



MEETING MINUTES

Date and Time: June 21, 2018 at 5:15pm

MEMBERS PRESENT:

Greg Spears
Michael Atkinson
John Hyak
Julia Welder
Gail Hoad
Mary Ann Wyatt
Brian Rokyta
Jill Trevino

STAFF PRESENT:

Development Services:

Julie Fulgham, Director of Development Services
Rick Madrid, Assistant Director of Development Services
Alina Phillips, Planning Manager
Celeste Menchaca, Planner
Lila Foster, Planning Technician

City Manager's Office

MEMBERS ABSENT:

James Johnson

City Attorney's Office:

Allison Lacey, Assistant City Attorney

A: CALL TO ORDER

Mr. Spears called the June 21, 2018, Regular Meeting to order at 5:15pm.

B: APPROVAL OF MEETING MINUTES

June 21, 2018 – Regular Meeting

A motion to accept the minutes was made by Ms. Welder and seconded by Ms. Wyatt. The motion passed unanimously.

C: CITIZEN COMMUNICATION

There were no citizen communications.

D: DEVELOPMENT REVIEWS/FORMAL ACTION

1. Aloe Landing:

Preliminary Plat: A twenty-eight (28) Manufactured Home Residential (R6) lots and one (1) Manufactured Home Park (R6) lot within Blocks 1, 2, 3 on a 19.53-acre tract of land out of the Manuel Zepeda Survey, Abstract 128, Victoria County, Texas, in the City's Extraterritorial Jurisdiction. John and Judy Clegg Investments, Ltd. (Owner); Urban Engineering, LLC (Agent).

Final Plat – Phase 1: A eleven (11) Manufactured Home Residential (R6) lots and one (1) Manufactured Home Park (R6) lot within Blocks 2 and 3 on a 9.422 acres tract of land out of the Manuel Zepeda Survey, Abstract 128, Victoria County, Texas, in the City's Extraterritorial Jurisdiction; John and Judy Clegg Investments, Ltd. (Owner); Urban Engineering, LLC (Agent).

a) Staff Report - Presented by Celeste Menchaca

Preliminary Plat

Aloe Landing is a proposed preliminary plat for 19.53 acres. The subject property is bounded by Duck Drive and Whitewing Drive, located north of the intersection of Business 59 and Zac Lentz Parkway in the City's Extraterritorial Jurisdiction. The property is undeveloped and is being platted into twenty-eight (28) Manufactured Home Residential (R6) lots and one (1) Manufactured Home Park (R6) lot within Blocks 1, 2, 3. Development of Aloe Landing shall be completed in three (3) phases.

The proposed plat will dedicate 60' of right-of-way (ROW) required for the construction and extension of four local streets: Duck Drive, Whitewing Drive, Chaparral Drive, and Grouse Road. Access to the subdivision will be provided via local streets Bob White Road, Duck Drive, Whitewing Drive, Chaparral Drive, and Grouse Road.

Final Plat

Aloe Landing – Phase 1 is a proposed final plat of 9.422 acres. The subject property is bounded by Duck Drive and Whitewing Drive, located north of the intersection of Business 59 and Zac Lentz Parkway in the City's Extraterritorial Jurisdiction. The property is undeveloped and is being platted into eleven (11) Manufactured Home Residential (R6) Lots and one (1) Manufactured Home Park (R6) Lot within Blocks 2 and 3.

The proposed plat will dedicate 60' of right-of-way (ROW) required for the extension and construction of one local street: Duck Drive. Access to the subdivision will be provided via local streets Grouse Road, Chaparral Drive, and Bob White which will intersect with the proposed local street Duck Drive.

The Subdivision & Development Ordinance requires construction plans be submitted when public improvements are proposed. These plans are submitted at the same time of the final plat submittal and must be approved prior to Planning Commission approval of the final plat. The construction plans for the proposed public improvements have been reviewed by the Public Works Department and were approved as of June 19, 2018.

