

**PLANNING AND ZONING COMMISSION
DECEMBER 14, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Marisela Marin
Carlos Lopez
Diana Izaguirre
Julio Cerda

P&Z ABSENT

Mario Garza

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Jesus Gonzalez

GUESTS PRESENT

Olague & Doris Bauza
Roel Ruiz Villarreal
Linda Vickers
Rodolfo Bernal
Luz Ochoa
Edward Bailey
Cuauhtemoc Roldan
Daphne Stewart
Minvera Rivera
Isauro Trevino
Pate Roldan
Patty

Victor Treviño
Lisa Helle
Neil Davis
Maria Hilda Bernal
Kim Stall
Arturo Navarro
Julie Atons
Marcos Diaz
Mary Kay Broughton
Oney Garza
Ciro Ochoa

Tom Rinehart
Bud & Gert Dret
Eileen Davis
Imelda Hinojosa
Kym & Lyle Blaschko
Christina Roldan Shinn
Leonor Frias
Arminda S. Rivera
Mike Broughton
Evangelina Lee
Jesus Ruiz

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

Chairman Sheats stated that before the meeting he was approached by a citizen who did not receive a notice for this public hearing. He clarified by stating that the City is only required to notify property owners within 200' radius of the proposed location based on the appraisal district records.

APPROVAL OF MINUTES FOR NOVEMBER 16, 2016

Chairman Sheats asked if there were any corrections to the minutes for November 16, 2016. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:37 p.m.

Item #1.1

Rezoning:

**A 0.348 acre tract of land out of Meadow
Creek Country Club Phase I-A Subdivision
PUD (AO-I) to PUD (R-1T)
Olaguer Bauza**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the Southeast corner for J.C. Parkway and Lake View Drive. The irregular lot measures a total 15,144 sq. ft.

SURROUNDING ZONES: N: PUD (R-5) – Planned Unit Development
(HD Manufactured)
E: PUD (AO-P) – Planned Unit Development
(Agricultural Open)
W: PUD – Planned Unit Development
S: PUD (AO-P) – Planned Unit Development
(Agricultural Open)

EXISTING LAND USES: N: Residential
E: Golf Course
W: Vacant
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: This rezoning was previously seen by the Planning Commission on October 26, 2016 wherein staff and the Planning Commission recommended approval of the rezoning. The applicant and his engineer met with residents of Meadow Creek and agreed to reduce the area to be rezoned. The City Council tabled the rezoning on 11/14/16 and remanded the zoning back to P & Z on 11/28/16 so that P & Z could review the revised metes and bounds.

The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing townhouse residential zone to the south, the proposed PUD (R1-T) is consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Representing Mr. Olaguer, Mr. Victor Treviño whose address is 900 S. Stewart was present to address any questions from the Board.

Chairman Sheats stated that to his understanding from staff the applicant and his engineer met with the people from the HOA that were in opposition to this request to try to work something out since nothing was being presented he would like to know what adjustments were made to the proposal.

Mr. Treviño stated that the original proposal had 11 lots and they had reduced it to 7 lots which were 8,000 sq. ft.

Chairman Sheats asked if those remaining 7 lots had any changes or were there as they were originally.

Mr. Treviño stated that they were the same because they needed to comply with the 60' x 33.34'.

Chairman Sheats asked if there were any other changes.

Mr. Treviño replied, "No".

Chairman Sheats asked Mr. Tijerina if they would be able to put a single family home with the lot size being proposed on any of those lots.

Mr. Tijerina replied, "No". He mentioned that what was being considered by P&Z was a tract of land that's proposed to be rezoned so in essence if they make the lots wider they can have a 6,000 sq. ft. lot.

Chairman Sheats asked if there was anybody present representing the Homeowners.

There being no response.

Chairman Sheats asked if there was any public opposition to the request.

A show of hands indicated that they were 9 residents present against this request.

Mr. Jaime Acevedo stated that it was about right because the rest of the people were here for another item on the agenda.

