved to untable items “a,” “b,” and “c.” Commissioner Salinas seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

- a. Amending the City of Aransas Pass Zoning Ordinance, Part II, Section 10, Subsection 200 – Schedule of Uses, by removing Manufactured Home as a conditional use in the “R-7B” zoning district

Chairman Freeze opened the public hearing.

Director Saldaña discussed that in 2014 the council had requested the commission to consider removing mobile homes as a conditional use in all residential districts. The “R-7B” District still allows mobile homes subject to a conditional use permit. The proposed amendment would remove manufactured homes with a conditional use permit in the “R-7B” District.

Chairperson Freeze closed public hearing and called for a vote. Commissioner Barker moved to accept the text amendment, removing manufactured homes as a conditional use permit in “R-7B” districts. Commissioner Salinas seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

- b. Amending the City of Aransas Pass Zoning Ordinance, Part II, Section 10, Subsection 400 – Conditional Use Permit, by adding subsection 430 as criteria to review Manufactured Home as a conditional use in the “R-7B” zoning district.

Chairperson Freeze opened the public hearing.

Since the commission had already recommended removing manufactured homes from the “R-7B” District, Director Saldaña stated that staff recommended that this text amendment be denied.

Chairperson Freeze closed the public hearing and called for a vote. Commissioner Barker moved to deny the proposed text amendment. Commissioner Salinas seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

- c. Amending the City of Aransas Pass Zoning Ordinance by modifying Section 15, Non-Conforming Uses.**

Chairperson Freeze opened the public hearing.

Director Saldaña stated that this issue had been before the Planning & Zoning Commission already, had gone to the City Council, and was now back before the Planning & Zoning Commission with Council recommendations. Specifically, regarding a non-conforming building that has been vacant for 12 months, that if it

was going to be used again it must meeting required building codes. Director Saldaña further stated that the Council also added under this item that a non-conforming manufactured home that was owner-occupied be able to replace the manufactured home with another manufactured home that is no more than ten years old.

Commissioner Barker asked if the definition for "owner occupied" needed to be specified. Director Saldaña commented that tracking whether or not a structure was "owner occupied" would be hard to police. Chairperson Freeze suggested reviewing changes in utility billing to do so.

Commissioner Salinas expressed concern that a ten year old manufactured home may not be in the best condition. She further suggested changing the requirement to 5 years. After a brief discussion the commission agreed that 7 years may be a better requirement.

Mr. Daniel Jimenez rose to speak in favor of this amendment, adding that most manufactured homes are bought at ten years old are "repo's," and that after repossession the manufactured homes are refurbished before being resold, but that he didn't have a major problem with changing the ordinance to require a maximum of 7 years old.

Chairperson Freeze closed the public hearing and called for a vote. Commissioner Salinas motioned that the commission approve the text amendment to modify Section 15, Non-Conforming Uses by adding a timeframe of twelve (12) months, and that when replacing a manufactured home, the replacement must be no more than seven (7) years old from the date it was set on the lot. Commissioner Dorris seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

d. Amending the City of Aransas Pass Zoning Ordinance, Part 1, Section 4, Subsection 112, LI, Light Industrial to amend the purpose of the zoning district.

Chairperson Freeze opened the public hearing.

Director Saldaña summarized previous actions on this item and the reasons behind said actions. The commission discussed previous actions on this item.

Chairperson Freeze closed the public hearing and called for a vote. Commissioner Barker motioned to approve the amendment. Commissioner Gallagher seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

IV. DISCUSSION

There was a brief discussion concerning that this item was a typo and had been previously discussed.

V. DIRECTOR'S REPORT

Director Saldaña informed the commission that the City Council approved the Conditional Use Permit for the property on S. Commercial Street with a twelve (12) month time limit, resulting in no changes. The two re-plats presented to Council were approved without changes. The amendment to the zoning ordinance granting the Board of Adjustment authority to grant special exceptions for sign height and location, and granting the Director of Development Services a 10% administrative adjustment with the condition that a report is conducted and given to council each time.

VI. ITEMS TO BE SCHEDULED ON NEXT AGENDA

Discuss Mobile Home (MH) designation.

VII. AJOURNMENT OF MEETING

Commissioner Salinas motioned to adjourn the meeting. Commissioner Fenton seconded the motion, and the motion carried unanimously with Vice Chairperson Kubek and Commissioner Sweatt absent.

The meeting was adjourned at 6:43 P.M.



Randall Freeze, Chairperson

ATTEST:



Miguel S. Saldaña, A.I.C.P
Planning & Zoning Commission Secretary