The proposed Preliminary and Final plats are in compliance with the minimum requirements for Manufactured Home Parks and Residential development contained within the Subdivision and Development Regulations. Staff recommends approval of the preliminary plat for Aloe Landing and final plat for Aloe Landing – Phase 1; finding they meet all applicable ordinances and regulations.

b) Chairman Spears opened the floor for a Public Hearing on the Preliminary Plat.

Craig Lawrence who lives at 400 Warehouse Road, Victoria, TX took to the podium to express his concerns. He stated he owns the manufacturing facility just south of the property. One concern he had was the undeveloped road to the west side, he mentioned he had brought up this concern the last the land was being platted. He owns part the road on the west side of the property and did not know what he must do to keep people off of it to make sure accidents did not occur. He described it is the road on the west side of the property next to Safety Rail, he did not know what the name of it was for sure. He does not have a fence on that side.

Mr. Spears asked how are people accessing their property; and if they were going through Mr. Lawrence's property?

Mr. Lawrence replied that they have been going through his property. He stated that is they denied plat the last time for this problem.

Mr. Hyak stated that he remembered the last time there was a road issue. He believed the roads were going to be left as is.

Ms. Fulgham stated there may have been a variance request. This plat submittal has no variance associated with it. The roads are being built to the required standards.

Mr. Lawrence stated that he didn't want them driving on his property and having a wreck and suing him.

Ms. Trevino stated they will now have access through Duck Drive.

Ms. Wyatt stated she did not think this was within Commission's prevue as to approving the plat.

Ms. Fulgham suggested Mr. Lawrence contact the county commissioner, Gary Burns, to inquire as to how those roads came to be; if they were dedicated; or if they are private. We would have to offer a reason to deny the plat and we don't have one.

- c) Ms. Welder made a motion to approve the Preliminary and Final Plats. Mr. Atkinson seconded the motion to approve the Preliminary and Final Plats. The motion passed 8 for, 0 against, 0 abstentions.

2. Variance Request for Shoppa's Farm Supply:

Request for Variance to City Code for tract legally described as being 5.5 acres and being part of the Lloyd Shoppa Subdivision No 1 located at 8906 US 59 Highway North; Christopher A. Shoppa (Owner); Wesley Cates (Agent).

A variance request to Section 21-100(a);(b);(c) – Off-street Storage Requirements, including Section 21-94(c) – Surface Requirements.

a) **Staff Report – Presented by Celeste Menchaca**

The subject property is developed as a retail farm supply and parts warehouse. Its original site was a 5.5-acre tract of land located at 8906 US Highway 59 North being part of the Lloyd Shoppa Subdivision No 1. The property is owned by Christopher A. Shoppa. Mr. Shoppa would like to add a 7,000-square foot expansion to his parts warehouse. City Code will require the expansion to be represented on a site plan. The City cannot issue any building permits, nor a Certificate of Occupancy until the new development is developed according to an approved site plan on file with the City. A site plan to expand the parts warehouse for Shoppa's Farm Supply has been submitted to the City, but has not been approved as it shows a display/inventory area for motor driven vehicles/equipment on an unpaved surface. A variance to the City Code regarding paving and screening fence requirements for display and storage areas of motor vehicles, equipment, and/or materials has been requested.

