



**AGENDA
CITY OF WINDCREST, TEXAS
PLANNING AND ZONING COMMISSION MEETING**

July 11, 2013

11:00 A.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 11TH DAY OF JULY 2013 STARTING AT 11:00 A.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 11, 2013 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JULY 12, 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 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. Executive Session

1. City Council will convene in a closed session as authorized by Section 551.071(1) (A) of the Texas Government Code to consult with the City Attorney and special counsel concerning Moncada vs. City of Windcrest.

III. Open Session

1. The Planning and Zoning Commission will review and discuss a possible ordinance amending Chapter 23, the Zoning Ordinance of the City of Windcrest, Texas, to authorize the issuance of special use permits for community homes, including assisted living facilities, in residential zones. (Att. 1)

IV. Discuss and Act

1. The Planning and Zoning Commission will review comments made to materials presented at the June 20, 2013 work session and discuss an outline for Vision and Guiding Principles for the Windcrest Master Plan Policy Document. (Att. 2)
2. The Planning and Zoning Commission will review, discuss and may take action on the schedule and issues to be considered for future meetings.

V. 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 11, 2013.

By: , 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: _____



ORDINANCE NO. 2013-694(O)

AN ORDINANCE AMENDING CHAPTER 23, THE ZONING ORDINANCE OF THE CITY OF WINDCREST, TEXAS, TO AUTHORIZE THE ISSUANCE OF SPECIAL USE PERMITS FOR COMMUNITY HOMES, INCLUDING ASSISTED LIVING FACILITIES, IN RESIDENTIAL ZONES

WHEREAS, the City of Windcrest designates certain areas in the City for zoning in order to protect the health, safety and welfare of its citizens; and

WHEREAS, the City of Windcrest has an important governmental interest in maintaining the tranquility of its residential areas; and

WHEREAS, the City has the legal right and obligation to zone different uses throughout the City; and

WHEREAS, the City Council of the City of Windcrest, Texas (the "City"), finds and determines that it is appropriate, advisable, and in the best interests of the citizens of the City to authorize Special Use Permits to operate community homes, including assisted living facilities, which are dedicated to housing citizens within the City who require community homes, including assisted living facilities; and

WHEREAS, Charter 123 of the Texas Human Resources Code authorizes the operation of a community home in any residential zone as long as the community home has six or fewer residents with disabilities and up to two supervisors; and

WHEREAS, state and federal laws have been amended since the enactment of the City's zoning regulations to recognize the need for community homes, including assisted living facilities; and

WHEREAS, the City Council desires to achieve a reasonable balance in its zoning ordinance between traditional residential use of properties and the need for community homes, including assisted living facilities, in residential zones.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Subchapter 23.1800 of The Zoning Ordinance of the City of Windcrest, Texas is hereby amended by revising Section 23.1901 to read as follows:

“Sec. 23.1901 GENERAL

A: The City Council may authorize the issuance of Special Use Permits in any zoning district of the City. Special Use Permits are amendments to the zoning code which authorize the establishment of one or more specified uses of particular property without changing the zoning of the property. A Special Use Permit may be issued when the City Council determines that the Special Use Permit will not adversely affect the character of the area or neighborhood in which it is located, that it will not substantially reduce the value of the adjacent and nearby property, 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.

B: The only Special Use Permit which may be issued in a residential zone shall be for a community home, including assisted living facilities, as those terms are defined by state law. A residential zone Special Use Permit shall be issued only if the following conditions are satisfied:

1. The community home has all the state and federal licenses required to operate as a community home and assisted living facility at the proposed location and submit copies of said documents to the City of Windcrest; and
2. The facility or its owner files an application as articulated below; and
3. The applicant demonstrates to the City Council through clear evidence that it is clinically dangerous or not financially viable to operate a community home, including an assisted living facility, in any residential zone in the City with six [6] or fewer disabled persons living at such facility; and
4. The applicant demonstrates to the City Council through clear evidence that the proposed facility should be granted a Special Use Permit to allow for more than six [6], but not more than twelve [12], persons because of clinical necessity and financial viability; and
5. The City Council determines that the health, safety and welfare of the community will be enhanced by granting a Special Use Permit to service the number of disabled persons which the council has determined will support the clinical necessity and financial viability of the facility.