Mr. Cuathemoc Roldan who resides at 2102 Crystal Drive stated that although he understands he is not within the 200' radius he is still in opposition to this request. He mentioned that he is very concerned about his neighborhood as well as the residents present. Mr. Roldan stated that the proposed changes were not consistent with what currently exists in Meadow Creek. Mr. Roldan asked why would they have to be faced with basically townhouses when this neighborhood has homes especially around the golf course. Mr. Roldan mentioned that he feels their homes will be devaluated with the construction of the townhouses. He added that maybe if the applicant proposed to do homes instead of townhouses the residents would be open to the idea of having the green

areas being developed. Mr. Roldan stated that he understands there was meeting to discuss the possible rezoning which he would have liked to be a part of because he still doesn't know of anybody in the neighborhood that might have attended, there are no notes either which to him seems unfair of them. He mentioned that the applicant has stated that they have spent a lot of money on the golf course and to him the golf course has been declining for the past several years.

Chairman Sheats stated that the condition of the golf course was not being considered at this time.

Mr. Roldan mentioned that he feels that they are being asked to subsidize the business decision of the applicant who decided to purchase the golf course and if it was not as profitable as they had foreseen now they decided to develop the open areas and asked for rezonings and cram in apartments or townhouse. Mr. Roldan hoped that they could restore the golf course to how it was because it would be good for the owners, for the City and for them. Mr. Roldan stated that he feels that the P&Z Board were the City officials who should be listening to their concerns and taking them into account when acting on this item. He added that why would only one person get so much preference than hundreds.

The applicant, Mrs. Loris Bauza who resides at 1300 Circle Drive stated that they are proposing to do 1 story townhouses. She mentioned that the lot in question was not part of the home owners association.

Chairman Sheats stated that what Mrs. Bauza was trying to say was that the HOA was not involved in the property transactions. He mentioned that there were all kinds of complaints and from his point of view the applicant was asked to reduce a lot of the land owner was asked to visit with the HOA and reconsider the number of lots being proposed and that what they have done, although he is not aware of when and where the meeting took place.

Mr. Cesar Wilson who resides at 1905 Lakeview asked if staff knew who attended the meeting with the applicant and their engineer.

Chairman Sheats stated that unfortunately that information was not provided to staff.

Mr. Wilson stated that they were part of the HOA and they were not aware of any meeting.

Chairman Sheats stated that if he felt he needed to get that information from somewhere that was fine.

Mr. Wilson stated that he believes the City should be able to help them out in obtaining that information.

Mrs. Patty who lives down the street from the proposed rezoning stated that they bought the property in good faith knowing that they were not going to be complete lots. She added that everybody at P&Z and City Council overruled all of the property owners just for

1 or 2 persons. She mentioned that they paid taxes too they should count and should be considered because they have been there longer than the applicants.

Chairman Sheats stated that the applicant also had a right to develop their property as previously mentioned in the PUD Ordinance read by Mr. Tijerina.

Mrs. Patty stated that they bought their homes in good faith thinking that those green areas would remain green and it was not their fault either. She mentioned that she felt the Board didn't care what the residents want because the neighborhood doesn't want any townhouses and so did them when the other residents were applying for a similar request but now that it is convenient for them now it's okay.

Ms. Diana Izaguirre asked what was the reason the City Council remanded this item back to P&Z.

Mr. Tijerina stated the reason it was remanded back was because what was being presented to the Planning Commission was a large piece of land and when it went before the Council the owner proposed what was being considered right now so the Council could not approve the larger property because it needed to come before P&Z for a recommendation and then taken back to the Council.

Mrs. Izaguirre asked if the Council was okay with the zoning.

Mr. Tijerina stated that the Council didn't even get to consider the zoning. What happen was that the Engineer had a meeting where they discussed that the tract was going to be reduced so that is why the rezoning was remanded back to P&Z with the revised metes and bounds.

Mrs. Marin asked why the City Council was not presented with the same exhibits that were seen by P&Z.

Mr. Tijerina stated that it was presented with the same information but with the proposal indicating the area being reduced.

Mrs. Marin stated that but that was not what the P&Z had approved.

Mr. Tijerina stated that this was the reason it was remanded back to P&Z.