- The property was developed as a retail farm supply and parts warehouse in 2010. Shoppa's Farm Supply site plan established off-street parking with a temporary sales building on the property. On the 2010 site plan, there were no display or storage areas shown.
- In 2011, a site plan was submitted to the City for the development of the permanent sales showroom and parts warehouse. The site plan also included a future outside storage area, future shop area, and proposed warehouse for tractor and lawn mower parts. The future outside storage area shown was to be a 50'x40' area on a pad site. No other display or storage areas were shown on the site plan.
- In 2012, a site plan was submitted to the City expanding the main existing building to include a mechanic shop, the current location of the covered outdoors sales area, covered wash rack, and additional parking required by the expansion. They also listed a proposed second driveway to the property. No other display or storage areas were shown on the site plan. The property was developed as shown on the site plan, except for the second driveway.
- In 2014, Shoppa's submitted an amended site plan to the City indicating a change in location to the second proposed driveway to the property. This was to amend only the driveway location to the approved 2012 site plan. No new display or storage areas were shown on the amended site plan.
- Currently, another site plan has been submitted to the City for review. The site plan shows plans to expand the parts warehouse by 7,000 square feet. Before any building permits can be obtained, an approved site plan must be on file with the City. The site plan indicates the display or storage areas of the property.

At the time this property was developed, the requirements pertaining to off-street storage and display of motor-driven equipment were rather stringent. The City changed its off-street storage requirements outlined in Sec. 21-100(a-c) in January of 2016. Prior to the City amending Section 21-100, the regulations stated:

At the time that any building, use or structure is instituted, erected, enlarged or converted from one land use to another land use which utilizes outside space for

the storage or display of motor vehicles, equipment or materials, off-street storage facilities shall be provided in accordance with these regulations. Such areas shall be provided in order that such vehicles, equipment or materials may be displayed or stored without encroaching on public right-of-way or interfering with the public use of streets, alleys, fire lanes, and sidewalks; all off-street storage facilities to be used for the storage or display of motor vehicles or other motor-driven equipment, including access aisles, driveways and maneuvering areas, shall meet the surfacing and drainage requirements in Section 21-94(c) and 21-94(f); for off-street storage facilities to be used for the storage or display of materials or non-motor-driven equipment, the surfacing requirement may be reduced or waived, provided the driveways/approaches from the right-of-way to the storage yard are paved. The reduction or waiver of any such surfacing requirements is subject to the approval of the Director of Development Services.

It is unclear why the 2010, 2011, 2012, and 2014 site plans were approved without a more thorough review of the off-street storage and display areas on the property. The personnel that were responsible for administering the off-street storage and display requirements at that time are no longer a part of the Development Services staff.

However, the off-street storage requirements were amended in 2016. Section 21-100(a-c) was amended as follows:

At the time that any building, use or structure is instituted, erected, enlarged or converted from one land use to another land use which utilizes outside space for the storage or display of motor vehicles, equipment or materials, off-street storage facilities shall be provided in accordance with these regulations. Such areas shall be provided in order that such vehicles, equipment or materials may be displayed or stored without encroaching on public right-of-way or interfering with the public use of streets, alleys, fire lanes, sidewalks, or required off-street parking areas; all off-street storage facilities to be used for the display of equipment, materials, motor vehicles or other motor-driven equipment, including access aisles, driveways and maneuvering areas, shall meet the surfacing and drainage requirements in Sections 21-94(c) and 21-94(f); for off-street storage facilities to be used for the storage of equipment, materials, motor vehicles, or other motor-driven equipment, the surfacing requirements may be reduced or waived, provided that driveways/approaches from the right-of-way to the storage yard are paved, the storage areas are located behind the principal structure, the storage areas are not located within the required setbacks, and the storage areas are screened from any public right-of-way by a minimum 8-foot tall screening fence. Alternative screening materials are subject to the approval of the Director of Development Services.

This change relaxed the requirement that motor driven vehicles/equipment always be located on a paved surface and instead allows motor driven equipment to be located on unpaved surfaces, provided the equipment is behind screening fences meeting certain locational requirements. The surfacing and drainage requirements referenced in this section prohibits any motor driven vehicles/equipment from being parked or stored on an unimproved surface.

The current display and storage areas shown on the submitted site plan are non-compliant with the City codes since motor driven equipment is located on unpaved surfaces and are not located behind a screening fence. In order to proceed with the expansion, the site plan approval is contingent upon all regulations being complied with or a variance granted to the regulations.

