

**AGENDA
CITY OF WINDCREST, TEXAS
PLANNING AND ZONING MEETING AND
PUBLIC HEARING
SEPTEMBER 30, 2010
6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT A REGULAR MEETING AND PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF WINDCREST WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 30TH DAY OF SEPTEMBER, 2010 AT 6:00 P.M., AT WHICH TIME THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND ACTION MAY BE TAKEN TO WIT:

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. CALL TO ORDER

II. CITIZENS TO BE HEARD

A member of the public will have a total of six (6) minutes to be heard.

III. PUBLIC HEARING

The Planning and Zoning Commission will conduct a public hearing to hear a request from Amy Garza for a Special Use Permit for 4952 Windsor Hill, Suite 103 to operate a Dog Day Care, boarding and grooming for 20 to 40 dogs.

IV. ACTION ITEM

1. The Planning and Zoning Commission will review, discuss and may make a recommendation to City Council on a Special Use Permit requested by Amy Garza for a Dog Day Care, boarding and grooming for 20 to 40 dogs located at 4952 Windsor Hill, Suite 103.

V. ADJOURNMENT

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Windcrest is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, in City Hall of said City, in a convenient place to the public and said Notice was posted prior to 6:00 p.m. on September 30, 2010 and remained so posted continuously for at least seventy two hours immediately preceding the date and time of said Meeting.

Dated this the 27th day of September 2010

A handwritten signature in black ink, reading "Heather Weidenbach". The signature is written in a cursive style with a large, stylized 'H' and 'W'.

By: Heather Weidenbach
Title: City Secretary

PUBLIC HEARING

The Planning and Zoning Commission of the City of Windcrest will hold a public hearing on September 30, 2010 at Windcrest City Hall Council Chambers located at 8601 Midcrown at 6:00 PM to hear a request from Amy Garza for a Special Use Permit to operate a Dog Day Care and grooming service for 20 to 40 dogs at 4952 Windsor Hill, Suite 103.

The property is currently zoned "B-1" Business district and a Dog Day Care, Boarding and grooming for dogs is not a specific use.

On October 18, 2010 the City Council of the City of Windcrest will hold a public hearing at Windcrest City Hall Council Chambers located 8601 Midcrown at 7:00 PM to consider the recommendation of the Planning and Zoning Commission and take action on the request from Amy Garza for a Special Use Permit to operate a Dog Day Care and grooming service for 20 to 40 dogs at 4952 Windsor Hill Suite 103.

All interested parties are invited to attend. Further information can be obtained by calling David Cadena, Jr., Director of Building Services at (210) 655-0022 ext.2440.

TO: Planning and Zoning Commission
FROM: David Cadena, Jr., Director of Building Services/Interim City Manager
DATE: September 30, 2010
SUBJECT: Request for Special Use Permit

BACKGROUND INFORMATION

In accordance with Section 23.1900, Amy Garza is requesting a Special Use Permit for 4952 Windsor Hill Suite 103 to operate a Dog Day Care, boarding and grooming for 20 to 40 dogs.

This property is currently zoned "B-1" Business District and a Dog Day Care, boarding and grooming is not a specific permitted use. Section 23.1901 states in part that a Special Use Permit "...will not adversely affect the character of the area or neighborhood in which it is located, that it will be in keeping with the spirit and intent of the Zoning Code, and that it will not adversely affect traffic, public health, public utilities, public safety or the general welfare of the City."

On December 21st 2009, the City Council of the City of Windcrest on recommendation from the Planning and Zoning Commission approved a Dog Day Care Special Use Permit to Shannon and Doug Sayers. No mention of boarding, grooming or number of dogs was specified in the approved ordinance. Special Use Permits are not transferable.

Included in your packet are a copy of the application for Special Use Permit and a copy of the permitted uses in a "B-1" Business District.

All owners within a 200 foot radius were notified of this request.

RECOMMENDATION

None

ZONING

Applicable minimum lot area and minimum lot width for such District based on permitted use shall apply. (Ord. No. 58TT, 6/13/83)

2. For additional uses permitted in the "O-1" District, the minimum lot area shall be eighteen thousand (18,000) square feet and the minimum lot width shall be one hundred fifty feet (150'). (Ord. No. 58TT, 6/13/83)

Sec. 23.1105 PARKING REGULATIONS

1. The parking regulations for uses permitted in the "R-1" and "R-2" Districts shall be the same as those in the "R-2" District. (Ord. No. 58TT, 6/13/83)

2. For the additional uses permitted in the "O-1" District, one parking space for each three hundred (300) square feet or a portion thereof of gross floor area. (Ord. No. 58TT, 6/13/83)

Sec. 23.1106 ADDITIONAL REGULATIONS

Additional use, height and area regulations and exceptions are found in Subchapter 23.1400 herein. (Ord. No. 58TT, 6/13/83)

Sec. 23.1107 SCREENING OF REFUSE STORAGE AREAS

All offices shall screen areas wherein garbage containers and other refuse are stored with a permanent type masonry or wooden enclosure on all sides exposed to public view with a concrete base and apron. (Ord. No. 58TT, 6/13/83)

Sec. 23.1108 PLATTED LOTS

Platted lots used for office purposes may contain one (1) or more buildings provided the buildings are situated in substantial compliance with the comprehensive plan created by this Chapter. (Ord. No. 58TT, 6/13/83)

Sec. 23.1109 SCREENING OF AIR CONDITIONING ELEMENTS

All offices shall screen air conditioning elements with a permanent type masonry, metal or wooden screen on all sides which are open to public view. (Ord. No. 58TT, 6/13/83)

Sec. 23.1110 GREEN BELT

A minimum of ten feet (10') of landscaped green belt area must be dedicated and maintained as a buffer zone between the "O-1" District and either the "R-1" or "R-2" Districts wherever the Districts' lines are adjacent. This ten feet (10') may be part of the twenty-five (25) foot side yard mentioned in Section 23.1003-2C. (Ord. No. 58TT, 6/13/83)

Subchapt. 23.1200 "B-1" NEIGHBORHOOD BUSINESS DISTRICT

The following regulations shall apply to "B-1" Neighborhood Business District:

Sec. 23.1201 USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Any use permitted in "O-1" Professional Office District.