Chairman Sheats stated that they saw a presentation that what was not what P&Z saw and that presentation came as a result of the meeting that occurred between the P&Z meeting and the owners of the property downsized their request.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed 4-1 with Mr. John Guerra dissenting.

Started: 5:37 p.m.

Ended: 5:57 p.m.

Item #1.2

Rezoning:

**A 0.712 acre tract of land out of Meadow
Creek Country Club Phase I-A Subdivision
PUD (AO-I) to PUD (R-1T)
Olaguer Bauza**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located between J.C. Parkway and Lake Front Drive along the east side of Lake View Drive. The rectangular lot measures approximately 31,006 sq. ft.

SURROUNDING ZONES: N: PUD (AO-P) – Planned Unit Development
(Agricultural Open)
E: PUD (AO-P) – Planned Unit Development
(Agricultural Open)
W: PUD – Planned Unit Development
S: PUD (AO-P) – Planned Unit Development
(Agricultural Open)

EXISTING LAND USES: N: Golf Course
E: Golf Course
W: Vacant PUD
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: This rezoning was also previously seen by the Planning Commission on October 26, 2016 wherein staff and the Planning Commission recommended approval of the rezoning. The applicant and his engineer met with residents of Meadow Creek and agreed to reduce the area to be rezoned. The City Council tabled the rezoning on 11/14/16 and remanded the zoning back to P&Z on 11/28/16 so that P&Z could review the revised metes and bounds.

The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing townhouse residential zone to the south, the proposed PUD (R1-T) is consistent with the surrounding land uses and zones.

Mr. Tijerina mentioned that once again this used to be a large piece of land and it was reduced to a smaller piece.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Representing Mr. Olaguer, Mr. Victor Treviño whose address is 900 S. Stewart stated that they had removed 6,000 square feet from the original proposal.

Ms. Izaguirre asked why they removed the 6,000 sq. ft.

Mr. Treviño stated that they had removed that square footage as a request from the owner.

Ms. Izaguirre asked if this was something that was requested by the residents or was it applicants decision.

Mrs. Loris Bauza stated that some of the surrounding residents had gone to her office to tell her that they would be receptive to the rezoning if she would reduce the number of lots so that was the reason they had removed the 6,000 sq. ft. from the original proposal.

Chairman Sheats asked if there was any public opposition to the request.

Mrs. Patty asked if the Board had an opportunity to go by the golf course to actually see how this area would be affected. She stated that there is a lot of traffic and they only have Lakeview Street to go into their properties. She added that these lots would be very small and the cars would have to be parked on the street which makes it even worse because this street is the main thoroughfare to go in and out. She mentioned that she feels that this Board does not even care what the residents want because people in the community don't want this it's the applicant who wants this development to make extra money on it.

Mr. John Guerra asked if they could do another entrance off of Inspiration Road.

Chairman Sheats stated that there were a total of 3 possible entrances to this subdivision.

Mr. Acevedo stated that some were closed off for outside traffic.

Chairman Sheats stated that this was actually closed off when Mr. Julio Cerda was City Manager and it was done as per the Home Owners Association request.

Mrs. Marisela Marin stated that this request was very different to the previous request because it was quite a large piece and you could actually see the cluster activity right next to it which was right next to Inspiration.

Ms. Izaguirre asked what was the right-of-way on Lakeview Drive.

Mr. Tijerina believed it was about 60' of right-of-way and it was paved 47' back-to-back.

Mrs. Marin asked if they would be able to open it up to Inspiration.

Mr. Daniel Tijerina stated that Inspiration Road was in the process of being widened from the Expressway to Mile 3 and there are plans to develop Los Ebanos Road which is the

east side of Meadow Creek and also Inspiration Road. He mentioned that they don't have the specifications yet, L&G is the Engineering firm working on the plans for the City.

Ms. Izaguirre asked if Lakeview Street was a public or private street.

Mr. Tijerina stated that the City has been maintaining it for years so it is a City Road.

Chairman Sheats stated that he agreed with Mrs. Marin in that this layout is different to the previous request and should be reconsidered.

Mr. Tijerina suggested tabling the item to get the City Engineer's input.

There being no further discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to 'table' the rezoning as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 6:23 p.m.