To meet the regulations outlined in Section 21-100, the applicant would need to pave a display area or provide an inventory area on an unpaved surface, located behind a required screening fence, or a combination of the two; or, alternatively, be granted a variance.

This business has regularly expanded since it's original development in 2010. The City had multiple opportunities to require compliance with regulations set forth in Chapter 21. Unfortunately, those opportunities were not taken and the site has grown to be considerably out of compliance. The amendment to Section 21-100 in 2016 sets the expectation that portions of properties with roadway frontage in the community be paved. As this area is primarily used for display area, staff recommends denying the variance requesting this frontage to not be paved as the property is generally rectangular and has similar topographical features as most of the city, and, therefore, does not have special or unique features making this regulation unfeasible. However, staff does support a variance to the screening fence standards required of any off-street storage yards finding that the unique business of tractor sales does require visibility of the off-street goods stored. Additionally, approving a limited variance would not be out of character with the industrial nature of the Highway 59 corridor.

In summary, staff recommends a partial approval of the variance requested. Staff recommends that any display areas located in the front 25-foot setback be paved, but a variance be granted for required screening fences in any inventory/storage yard areas located behind the 25-foot setback.

In response to Mr. Hyak's questions concerning "approving a limited variance would not be out of character with the industrial nature of the Highway 59 corridor," Ms. Fulgham responded that along this section of highway there are several industrial properties, including oilfield service companies, storage buildings with lay down yards, and other developments with a traditional metal building with a limited amount of paving in the front and unpaved laydown yards in the rear.

Ms. Fulgham stated that the ordinance, prior to 2016, required that everything be paved if it was to serve motor driven vehicles and equipment; however there was regularly pushback from complying with that regulations so the ordinance was amended to recognize that storage yards have their place, but the City set the standard that those yards be located behind screening fences and out of the setbacks.

Ms. Welder stated that when she drove by Shoppa's Farm Supply, there is equipment in the first 25' feet and it is small multiuse type items, it is not big tractors, and those

items, she believes, are operable on pavement. Ms. Welder stated that she felt the partial variance was a good solution.

b) Chairman Spears opened the Public Hearing:

Mr. Eric Braum, General Manager of Shoppa Farm Supply made the following comments:

"I am the general manager for Shoppa Farm Supply and we have eight locations here on the Texas coast. We have been very excited about being in Victoria. We are a retail friendly farm dealership that deals in all levels of consumer equipment from lawn mowers all the way up to large ag equipment. Our facility is visited by all types of people and we want to have a retail friendly business. It is important to try to have the proper display when people drive by. We take pride in having everything neat and in order.

The 25' setback gets it back to where the large sign is. There is a fence and the way we stage things it is not a safety hazard with the view from the road. These products are not designed to be on hard surfaces and will have excessive tire wear on brand new equipment if it is moved on concrete."

Mr. Hyak asked Mr. Braum that if the 25' setback was paved, then would they not display merchandise on that section and if any of the other seven locations concreted? Mr. Braum stated that they would not put equipment on concrete and they do not display on concrete at any location. Mr. Braum also stated they currently have utility vehicles which are low profile, less than forty-eight inches (48") tall and small compact utility tractors, which are approximately five feet (5') in height in the front.

Mr. Spears asked Mr. Braum to clarify that they were wanting a variance to not pave the twenty-five feet (25') of setback. Mr. Braum stated that would be their preference.

Ms. Trevino stated that it seemed that even if the front 25 feet were paved, there would still be adequate space to display the larger equipment that they believe shouldn't be on pavement. She stated she had difficulty believing that every piece of equipment out there cannot be on pavement.

Mr. Braum stated that it is the mindset, the type of industry, unlike a luxury car dealership, this is farm equipment lot and people expect it to be on grass.

