WINDCREST
TEXAS

AGENDA
CITY OF WINDCREST, TEXAS
PLANNING AND ZONING COMMISSION MEETING

July 18, 2013

5:00 P.M.

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE WINDCREST PLANNING AND ZONING COMMISSION WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 18TH DAY OF JULY 2013 STARTING AT 5:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COMMISSION MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE PLANNING AND ZONING COMMISSION RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF JULY 18, 2013 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JULY 19, 2013 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

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

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

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. Discuss and Act

1. The Planning and Zoning Commission will review, discuss and may recommend action on an ordinance amending Chapter 23 of the Code of Ordinances to create a new "B-3" Business District. (Att. 1)

2. The Planning and Zoning Commission will review, discuss and may recommend action on an ordinance amending Chapter 23 of the Code of Ordinances of the City of Windcrest, Texas to require specific use permits for apartment houses and multiple family dwellings. (Att. 2)

III. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

VI. Adjournment

The Planning and Zoning Commission reserves the right to retire into executive session whenever it is considered necessary and legally justified under the Texas Government Code, Subchapter D, Sections 551.071 et. seq. including, but not limited to, consultation with attorney, real property, prospective gifts, personnel matters, exclusion of witness, security devices, and economic development matters.

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 was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice

was posted more than seventy-two hours prior to the meeting on July 18, 2013.

By: Kelly Rodriguez **, City Secretary**

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending Planning & Zoning Commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Kelly Rodriguez, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the ____ July, 2013.

_____ Title: _____

WINDCREST
TEXAS

ORDINANCE NO. 2013-*(O)**

AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF WINDCREST, TEXAS TO CREATE A NEW "B-3" BUSINESS DISTRICT

WHEREAS, the City of Windcrest desires to create a new "B-3" Business District zoning category in accordance with Chapter 211 of the Texas Local Government Code; and

WHEREAS, these regulations are established for the purposes of promoting health and the general welfare; and

WHEREAS, the Planning and Zoning Commission, after a public meeting was held by it on July 11, 2013, recommended that Chapter 23 of the City Code of the City of Windcrest be amended by the City Council of the City of Windcrest; and,

WHEREAS, the City Council at a public meeting held by it on ____, 2013 received said recommendation from the Planning and Zoning Commission and, after considering said recommendation and hearing the proponents and opponents to said recommendation, is of the opinion that such regulations be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS:

Section 1. That, Chapter 23, Zoning, Subchapter 23.1400 Parks and Other Areas for Public Use, of the Code of Ordinances of the City of Windcrest, Texas is hereby repealed.

Section 2. That, Chapter 23, Zoning, Subchapter 23.1400, "B-3" BUSINESS DISTRICT, is hereby adopted as follows:

"The following regulations shall apply to the "B-3" Business District:

23.1401 Use Regulations

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

1. Any use permitted in the "B-2" Business District;

2. Business Park uses (wholesaling; research and development; manufacturing; processing; fabrication; assembly; testing; repair; servicing; storage; laboratory; warehousing; construction equipment rental, sales, service and outdoor storage; displaying or distribution of goods, materials or products);

3. Grocery stores; and

4. Uses may be combined vertically, in the same building, or horizontally in multiple buildings, or through a combination of the two.

23.1402 Height Regulations

No building or structure shall exceed sixty-five (65) feet in height.

23.1403 Yard Regulations

The yard regulations for "B-2" shall apply.

23.1404 Intensity of Use

There are no minimum lot area or lot width requirements.

23.1405 Parking Regulations

1. For parking regulations in the "B-3" District and Business Park uses, the parking regulations and table of off street parking requirements for the "B-1" District shall apply.

23.1406 Minimum Area Requirement

A "B-3" Business District shall consist of a minimum of forty (40) contiguous acres, which may include multiple tracts that are either abutting or separated by a manmade or natural feature (e.g. street, railroad line, river, or right of way).

23.1407 Screening of Refuse Areas

All commercial establishments 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.

23.1408 Platted Lots

Platted lots used for commercial purposes may contain one (1) or more main buildings.

23.1409 Areas for Public Use

A reasonable percentage of any property zoned "B-3" Business District shall be set aside for use as a community playground and recreational area."