Item #1.3

Rezoning:

**A 2.36 acre tract, more or less, out of the Southwest one-quarter (S.W. ¼) of Lot 24-9, West Addition to Sharyland Subdivision
AO-I to R-3
Jesus F. Ruiz**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the SE corner of Mayberry Road and 21st Street with primary frontage along 21st Street. The dimensions of the tract are 159' x 660' (104,940 square feet).

SURROUNDING ZONES:

- N: R-3, Multi-Family Residential
- E: AO-I, Agricultural Open Interim
- W: AO-I, Agricultural Open Interim
- S: AO-I, Agricultural Open Interim

EXISTING LAND USES:

- N: Apartments/Townhouses – Vista Verde/Golf View Manor
- E: Shary Municipal Golf Course
- W: Shary Municipal Golf Course
- S: Single Family Residential
- Site: Open acreage

FLUM: The Future Land Use Designation for this property is (AO-I) Agricultural Open Interim.

REVIEW COMMENTS

At a ratio of 29 units per acre, 68 apartments can be constructed. Based on the surrounding land uses and zones, and the FLUM designation, staff recommends denial. It is noted that 9 notices were mailed to property within a 200' radius of the site, and as the date of this write-up, staff has not received any comments in favor or against this proposal.

RECOMMENDATION:

Staff recommends denial.

Chairman Sheats asked Mr. Tijerina if the applicant was still pursuing the R-3 because to his understanding the applicant was actually intending to request R-2.

Mr. Tijerina mentioned that they had conversations with Mr. Ruiz and his wife and to his understanding they want to construct 32 units on the property. He added that they looked at different options one was to consider an R-2 zone and make 8 lots fronting 21st Street to build 4 units on each lot that would give them 32 units.

Mrs. Marin asked if the request was for R-2 would staff still recommend denial.

Mr. Tijerina stated that if the request was for R-2 staff would not have a problem with that but he would like to hear it from the applicant. Mr. Tijerina clarified for the audience that if it remains a 2.36 acre tract of land and it is rezoned to R-2 they could only built 4 units unless they subdivide the property to 8 lots where they could build 4 units in each lot.

Ms. Izaguirre asked what were the surrounding zones.

Mr. Tijerina stated that to the north it was R-3, to the east, west, and south is AO-I because it all golf course and to the south is the Volz's home which is zoned agricultural.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Laura & Mr. Jesus Ruiz who resides at 2918 Crisantema stated that they were proposing 32 units for this property. She added that they were asking for R-3 but if they can't get R-3 they would be receptive to R-2. .

Mr. Ruiz also mentioned that there apartments would be 53' away from the existing apartments on the north side of the property and they were going to be gated.

Mrs. Ruiz added that they had no intentions of building 68 apartments because they were not developers they were educators. She mentioned that as they might know educators don't get paid that much so this would be like their retirement fund. She added that they would be living in the homestead of the Volz's so obviously they wouldn't want too much traffic and they validate the concerns. Mrs. Ruiz stated that they tried to put 53' in front so it would be green area so they would be about 75' to 80' away from the existing apartments. She mentioned that they pushed all the units towards the back and they just felt that gated would be more private for them.

Chairman Sheats asked if they would only be fencing the apartments.

Mrs. Ruiz stated that they would fence all the property especially because they are going to be living there.

Chairman Sheats asked if there was any public opposition to the request.

A show of hands indicated that there were 24 residents in opposition to the request from Golf View Manor.

Mr. Tom Rinehart who resides at 807 E. 21st Street Apartment 17 in Golf View Manor stated that no one in Golf View Manor received a notification of this meeting.

Chairman Sheats asked how was it possible for staff to only send 9 notices if there seemed to be more property owners within the 200' radius.

Mr. Tijerina stated that staff is required to send notices to property owners within 200' radius of the proposed site and they have to be based on the Hidalgo County Appraisal District records.

Mr. Rinehart stated that only one person received a notice and that person lives on the apartments that are at the far end which was passed their apartment complex.

Mr. Tijerina showed Mr. Rinehart that the appraisal district only shows one property owner for the entire complex and that is the person that got notified.

