

**CITY OF GONZALES
PLANNING AND ZONING COMMISSION MEETING
May 12, 2014
MEETING MINUTES**

On the 12th day of March at 5:00 p.m., the Planning and Zoning Commission convened in the Council Chambers at the Gonzales Municipal Building, 820 Saint Joseph Street, Gonzales, Texas.

The following members were present constituting a quorum: Tim Gescheidle-Chairman, Paul Frenzel-Co-Chairman, Roland Martinez, Charles Patterson, Phillip Borowitz, and Steve Pirkle

Members absent: Jereline Clack

Others Present: Kristina Vega – Zoning Administrator, Allen Barnes-City Manager, Jackie Williamson-City Attorney, William Ince-Building Official

Item #1: Call to Order

Item #2: Discuss and Consider application submitted for rezone from R-1 Single Family Residential to C-2 Heavy Commercial of the property listed below:

Property Owner: Sara & Spencer Breitschopf

Legal Description: PT 15 Kings 4th; PT Lot 15 Kings 4th; PT 14, 22 Kings 4th; PT 15 and 22 Kings 4th

Parcel: 13080, 24805, 13065, 13066

City Manager, Allen Barnes stated this is an application that you received some time back in January. The reason it is being presented tonight for your consideration is that the board took some action unintentionally that is not authorized by the code. By tabling Ms. Breitschopf's request to do a rezone, technically there are three actions that the commission can take, one is approval, one is approval with modification, and one is denied. Section 14.803 (e) (3) of the City Code said the commission shall recommend in writing to the council that the rezone request should be approved, approved with modification or denied. The zoning modification that was proposed by this board is technically a city initiated rezone, which is a separate action from Ms. Breitschopf's application. This is a due process issue and Ms. Williamson and I feel that Ms. Breitschopf based on her application has a right to hear yes or no, or yes you need to change the boundaries or whatever modification. If you need to send additional notification in the rezoning of different properties then what you would do is deny this or approve it or whatever you want to do to it, and then send out letters to the other impacted areas. If the board desires to rezone the entire block as R-2 then you would deny this and do a board initiated rezone. We respectfully recommend as staff that you take the action that you feel is necessary on this request. It is my understanding that Ms. Breitschopf has indicated to the City Secretary that if you deny her request she does want to appeal it to the Council. If you approve her request then it will go to the council for approval. There is nothing in the ordinance about a time period other than the maximum number of days after her request for her appeal. Since it was on there and she said she wanted to appeal it if you turned it down. Then we thought what better day to meet you than the day before the Council meeting, and we ask that you approve it or deny it, however the board feels necessary. The Council will hear it tomorrow night either way.

Chairman Gescheidle asked if everyone knows or understands what we are doing this evening. This was the original request and we talked about rezoning to R-2. Then we need to either accept or deny this agenda item, or modification. So what say ye?

Philip Borowitz made a motion that we accept it as modified. It would be very interesting from my view point the only logic that I have been able to make out of the whole thing is some inclusion of some property line that's been argued in some of the previous meetings.

Paul Frenzel stated that the last meeting you all voted to go from Cone to Morey right?

Philip Borowitz stated that I believe that was Charlie Patterson that made that motion.

Charlie Patterson asked what happened to that motion is that thrown out, since it wasn't right?

Chairman Gescheidle stated that we are starting over basically. We are going to deny this and made a modification.

City Manager, Allen Barnes stated actually to answer Mr. Patterson's question. It's kind of like apples and oranges. Your City initiated zoning can proceed and the letters sent out and so forth, but you still have this apple and this application over here for C-2. Jackie and I are just asking you to do something with this apple over here.

Paul Frenzel expressed that he just wanted to be sure I understand Phil's motion. To proceed to actually deny this and proceed with the Cone to Morey to be R-2 with the exception of that front part that's already C-2.

City Manager, Allen Barnes stated before you define that, let's not put it into Robert's Rule of Order yet. I think the question is, do you want her to have C-2 on the property? Yes or no. If it is yes, but. Then explain the yes but, and if it's no its no and if it's yes it's yes. So if there's a yes but, then fill in the blank.

Chairman, Tim Gescheidle, asked if we accept a C-2 designation for these parcels, and if there is a no there is no but, it's just no.

City Manager, Allen Barnes, expressed that the way he understands it, and please I have not been involved with the whole process, but I did hear something to me that sounded like yes we will approve this as C-2 but we want to do the rest of the block as R-2.

Paul Frenzel, stated that if we say no on this then is there some other action that, would that be a totally separate motion that we proceed to changing the whole thing.

City Manager, Allen Barnes stated that she (City Secretary, Kristina Vega) already has instructions to do that.

Paul Frenzel, asked so you would proceed to change all of it to C-2 and we would meet again?

City Manager, Allen Barnes stated all that you would be making a decision on tonight would be this property.

Philip Borowitz, stated that's what I was trying to allude to when he finished speaking. As far as the other ideas about the Morey this that and the other inputs, that's another conversation.

Chairman, Tim Gescheidle, stated that we need an accept or deny or yes with modification.

Philip Borowitz, stated that's what I was trying to do.

Paul Frenzel, asked is your motion to accept it?

Philip Borowitz, stated yes it is.

Chairman, Tim Gescheidle, stated that we have a motion to accept the change. Is there a second? Is there a second to accept the agenda item as written? No there is not, so that means that the motion dies for the lack of second.

Chairman, Tim Gescheidle asked for another motion.

Paul Frenzel, made a motion to deny the request. Chairman, Tim Gescheidle stated that we have a motion to deny the request. Is there a second? Charles Patterson seconded the motion. Chairman Gescheidle then asked for a roll call vote. Steve Pirkle, Charles Patterson, Paul Frenzel, Barry Martinez and Chairman Gescheidle all voted "aye". Philip Borowitz voted "nay". The motion passes to deny by majority vote.

Item #6: Chairman Gescheidle then adjourned the meeting at 5:13 p.m.



City Secretary

APPROVED:


Chairman