



MEETING MINUTES

Date and Time: July 18, 2019 at 5:15pm

MEMBERS PRESENT:

James Johnson
John Hyak
Julia Welder
Gail Hoad
Mary Anne Wyatt
Brian Rokyta
Jill Trevino
Michael Atkinson
B J Davis

STAFF PRESENT:

Development Services:

Julie Fulgham, Director of Development Services
Rick Madrid, Asst. Director of Development Services
Chris Nelson, Planner
Alina Phillips, Planning Manager
Lila Foster, Planning Technician

City Manager's Office:

John Kaminski, Assistant City Manager

City Attorney's Office:

Allison Lacey Asst. City Attorney

MEMBERS ABSENT:

A: CALL TO ORDER

Chair Wyatt called the July 18, 2019, Regular Meeting to order at 5:15pm.

B: CITIZEN COMMUNICATION

Chair Wyatt asked if any citizen wished to address the Commission on issues not specifically listed on the Agenda. No citizen approached the Commission.

C: DEVELOPMENT REVIEWS/FORMAL ACTION

1. Variance and Preliminary Plat Request for The Ranches at Terra Vista Subdivision, Phases II & III.

Request for Preliminary Plat and Variance approval for The Ranches at Terra Vista Subdivision, Phases II & III, being a 38.90-acre tract of land situated in the Jose L. Carbajal Grant, Abstract 12, Victoria County, Texas. Landmark Residential Holdings, Ltd. (Owner); Urban Engineering (Agent).

a. Staff Report presented by Chris Nelson, Planner –

The Ranches of Terra Vista, Phase II and III Preliminary plat proposes to plat approximately 38.90 acres into single-family residential lots. The property is located at the end of the existing Terra Vista Ranch Road and south of Bianchi Drive

The Ranches at Terra Vista, Phases II and III Preliminary Plat proposes to create sixty-six single-family residential lots and two common area lots. The applicant is requesting variances to Section 21-63, which prohibits double frontage lots, and Section 20-82, which prohibits residential driveways except on local streets. The variances would allow

the platting of fifteen double frontage lots on the planned extension of Terra Vista Ranch Road and allow the construction of secondary rear driveways along Bianchi Drive. Staff recommends approval of the preliminary plat and variance requests for The Ranches at Terra Vista – Phases II & III, finding the preliminary plat meets the intent of city regulations.

Staff recommends approval of the preliminary plat and variance for The Ranches at Terra Vista – Phases II & III conditioned upon shared driveway easements, as shown on the preliminary plat and a maximum of seven driveways permitted to access Bianchi Drive. Staff analyzed the site against the commercial driveway requirements and, if developed as commercial, seven driveways would be permitted based on the approximately 2,086 feet of frontage along Bianchi Drive. For these reasons, staff believes the request meets the intent of the ordinance and granting the variance would not be detrimental to the public safety, health, or welfare.

- b. Public Hearing –
There were no comments during the public hearing.
- c. Variance Deliberations and Action –
Commissioner Trevino stated that she had spoken with homeowners in the area and no one she spoke to was opposed to the variance.
- d. Preliminary Plat Deliberations and Action –
A motion was made by Commissioner Trevino to approve both the preliminary plat and the variance request. The motion was seconded by Commissioner Welder and passed unanimously.

2. Variance for Texian Bookstore

Request for Variance approval for Texian Books, Victoria Resub. Lot 2R Block 69. Eveline Gnabasik Bethune, Coastal Bend Retail Holdings, LLC (Owner).

- a. Staff Report presented by Chris Nelson, Planner –
The subject property is located at the northeast corner of W. Forrest and N. Vine Streets and is specifically addressed as 408 W. Forrest Street. The property is developed with a single-family residential home with three existing off-street residential parking spaces that are located partially in the N. Vine Street right-of-way. The applicant desires to convert the single-family residence into a retail book store, Texian Books. The conversion of this property from a single-family residential use to a retail use requires additional off-street parking to be provided. The applicant is requesting a variance to Section 21-92, which is a variance to the amount of off-street parking required for retail uses as well as Section 21-94, which is a variance to the design requirements of off-street parking to allow the retail use of this property with three existing non-conforming parking spaces.

The current owners of the property would like to open a commercial retail book store in the existing residential structure at this location. The City of Victoria does not have zoning within its city limits, however the City does have codes and regulations in which commercial businesses must abide by. When a new commercial business opens; the business must provide the minimum off-street parking spaces required by the code for the intended use. A retail establishment must provide one off-street parking space per

250 square feet gross floor area. Based on the proposed layout of the book store, the use of this property as a retail store would require a minimum of ten off-street parking spaces with one of the off-street parking spaces being a dedicated handicapped parking space.