Mr. Rinehart stated that this was the first time they see any proposal for this area but putting 64 additional vehicles on that street plus guests is not a good idea because the street is not capable of sustaining artery traffic. He mentioned that it was a 34' wide street and he believed it would be a little difficult for two cars to pass. Mr. Rinehart added that they lived in an over 55+ community and he was concerned for increased crime, noise and traffic.

Chairman Sheats asked if they had carports.

Mr. Rinehart replied, "Yes". He added that they parked in the back but their guests had to park on the street.

Chairman Sheats asked how many carports they had.

Mr. Rinehart stated that they had 1 for each unit.

Chairman Sheats asked how many bedrooms each unit had.

Mr. Rinehart replied, "2".

Chairman Sheats asked if they weren't supposed to have more parking spaces.

Mr. Acevedo stated that these apartments were probably grandfathered.

Mr. Rinehart mentioned that the apartments were built in 1989 and they had one carport and 1 uncovered space for each unit.

Chairman Sheats stated that layout indicated that they would have enough parking for the number of units being proposed.

Mr. Rinehart stated that maybe for the units but not for the guests they would need to park on the street. He added that he didn't believe the street would be able to sustain the amount of traffic they are proposing. Mr. Rinehart stated that he knew some people were opposed but not everybody is opposed to the development just the number of units being proposed perhaps if they could talk to the applicant they would probably work out something that would benefit everybody.

Chairman Sheats asked Mrs. Ruiz if she would be willing to meet with the residents.

Mrs. Ruiz stated that she would be willing to talk to them.

Ms. Izaguirre asked how many units were in the existing complex.

Mr. Rinehart stated that there were 40 + 9 more units.

Ms. Izaguirre asked if they knew how many acres they were.

Mr. Tijerina stated that it was a little larger than what was being proposed.

Ms. Izaguirre stated that they had 2.89 acres and had 40 + units and they were opposed to 32 units on the south side.

Mr. Rinehart stated that traffic was the major issue but they are willing to work with them.

Mrs. Linda Volz stated that she actually lives in Falfurrias but she lived in that house with the swimming pool before her dad passed away. She added that her sister and she were the executors of her father's estate and the land in question is zoned agricultural which is no longer a reasonable use. Mrs. Volz stated that it is surrounded by the City, townhouses, and residences and at one time this area was citrus groves. She mentioned that how this property could not be rezoned to multi-family or single family dwellings would they rather see a pig farm or perhaps deal with the dirt because she could plow the land to grow crops. Mrs. Volz stated that could go those that live in multi-family dwellings could cast stones on other multi-family. She added that as far as the traffic now they live in the City which traffic was part of it. Mrs. Volz stated that it takes a lot of money to maintain this property and by tabling it only delays the sale and is costing her money.

Mrs. Ruiz stated that they are willing to meet with the residents but could they act on the item and meanwhile they will work something out with the residents.

Chairman Sheats stated that unfortunately that was not possible they would need to meet first come with the solution and then they could reconsider the item and act on it.

There being no further discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to table the rezoning as per staff’s recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed 4-1 with Ms. Diana Izaguirre abstaining.

Started: 6:23 p.m.

Ended: 6:39 p.m.

Item #1.4

Rezoning:

**The Eastern 5 acres of Lot 4,
Mrs. E.V. Flores Subdivision
out of Porcion 52
AO-I to C-3
Eileen Davis**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 1,320’ West of Inspiration Road along the south side of Business Highway 83. The dimensions of the tract are approximately 220’ x 980’ (215,600 square feet).

SURROUNDING ZONES:

- N: R-1, Single Family Residential
R-2, Duplex-Fourplex Residential
C-3, General Business District
- E: AO-I, Agricultural Open Interim
I-1, Light Industrial
I-2, Heavy Industrial
- W: AO-I, Agricultural Open Interim
- S: AO-I, Agricultural Open Interim
R-1, Single Family Residential

EXISTING LAND USES:

- N: Single Family Residential,
Duplex-fourplex
General Commercial
- E: Car lot
Old Halliburton Site
Parking Lot Used by Halliburton
- W: Vacant/Agricultural
- S: Open Acreage/Single Family Residential
- Site: Open acreage/Paved Parking

FLUM: The Future Land Use Designation for this property is (I) Industrial.