A Special Use Permit is not necessary for a community home, including an assisted living facility, as defined by state law which services six [6] or fewer disabled persons in a residential zone. The decision to grant a Special Use Permit is in the sole discretion of the City Council.”

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Section 23.901 of The Zoning Ordinance of the City of Windcrest, Texas is hereby amended by adopting a new No. 11 as follows:

“11. Community homes, including assisted living facilities, which service six [6] or fewer disabled persons at a single location.”

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Section 23.1001 of The Zoning Ordinance of the City of Windcrest, Texas is hereby amended by adopting a new No. 7 as follows:

“7. Community homes, including assisted living facilities, which service six [6] or fewer disabled persons at a single location.”

Therefore, be it ordained by the City Council of the City of Windcrest, Texas, that the intention of the City Council that phrases, clauses, sentences, paragraphs and sections this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

PASSED AND APPROVED, this, the _____ day of _____, 2013

Alan Baxter, Mayor

ATTEST:

Kelly Rodriquez, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney

CITY OF WINDCREST DEVELOPMENT PROCESS

Commission Duty: “Provide recommendations for development of land”

Section 23.703

Phase 1 A: MASTER PLAN

- Concept, philosophy, community values
- Basic issues eg, transportation, housing, infrastructure, cultural, environment, economic development, etc.
- Land Use Planning—conceptual and as part of Master Plan

Phase 1B: LAND USE PLAN--

- Chapter 23 Amendments
 - Duties and powers/components—Community Planning
 - Subdivision Regs
 - Building Plans
 - Zoning

Phase 1C: ZONING--

- Current pending development proposals call for fast-track review
Eg., Vacant tracts and redevelopment of existing parcels

Timeline: 60-90 days

PHASE 2: RELATED DEVELOPMENT STANDARDS—

- Subdivision Chapter 19
- Traffic and Parking Chapter 20
- Water and Flood Control Chapter 21

Timeline: 60-90 days

COMPREHENSIVE PLANNING PROCESS

THE PLAN IS THE **ONLY PUBLIC DOCUMENT** THAT DESCRIBES THE **COMMUNITY AS A WHOLE** IN TERMS OF ITS COMPLEX AND MUTUALLY SUPPORTING NETWORKS.

AS A **POLICY STATEMENT** OF LONG-TERM GOALS, IT PROVIDES BOTH A BROAD PERSPECTIVE AND A GUIDE TO SHORT-TERM COMMUNITY DECISIONS.

IN SUMMARY THE COMPREHENSIVE PLAN IS:

- A PUBLIC GUIDE TO COMMUNITY DECISION MAKING
- AN ASSESSMENT OF THE COMMUNITY'S NEEDS
- A STATEMENT OF COMMUNITY VALUES, GOALS, AND OBJECTIVES
- A BLUEPRINT FOR THE COMMUNITY'S PHYSICAL DEVELOPMENT
- A PUBLIC DOCUMENT ADOPTED BY GOVERNMENT
- CONTINUOUSLY UPDATED AS CONDITIONS CHANGE

PLAN COMPONENTS:

1. A DESCRIPTION THROUGH **GOALS AND OBJECTIVES**, OF HOW
THE COMMUNITY WANTS TO LOOK AT THE END OF THE AGREED
PERIOD.
2. THE **POLICIES AND DESCRIPTIONS** IN EACH ELEMENT OF THE
PLAN THAT SHOW HOW THE COMMUNITY WILL GET THERE.