Mr. Atkinson stated that we are concerned with ascetics; so if I drive by and I see it looks neat then why do we care if it is concreted, if it effects the dealership not the public. If it is going to be a problem for them to drive the equipment on concrete; why not give them the consideration to have it unpaved.

Ms. Welder stated that there is nothing that says this will be a tractor dealership forever and a variance would attach with this property.

Mr. Braum said that as a dealership we must meet the standards that John Deere requires. The surface is currently manicured carpet grass.

A motion to approve the partial variance, as staff recommended, was made by Ms. Welder. Ms. Trevino seconded the motion to approve the partial variance.

Mr. Braum asked if the partial variance could be explained in further detail.

Ms. Fulgham responded to Mr. Braum's question. She explained they could choose not to park in the 25-foot setback and leave the 25-foot setback unpaved or they could choose to park within the 25-foot setback as long as they paved the area with concrete or asphalt. Ms. Fulgham also stated no equipment should ever be parked on grass, so anything beyond the 25-foot setback should be on gravel or some type of improved surface and behind screened by a screening. However, there is a request for a variance to the screening fence requirement.

Mr. Atkinson stated he felt there was no practical application for this code in this circumstance.

Ms. Wyatt then stated she was in favor of granting the variance straight up and made a motion to do so. It was explained to Ms. Wyatt that currently a motion was on the floor for partial approval of the variance and there had been a second made for the partial approval. The motion for partial approval would need to be voted on or withdrawn before Ms. Wyatt's motion could be seconded or voted on.

After further discussion and at the request of Ms. Wyatt; Ms. Welder withdrew her motion and Ms. Trevino agreed to withdraw her second of the motion. Ms. Wyatt made a motion to approve the variance to Section 21-100 (b); to approve no paving or screening fence requirements for the site; the motion was seconded by Ms. Hoad.

The motion passed by a split, 5-to-3 vote. Commissioners Michael Atkinson, Gail Hoad, Brian Rokyta, Greg Spears, and Mary Ann Wyatt voted to approve the variance and Commissioners John Hyak, Jill Trevino, and Julia Welder voted to deny the variance.

3. Ordinance Revision for the Creation of Design Districts:

A proposed amendment to establish design districts by creating Article III, Division 3 of Chapter 21, as well as amendments to Chapter 5, Article XIII and Sections 21-82 and 12-8 of the City of Victoria Code of Ordinances.

a) Staff Report presented by Julie Fulgham

Design Districts. – This proposed ordinance revision includes amending Chapter 21 to adopt a new article for the purpose of creating Design Districts. This amendment is aimed to raise the quality of development within specific designated areas. The proposed article not only allows for the creation of Design Districts, but also would establish a Design District for the area around the new Placido Benavides Drive.

With the planned construction of Placido Benavides Drive, connecting Navarro and Zac Lentz Parkway/Loop 463, hundreds of acres will be more readily available for development due to this planned primary arterial roadway. The design for Placido Benavides Drive includes a boulevard design constructed out of concrete with an 8-foot hike and bike trail as well as enhanced lighting. Additionally, underground utilities are planned. The significant investment in the Placido Benavides Drive corridor is proposed to be carried throughout the area by setting higher development standards. These proposed development standards would match the high level of roadway corridor design throughout the large undeveloped areas fronting Placido Benavides Drive. This area is a blank canvas and staff believes by setting higher standards, this blank canvas could become a premier area of Victoria.

The proposed ordinance creates design districts and sets standards for underground utilities, requires all off-street storage and display to meet the pavement standards in Section 21-94 (without allowing exceptions), prohibits manufactured homes, and does not grant landscaping credits for any landscaping provided in the public right-of-way. The proposed ordinance also sets sign standards within any designated design district.

Lastly, designating design districts are an important part of the City's Right-of-Way Management Ordinance, which is part of Chapter 20 of the City of Victoria Code of Ordinances. By designating areas as design districts, the City can better regulate wireless facilities (defined by the Texas Local Government Code, Chapter 284, as micro network nodes, network nodes, node support poles and sometimes referred to as small cells), as allowed by recent state legislation that went into effect last September.