Single-family residential uses are required to provide two off-street parking spaces according to the City code. The existing developed parking is legally non-conforming. Approximately half of the off-street parking is located in the public right-of-way but was developed before requirements were in place that mandated single-family off-street parking be installed wholly on the property.

The owners are requesting a variance to Section 21-92 and Section 21-94, which requires at the time any building, use, or structure is initiated, erected, enlarged or converted from one land use to another land use which requires an increase in the number of parking spaces, off-street parking facilities shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons. If the owners do not provide the required off-street parking for both the residential use and the commercial use, they cannot be granted their certificate of occupancy. If the variance is granted, the owners will be allowed to open their commercial business and obtain their Certificate of Occupancy without having to provide any additional off-street parking, and the existing non-conforming parking or on-street parking would be utilized by patrons.

The City does allow for some commercial businesses to utilize on-street parking to count towards their required parking requirements if the business is located within the Downtown Business District (Section 21-92a). The proposed book store is located within the Original Townsite Historic District, but it is not located within the Downtown Business District.

Staff recommends denying the variance of waiving the off-street parking requirement for this commercial retail use at this location, finding it does not meet the criteria established in Section 21-16 for granting variances:

This property is located within a primarily residential area, and the introduction of non-residential on-street parking has the potential to negatively impact the surrounding residential neighborhood. The City of Victoria does not have locational requirements for businesses, but has established development standards so that businesses do not negatively impact the public right-of-way, are developed in such a way so as to accommodate the commercial activity located on the site, and do not negatively impact surrounding properties.

b. Public Hearing –

Evie Bethune 179 Fairway Ridge Beeville, TX

Ms. Bethune stated she believed there is a different way of interpreting the five variance criteria. The City primarily focuses on the residential aspect of the neighborhood but wants the Commission to take into account the Bail Bonds business, cattle at the end of the street, and the location of the house, being a block within Business 59, which is a major street in Victoria. She further stated the property is part of the original townsite, so putting in handicap parking and a parking lot is out of the questions because it would be harmful to the neighborhood, but also extremely expensive. She agreed with staff's

analysis but also reminded the Commission of their ability to decide on something that is ambiguous at best, and that she finds it interesting that staff's recommendation is not in the interest of business development in downtown Victoria.

c. Variance Deliberations and Action –

Commissioner Hyak stated that the Commission has approved this type of variance before and believes the Commission can do so again. Commissioner Johnson stated that his concern is that if the Commission continues to do this, eventually the nature of the area will be degraded. Commissioner Hyak asked how the Commission could say deny this request when a similar request was approved less than a year ago.

Commissioner Wyatt stated she drove all through that neighborhood. There is a home behind Dairy Queen, another small home and then the Texian. The house just south of the bookstore isn't even curbed and guttered, there is plenty of parking there, and they could be parking in the grass. The section of Forrest that the Texian sits on could easily park five cars on the street and she does not believe the request to be detrimental.

Commissioner Welder stated concerns about a public safety issue with the events being held there, the lack of sidewalks, and increased pedestrian traffic.

Commissioner Johnson stated that the Commission wants to be supportive to business, but this request seems to be taking a building that was not meant to be a business and making it into a retail store; with several things that would be lacking in terms of safety and accommodations for the handicapped. It concerns him that the Commission may continue to say yes and eventually change the face of that neighborhood.

After further discussion a motion was made by Commissioner Hyak to approve the variance and the motion was seconded by Commissioner Atkinson. The motion passed six (6) to three (3). The vote is recorded as follows:

Ayes: Wyatt, Davis, Hyak, Trevino, Rokyta, and Atkinson

Nays: Hoad, Johnson, and Welder

D. Consent Agenda

[All consent agenda items listed are considered routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Member so requests, in which event the item will be removed from the consent agenda and considered after the remainder of the consent agenda.]

1. Meeting minutes from the June 20, 2019 Regular Meeting

Motion to accept the consent agenda was made by Commissioner Johnson and seconded by Commissioner Hoad. The motion to approve the consent agenda passed unanimously.

E: OTHER BUSINESS

1. Development Services Monthly Development Report

The Monthly Development Report was presented by Chris Nelson.

F: ITEMS FROM PLANNING COMMISSIONERS

There were no items from Planning Commissioners.

G: ADJOURNMENT

Chairman Wyatt adjourned the meeting at 5:35pm.

APPROVED: _____
Mary Anne Wyatt, Chairperson
Victoria Planning Commission

APPROVED: _____
James Johnson, Secretary
Victoria Planning Commission