POTENTIAL PLAN ELEMENTS:

COMPREHENSIVE PLANS CAN CONTAIN ANY OF THE FOLLOWING DESCRIPTORS BASED ON STATUTE AND THE UNIQUE CIRCUMSTANCES OF THE COMMUNITY—(a community will choose only those that best fit its scope and purpose)

- SIGNIFICANT FEATURES OF THE PHYSICAL ENVIRONMENT AND NATURAL RESOURCES
- DEMOGRAPHIC PROFILE OF THE COMMUNITY
- LOCATION AND DESCRIPTION OF EXISTING AND PROPOSED LAND USES ON A LAND-USE MAP
- INFRASTRUCTURE SYSTEMS
- EXISTING AND PLANNED TRANSPORTATION
- EXISTING AND PLANNED PUBLIC FACILITIES AND SERVICE

- EXISTING AND PLANNED COMMERCIAL, AND JOB CENTERS
- EXISTING HOUSING STOCK
- PARKS, RECREATION AND OPEN SPACE
- OTHER ELEMENTS CHOSEN TO MEET COMMUNITY DESCRIPTORS

PLANNING APPROACHES:

COMPREHENSIVE/MASTER PLAN—ALL ENCOMPASSING PLAN AND PROCESS THAT COVERS THE ENTIRE SPECTRUM OF THE COMMUNITY GROWTH AND DEVELOPMENT.

GENERAL PLAN—OUTLINES THE SCOPE OF THE COMMUNITY VISION WITH GOALS , OBJECTIVES AND BASIC MAPS.

STRATEGIC PLAN—FOCUSES ON A FEW SELECTED ISSUES AND THE SPECIFIC STEPS TO TAKE TO RESOLVE THEM.

SPECIAL AREA/SYSTEM PLANS—SPECIFIC TO A CERTAIN NEED OR GEOGRAPHIC AREA. FOR EXAMPLE, TRANSPORTATION CORRIDOR OR INFRASTRUCTURE OR A CERTAIN SECTOR OF THE COMMUNITY.

THE PROCESS:

GOALS

- PROVIDE GENERAL DIRECTION AND SERVE AS THE DESCRIPTION OF A DESIRED FUTURE.
- ONGOING/TIMELESS
- “BIG PICTURE” FOR COMMUNITY WANTS
- SPECIFIC TOPICAL AREAS

OBJECTIVES

- ACHIEVABLE, MEASURABLE STEPS TAKEN TO COMPLETE GOALS
- SPECIFY A SINGLE KEY RESULT
- EXPLAIN CONSISELY THE “WHAT’, “WHEN”, AND “HOW MUCH” OR “HOW MANY”

TODAY—

TASK STATEMENTS

1. Discuss types of Master Plans presented and focus on which is best for Windcrest at this time.
2. Based on the outcome of Task 1, review contents of current Draft, Narrative, Maps and Graphics.
3. Establish work program/process for narrative revision and updates for graphics.
4. Schedule July work sessions.

COMMENTS

Planning and Zoning Commission

June 20, 2013 Work Session

PRINCIPLES: (Windcrest Conceptual MP, 2007)

- 1) To redevelop the first impression of Windcrest's image upon entering the city, as a reflection of the positive inner vitality of the residents and future residents.**

Comment: Kohn—delete, OR, if not feasible replace “redevelop” with “enhance”

Ramos: Delete

- 2) To revitalize and redevelop businesses along Walzem Rd. and IH-35 as catalytic generators. To spark new economic development to bring in more established and incubator businesses, to create a “Tech Town” culture of computer technologies, and to attract entertainment and a full range of mixed uses. To create a Quality of Life-Style.**

Comment: Kohn—Add to end of first sentence “of growth”

Delete second sentence, If not feasible, replace “spark new” with “encourage”

And end sentence at “businesses”.

Delete vague last sentence. “To create a Quality of Life Style.”

Ramos—change “Tech Town” to creating a “Unique City”.

- 3) To give a new direction to the City of Windcrest for greening, literally greening with new parks/open space, new walk/bike path linkages, more developments, with green spaces and 'green' conscious sustainable built environments.

Comment: Kohn—Replace sentence with “To increase parks and open spaces, playgrounds and play fields and to promote walking and bicycling.”

Ramos--Keep

- 4) To explore the potential opportunities for new annexation for more parks and housing that will contribute to urban/suburban amenities for new younger families with younger children with programmed open green space with tot lots, play fields, etc.

Comment: Kohn—Delete. Largely the same as #3.