Staff recommends approving these amendments to City Code finding the creation of design districts is supported by the Strategic Action Priorities outlined in the Plan 2035, Victoria's Comprehensive Plan. Specifically, the Strategic Action Priorities are:

- .Measures to promote "quality development" in Victoria; and
- Community image/appearance initiatives in conjunction with expanded tourism promotion.

Mr. Atkinson asked how the City arrived at the border of this area.

Ms. Fulgham replied there were only four (4) property owners with large tracts and they provided indication to the City they did not plan to develop but would rather sell to developers.

Mr. Atkinson asked if every single property owner had been notified.

Ms. Fulgham stated no notifications had been done for the Planning Commission meeting but the City could do so before the City Council meeting.

Mr. Atkinson further stated, "I think they have a right to know how their property is going

to be controlled by the government”.

Ms. Trevino stated she felt we all had a right to an area that has high quality development. She could not see how this would inhibit their land and if anything would bring up the value of their land. Ms. Trevino thinks it could increase the value of the properties.

Ms. Welder stated the resale value of their land is nothing but improved.

Ms. Fulgham showed examples of what the design district would look like.

Ms. Fulgham stated the State has passed legislation that requires cities to allow cell companies to place small cells, which can be the size of a small refrigerator, within the City right of way. The City can only regulate those in certain ways and has chosen to do that. However, by adopting an area as a design district, the City can further regulate these types of small cells. The City will probably see our first one somewhere off Guy Grant in the next few months.

b) Public Hearing

There was no public comment regarding the Ordinance Amendments or Additions.

c) Ordinance Amendments Deliberations and Action

A motion to approve the Ordinance revision was made by Ms. Trevino. The motion was seconded by Ms. Hoad. Motion was passed unanimously by the Commissioners.

E: OTHER BUSINESS

1. Discussion regarding potential future amendments to Article II, Division 2, Section 21-54(e) of Chapter 21, specifically regarding sidewalks.

Ms. Fulgham explained to the Commissioners that City Council had requested the Planning Commission have a discussion as to when the City should require sidewalks. Currently, our code requires if you need a site plan then you must bring that site up to compliance and that will trigger the sidewalk requirement. A site plan is triggered anytime there is additional parking is added, a new building, or an addition is added to a site. Ms. Fulgham explained after further discussion with the councilman who requested the discussion, the City would have the Unified Development Ordinance (UDO) committee address the sidewalk requirements as far as the details. However, Council feels it could be beneficial to those on the committee to know how the Commission feels when sidewalks are required. Most cities require sidewalks with platting, but even the ones that do require it with platting, even if a property was platted many years ago and is going to be replatted it would then trigger a sidewalk. It is similar to what the City currently does with site plans.

Ms. Trevino stated that our code is good and people can ask for variances and we've seen this.

Ms. Welder inquired as to what brought this about.

Ms. Fulgham replied it is about the fairness of the overall application.

After further discussion it was agreed that the UDO committee will address this issue and bring it back to the Commission.

2. Development Services Monthly Development Report was presented by Ms. Menchaca.
3. Texas Open Meeting Act Training – Ms. Fulgham reminded the Commission that it is very important that you complete this training on-line and forward the certificate to Ms. Fulgham or the City Secretary.
4. American Planning Association, Texas Chapter 2018 Conference will be held October 12-14 in Galveston. Early registration opens July 1, 2018. If you are interested please contact Development Services office.

F: ITEMS FROM PLANNING COMMISSIONERS

G: ADJOURNMENT

Mr. Spears adjourned the meeting at 6:38pm.

APPROVED: _____
Greg Spears, Chairperson
Victoria Planning Commission

APPROVED: _____
James Johnson, Secretary
Victoria Planning Commission