REVIEW COMMENTS

The site was previously leased to Halliburton for overflow parking via a CUP in an AO-I zone. The owner now wishes to rezone the property to C-3, General Commercial. The Future Land Use Map and surrounding land uses and zones are consistent with the applicant's zoning request. A total of 19 notices were mailed to property owners within a 200' radius of the site. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Neal & Eileen Davis who reside at 500 Wichita were present to address any questions that the Board might have.

Chairman Sheats asked what they were proposing to do in that property.

Mr. Davis stated that they didn't know yet but would like to lease if for commercial.

Chairman Sheats asked if there was any public opposition to the request.

Mr. Rodolfo Bernal who resides at 305 Paseo de la Tranquilidad stated that he has lived in the area for 29 years and they have not done anything to fix the drainage issue. He added that about 6 years ago they put up a dead end sign and that was it. He mentioned that they don't maintain the land it is very bad it creates animals, water, etc. because they removed the fence. Mr. Bernal stated that they recently did a ditch and all the water goes to his property he has contacted the City several times talked to different people but they have not resolve the issue as of this date and he would like for this problem to get resolved.

Chairman Sheats asked if the water comes from the proposed site or from the surrounding properties.

Mr. Bernal stated that the water comes from different sites.

Mr. Acevedo stated that this property was currently unsubdivided so any construction that goes on they would first need to subdivide at that time we would get the drainage. Mr. Acevedo recalled that Halliburton had done a detention pond in the back of their property.

Chairman Sheats asked if the ditch Mr. Bernal was referring to was in the applicant's property.

Mr. Acevedo stated that it was part of the applicants land. He mentioned that what Mr. Bernal was trying to say was that the City has actually gone to the site but instead of fixing the problem they made it worse so he believes the City Engineer and Public Works Director so they can assess the problem.

Mr. Davis stated that the City went in and they had to extend and deepened the detention pond so there has been no runoff since then.

Chairman Sheats ask Mr. Davis since when.

Mr. Davis stated that they had 1" of rain in May and in June in about 24 hours and there was no runoff.

Chairman Sheats asked Mr. Bernal if in this past year has he had any water going to his property.

Mr. Bernal replied, "No".

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:39 p.m.

Ended: 6:41 p.m.

Item #1.5

**Conditional Use Permit: Drive-Thru Service Window –
Xquinkles Snackland #2
3009 N. Inspiration Road
Lot C1, Taurus Estates #3 Subdivision
C-3
Maria Elma Torres**

Mr. Daniel Tijerina went over the write-up stating that the site is located approximately 1,320' West of Inspiration Road along the south side of Business Highway 83. The dimensions of the tract are approximately 220' x 980' (215,600 square feet).

SURROUNDING ZONES:

N:	R-1, Single Family Residential R-2, Duplex-Fourplex Residential C-3, General Business District
E:	AO-I, Agricultural Open Interim I-1, Light Industrial I-2, Heavy Industrial
W:	AO-I, Agricultural Open Interim
S:	AO-I, Agricultural Open Interim R-1, Single Family Residential

EXISTING LAND USES:

N:	Single Family Residential, Duplex-fourplex General Commercial
E:	Car lot

Old Halliburton Site
Parking Lot Used by Halliburton
W: Vacant/Agricultural
S: Open Acreage/Single Family Residential
Site: Open acreage/Paved Parking

FLUM: The Future Land Use Designation for this property is (I) Industrial.

REVIEW COMMENTS

The site was previously leased to Halliburton for overflow parking via a CUP in an AO-I zone. The owner now wishes to rezone the property to C-3, General Commercial. The Future Land Use Map and surrounding land uses and zones are consistent with the applicant's zoning request. A total of 19 notices were mailed to property owners within a 200' radius of the site. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jaime Acevedo stated that Mrs. Maria Elma Torres had been present but had to leave because she had a prior commitment.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendation. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:41 p.m.

Ended: 6:46 p.m.