Ramos--Delete

- 5) To update Windcrest's previous master plans completed in 1968 and 2000, to reflect current trends and opportunities in land uses. To generate conceptual new zoning codes that reflect complexity of mixed uses and new building forms.

Comment: Kohn—Delete first sentence. Replace second sentence with “To approve new zoning codes, last completed in 2000, with ones that reflect mixed use (home, work, play) and new building concepts.

Ramos—Keep.

- 6) To revitalize the existing residential areas, impacted by new defined urban amenities, while stabilizing transitions between the older generation of residents with younger families.

Comment: Kohn—Delete.

Ramos--Keep

- 7) To be aware of the influx of population into the Windcrest area. To prepare for reception and absorption of 5000 potential Rackspace employees over the next five years. To prepare for the reception and absorption of 11,200 potential employees from nearby BRAC medical facilities, and Fort Sam Houston. To maximize the City of Windcrest's potential gain from significant growth in technology and the military.**

Comment: Kohn—Replace with: “To take advantage of the proximity of Windcrest to both information technology and large military posts/bases.”

Ramos--Delete

- 8) To explore site planning for Rackspace facility campus and proximal areas as intense catalytic development generators to spur on immediate growth on the surrounding areas.**

Comment: Kohn--Replace with: To create plans, both short- and long-range, for the development around Rackspace, extending to Eisenhower Road, that are appealing to travelers, residents, customers and employees of the area.

Ramos--Delete

- 9) To explore the possible relocation of Windcrest's City Hall offices, police and fire stations in a centralized location, especially now that the southern boundaries have shifted the geographic center of the City.**

Comment: Kohn—Delete.

Ramos--Delete

10) To encourage traffic and transportation to become more organized while promoting alternative links and paths.

Comment: Kohn—Replace with; “To regulate and improve traffic flow within Windcrest, including an expected increase in those walking and bicycling within the City.”

Ramos--Delete

11)To re-envision a new image for Windcrest's frontage that reflects its higher character of community.

Comment: Kohn—Replace with: “To improve the image of the City in those driving past Windcrest on I-35, entering Walzem Road off I-35 where it crosses Eagle Crest.”

Ramos--Delete

VISION: (CoSA MP Policies, 1997)

- A) Equal opportunity to all San Antonio citizens and equity in the distribution of benefits.**

Comment: Kohn—Delete.

Ramos--Delete

- B) Safe, dynamic and sustainable neighborhoods which offer employment opportunities, high quality education, adequate and affordable shelter, health care and recreational amenities.**

Comment: Kohn—Delete.

Ramos--Keep

- C) A vibrant economic climate which will attract and support a wide diversity of business opportunities and community services to provide benefits within the metropolitan area.**

Comment: Kohn—Replace with: “A cooperative atmosphere at City Hall that encourages and aids city entrepreneurs, businesses and professionals in their efforts.”

Ramos—Delete.

- D) Balanced and responsible urban design, planning and development, and responsible protection of the City’s historical, cultural and natural resources.**

Comment: Kohn—Replace “historical, cultural” with “residents, especially families with young children.”

Ramos--Keep

- E) An open, accessible, responsive and fiscally responsible government whose structure creates the functional framework to reach the Master Plan Goals.**

Comment: Kohn—Replace “whose structure creates the functional framework” with “which works”.

Ramos--Delete

- F) The best city in America for children.**

Comment: Kohn—Replace with: “A city where parents of young children would want to live alongside elders who have seen their children leave the nest. A city with a vibrant mixture of all races and ethnic groups. A city that encourages neighbors to become friends through civic involvement.”

Ramos—Keep.

ADDITIONAL COMMENTS:

Ramos: “...I liked what you had on the Board during our workshop. I think the broader our statements are the easier it will be to insure we don’t have to keep coming back to the drawing board in the future and start changing what our statements are. On the board you had:

- 1. Growth Management**
- 2. Economic Development**
- 3. Community needs and wants for types of developments**
- 4. Community Identity**

...I would like to make sure that SAFETY and SECURITY is included somewhere in the document.”