ZONING, PLANNING & ZONING COMMISSION, AND BOARD OF ADJUSTMENT

(Ord. No. 58, 8/14/67)

2. Signs authorized in accordance with Chapter 4 of the Code.
3. Automobile parking lots. (Ord. No. 58, 8/14/67)
4. Bakery, employing not more than five (5) persons. (Ord. No. 58, 8/14/67)
5. Bank. (Ord. No. 58, 8/14/67)
6. Beauty Parlor. (Ord. No. 58, 8/14/67)
7. Barber Shop. (Ord. No. 58, 8/14/67)
8. Cleaning, pressing, and dyeing plants employing not more than five (5) persons each.
9. Clinic. (Ord. No. 58, 8/14/67)
10. Hotels and motels. (Ord. No. 58UU, 9/12/83)
11. Laundries, employing not more than five (5) persons on the premises.
12. Laundries, self-service. (Ord. No. 58, 8/14/67)
13. Job printing, provided total mechanical power use in operation of such printing plant shall not exceed five (5) horsepower. (Ord. No. 58, 8/14/67)
14. Lodge halls. (Ord. No. 58, 8/14/67)
15. Offices. (Ord. No. 58, 8/14/67)
16. Radio repair and sale shops. (Ord. No. 58, 8/14/67)
17. Radio studios. (Ord. No. 58, 8/14/67)
18. Restaurant, cafes and cafeterias. (Ord. No. 58, 8/14/67)
19. Stores and shops for sale of products at retail only, but not to include second hand clothing stores, flea markets and similar establishments, public saloons, taverns or bars. The storage and/or sale of motor vehicle fuel at wholesale or retail is prohibited (Ord. No. 58II, 9/14/81)

If a permit has first been obtained from the City, the business which currently occupies the permanent structure on the premises from which the business is conducted may display and sell goods, wares and merchandise outside its permanent structure which are customarily displayed and sold by it inside its permanent structure. The outdoor display and sale of such merchandise shall be classified as temporary (thirty [30] days or less) or permanent (more than thirty [30] days).

A temporary permit may be issued by the City for the display and sale of goods, wares and merchandise upon a showing by a business that the outdoor display and sale of such merchandise will not interfere with parking and access and that such activity will be safe and compatible with adjoining businesses and the neighborhood.

ZONING

A permanent permit may be issued by the City for the display and sale of goods, wares and merchandise upon a showing by a business that the outdoor display and sale of such merchandise will not occur in parking areas, driveways and required landscape areas, and that such activity will be safe and compatible with the adjoining businesses and the neighborhood. (Ord. No. 311, 9/15/97)

20. Studio (art, photo, music). (Ord. No. 58, 8/14/67)

21. Recreation and entertainment facilities, (theaters, bowling alleys, billiard parlors, skating halls, gymnasiums and health or exercise centers and similar activities) excepting public saloons, taverns, or bars. (Ord. No. 58W, 213, 4/12/76, 12/12/88)

Sec. 23.1202 HEIGHT REGULATIONS

No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height except for antennas in 23.80 and certain signs in Chapter 4. (Ord. No. 58, 8/14/67)

Sec. 23.1203 YARD REGULATIONS

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty feet (20'). (Ord. No. 58, 8/14/67)

2. Side Yards: For uses permitted in the "R-2" District, the side yard regulations for that District shall apply. For additional uses permitted in the "B-1" District, no side yards are required except that on a corner lot the side yard on the street side shall be twenty feet (20'). Where a lot is used for any of the commercial purposes permitted in this District and abutting on the side of a lot in an "R-1" or "R-2" District, there shall be a side yard not less than twenty-five feet (25').

Sec. 23.1204 INTENSITY OF USE

For uses permitted in the "R-2" District, the minimum lot area and minimum width regulations for that District shall apply. There are no minimum lot area or lot width requirements for other uses. (Ord. No. 58, 8/14/67)

Sec. 23.1205 PARKING REGULATIONS

1. The parking regulations for dwelling are the same as those in the "R-2" District. (Ord. No. 58, 8/14/67)

2. Where any structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this Subchapter, off-street parking spaces shall be provided, whether on the same lot with structure or on an area within three hundred feet (300') thereof, in such number as the City Council shall deem adequate, based on such factors as the nature of proposed business use, expected customer density and rate of customer turn-over. Generally, parking space requirements shall be based on the gross floor area of the structure to be served and shall conform to the respective requirements set forth in the Table of Off-Street Parking Requirements contained in Section 42-94, 1970 Zoning Ordinance of the City of San Antonio, Texas, which Table is, by this reference, hereby expressly adopted for the City of Windcrest as a planning guide only. The City Council may require more parking spaces for any specific business structure than are indicated in said adopted Table, but no plan providing for less than the number of parking spaces therein indicated shall be approved, in the absence of clear and convincing evidence that the number of