Item #1.6

**Conditional Use Permit: To Place a 12' x 25' Portable Building
for Office Use
1501 Industrial Way
Lot 3, Mission Business Park Subdivision
I-1, Light Industrial
Roel Ruiz Villarreal**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the SW corner of Los Ebanos Road and Industrial Way. The dimensions of the lot are 295' x 300' (2 acres). The minimum setbacks are 70' along Industrial Way, 25' on each side, and 15' on the rear. The applicant proposes to construct a 12' x 25' building that will be placed on block piers and used as an office for a semi-truck business.

- **Hours of Operation:** Monday – Saturday 8 a.m. to 8 p.m.
- **Staff:** 2
- **Parking:** The building requires 4 parking spaces (meets code).
- Must comply with building, fire, and health codes.
- The parking lot must have one light pole and green areas including a combination of 3 – 7” caliper trees, grass, and shrubs spaced every 3’ around the office and parking lot.
- Must acquire a business license

REVIEW COMMENTS: In speaking to the applicant, the portable building will be constructed onsite. This subdivision is industrially zoned. Staff does not foresee any problems with the office and business proposal.

RECOMMENDATION: Staff recommends approval subject to:

1. A 1 year approval in order to assess the new business;
2. Must comply with the Building, Fire, and Health Codes;
3. Must comply with landscaping and lighting requirements;
4. The building must be skirted;
5. Must acquire a new Business License.

Chairman Sheats asked if the applicant or representative were present.

Mr. Roel Ruiz Villarreal who resides at 2000 N. 47th Street in McAllen was present to address any questions from the Board.

Chairman Sheats asked what type of business he was proposing for this site.

Mr. Ruiz stated that this was a semi-truck logistics business. He added that they had Mexican and American trucks and basically what they do is just unload the shipments from the Mexican trucks to American trucks so that they can go up north. He added that in the future he plans to build and remove the portable building.

Mrs. Marin asked if staff allows portable building for that type of business or in industrial zone.

Mr. Tijerina replied, “Yes”. He added that sheds by George used to be at this location and they had to apply for a conditional use permit since it’s a portable building.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff’s recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:46 p.m.

Ended: 6:50 p.m.

Item #2.0

**Pre-Final Plat Approval: Los Cabos Subdivision Phase 3
a 10.56 acre tract of land, more or less,
out of Lots 72 & 82, John H. Shary Subdivision
PUD
Developer: Miguel Brito & Hunt Valley Industrial I, L.P.
Engineer: Halff Associates**

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is the third phase of the existing Los Cabos Subdivision located near the SW corner of San Mateo & Glasscock Road. The proposed subdivision consists of 38 SF Residential lots and 2 Common areas. The lot sizes range from 6,900 sq. ft. to 17,192 sq. ft. These lots are consistent with the PUD's land use designation profile.

WATER: An internal 8" water line system will provide service to all lots with 3 hydrants located via direction from the Fire Marshal's office. The system will be looped by connecting the internal 8" lines to existing 8" lines located within Phase II and along San Mateo Road.

SEWER: An internal 8" system will provide service to all lots as it ties to the existing 8" and 12" sewer networks within Los Cabos, Ph. II. The capital sewer recovery fee will be imposed to the residential lots, \$200/lot X 33 lots = \$6,600.00.

STREETS & STORM DRAINAGE: The developer is proposing the extension of San Patricio, a 50' ROW/32' B-B internal residential street located on the subdivision's southern boundary. The extension will provide one of three points of access into the proposed subdivision, with the other access points being off of Los Cabos Ph. II. There are two internal 50' ROW/32' B-B streets with additional 15' U.E., thus exceeding our minimum standards. Storm drainage is accomplished through a series of 24", 30" & 36" storm lines which will connect into Hunt's regional drainage ditch system currently located on the south and west sides of the subdivision. -see drainage plan.

OTHER COMMENTS:

Street names to comply with street alignment policy

Comply with all format findings

Water rights dedication via Hunt-City policy.

Comply with Park Fees Dedication Ordinance.

RECOMMENDATION: Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules, 2) Comply with the street alignment policy, and 3) Must pay the capital sewer recovery fees.