That, in the event any provision of this Ordinance is held to be invalid, it is the intention of the City Council that this Ordinance be of no force and effect whatsoever. That, this Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED, on the ____ day of _____ 2013 at a regular meeting of the City Council of the City of Windcrest, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

_____
Alan Baxter, Mayor

ATTEST:

_____
Kelly Rodriguez, City Secretary

APPOVED:

_____
Michael S. Brenan, City Attorney

WINDCREST
TEXAS

ORDINANCE NO. 2013-*(O)**

AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF WINDCREST, TEXAS TO REQUIRE SPECIFIC USE PERMITS FOR APARTMENT HOUSES AND MULTIPLE FAMILY DWELLINGS

WHEREAS, the City of Windcrest desires to establish regulations requiring specific use permits for apartment houses and multiple family dwellings in all zoning districts of the city except "R-1" One-Family Dwelling Districts as authorized in Chapter 211 of the Texas Local Government Code; and

WHEREAS, these regulations are established for the purposes of promoting health and the general welfare; and

WHEREAS, the Planning and Zoning Commission, after a public meeting was held by it on July 11, 2013, recommended that Chapter 23 of the City Code of the City of Windcrest be amended by the City Council of the City of Windcrest; and,

WHEREAS, the City Council at a public meeting held by it on ____, 2013 received said recommendation from the Planning and Zoning Commission and, after considering said recommendation and hearing the proponents and opponents to said recommendation, is of the opinion that such regulations be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that, Chapter 23, Zoning, Subchapter 23.1000 "R-2" Duplex and Apartment District of the Code of Ordinances of the City of Windcrest, Texas is hereby amended as follows:

a. The title and introduction to said subchapter is changed to "R-2" Duplex District.

b. Sec. 23.1004 4 is repealed.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that, Chapter 23, Zoning, Subchapter 23.1900, SPECIFIC USE PERMITS, is hereby amended as follows:

a. The first sentence of Sec. 23.1901shall be amended to read as follows:

The City Council may authorize the issuance of Special Use Permits in any zoning district of the City except "R-1" One-Family Dwelling District.

b. A new Section 23.1908 SPECIFIC USE PERMIT REQUIRED FOR APARTMENT HOUSES OR MULTIPLE FAMILY DWELLINGS is adopted which reads as follows:

"1. Any apartment house or multiple family dwelling shall require approval from the City Council in the form of a Special Use Permit.

2. An apartment house or multiple family dwelling may be established in any zoning district of the city except "R-1" One-Family Dwelling District.

3. Any apartment house or multiple family dwelling shall not exceed thirty-five (35) feet in height, unless otherwise authorized in the Special Use Permit for such project.

4. Any apartment house or multiple family dwelling shall be located on a lot which contains an area of not less than one thousand eight hundred (1,800) square feet of land per dwelling unit, unless otherwise authorized in the Special Use Permit for such project.

5. Any apartment house or multiple family dwelling shall include setbacks and yards as authorized in the Special Use Permit for such project, taking into account the need for air and light in luxury living accommodations.

6. Required Amenities

All apartment houses or multiple family dwellings of less than one hundred (100) dwelling units shall provide at a minimum two (2) community amenities, to be chosen from the following list:

a) Playground (minimum area of 2,500 square feet, contain at least three pieces of commercial grade playground equipment)
b) Picnic Area (minimum area of 2,500 square feet, contain two (2) picnic units, defined as a concrete, metal, or approved material picnic table, two (2) benches, and a cooking grill all permanently anchored to the slab)
c) Athletic Courts (regulation size basketball court, volleyball court or tennis court)
d) Swimming Pool (minimum surface area of 500 square feet)
e) Community Center (minimum area of 1,000 square feet, which may include a business center, exercise facility, media room, residents lounge or meeting rooms)
f) Pavilion/Gazebo/Covered Outdoor Kitchen (minimum of 400 square feet in area, must be constructed of either wood, metal, or approved substitute)
g) Outdoor Gymnasium Facilities (minimum area of 1,600 square feet, and consist of at least 6 stations constructed of metal or an approved substitute material)
h) Fitness, Jogging or Walking Trails (minimum length of one-quarter mile)
i) Dog Park (minimum area of 1,000 square feet, must be fenced)

In the event an apartment house or multiple family dwelling contains one hundred (100) or more dwelling units, one additional amenity shall be provided for each fifty (50) dwelling units constructed in excess of ninety nine (99) dwelling units.

7. Landscaping

Apartment houses or multiple family dwellings shall comply with Section 23.1210, provided that landscape materials for apartment houses or multiple-family dwellings shall be installed in conformance with an approved landscape plan bearing the seal of a registered landscape architect."

That, in the event any provision of this Ordinance is held to be invalid, it is the intention of the City Council that this Ordinance be of no force and effect whatsoever. That, this Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED, on the ____ day of _____ 2013 at a regular meeting of the City Council of the City of Windcrest, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

_____
Alan Baxter, Mayor

ATTEST:

_____
Kelly Rodriguez, City Secretary

APPOVED:

_____
Michael S. Brenan, City Attorney