Chairman Sheats asked if the applicant or representative were present.

Mr. Marcos Diaz, 5000 W. Military Drive stated that he works for Halff Associates and he was the Engineer for this project.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Diana Izaguirre stepped down from the Board.

Started: 6:50 p.m.

Ended: 6:54 p.m.

Item #3.0

Pre-Final Plat Approval:

Eduardo's No. 16 Subdivision

A 4.48 acre tract of land out of the

North 5.0 acres of the South 10 acres

**Of Lot 35-4, West Addition to Sharyland Subdivision
ETJ**

Developer: Ingrid Astrid Izaguirre

Engineer: Izaguirre Engineering Group, LLC

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located along the west side of Trospen Road approximately ½ mile north of Mile 3 Road. The developer is proposing 18 Single Family Residential lots all exceeding area requirements.

WATER: The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 8" line located along the east side of Trospen Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction or funds escrowed pending approval of SWSC water line access agreement.

SEWER: In regards to sewer, the developer is proposing to extend an 8" sewer line along the proposed street and connect to an 8" sewer line along the east side of Trospen Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 18 lots X \$200.00/Lot = \$3,600.00. There will also be a \$260 sewer tap fee and \$58.50 Sewer Permit Fee imposed per lot x 18 lots = \$5,733.00.

STREETS & STORM DRAINAGE: The subdivision has frontage to Trospen Road a future 80' ROW 57' B/B street. The proposed subdivision will have an extension of Lopez Street into the subdivision. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. Drainage for the subdivision is proposed through the use of 18" H.D.P.E. lines located within the proposed street that will flow into a La Vista Drain ditch located along the westernmost area of the subdivision-see HCDD #1 approved drainage report.

RECOMMENDATION: Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules;

2. Comply with the street alignment policy;
3. Must pay the capital sewer recovery fees, sewer tap fees, and sewer permit fees; and
4. Comply with comments from the County Planning Department.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Mrs. Marin asked if the cul-de-sac will be finished out.

Mr. Tijerina replied, "Yes, it is meeting code".

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the subdivision plat as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion was approved unanimously.

Mr. Julio Cerda walked in at 6:55 p.m.

Started: 6:55 p.m.

Ended: 6:58 p.m.

Item #4.0

Pre-Final Plat Approval:

MAR Subdivision (Private Subdivision)

**A 10.09 acre tract of land, more or less,
out of and forming a part of Lot 304,**

**amended map of John H. Shary Subdivision
R-1T**

Developer: MAR Designs & Construction, Inc.

Engineer: Mario Salinas Engineering, LLC

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located approximately ½ mile north of 2 Mile on the west side of Shary Road. On April 13, 2016 the PNZ had approved preliminary and final plat approval for this subdivision showing 95 Lots. The City Council approved the preliminary plat on April 25, 2016. Since the plat has changed and now the developer is now proposing 88 Townhouse Residential lots and 4 Common area lots, PNZ approval is required. All R1-T area requirements are still being complied with.

WATER: The developer is proposing a looped 8" water system to an existing 10" line located along the west side of Shary Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction.

SEWER: In regards to sewer, the developer is proposing to connect a 4" sanitary sewer line to a 8" sewer line along the east side of Shary Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 88 lots X \$200.00/Lot = \$17,600.00.

STREETS & STORM DRAINAGE: The subdivision has frontage to Shary Rd., which is a future 120' ROW 81' B/B street. There is an additional 20' of ROW proposed which will comply with the MPO Thoroughfare Plan requirement of 60' from centerline. The street widening cost for Shary will be \$120.37 per linear feet or $\$120.37 \times 322.72 \text{ lf} = \$38,845.81$. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the City's construction specifications. Drainage for the subdivision is proposed through the use of 24" H.D.P.E. lines located within the proposed street that will flow into a detention pond located to the westernmost area of the subdivision. There is also a 8" bleeder line connected to the TXDOT Storm Drain Inlet located on the west side of Shary Road—see HCDD #1 approved drainage report.

OTHER COMMENTS:

Escrow Park Fees (**88 Lots X \$300.00 = \$26,400.00**)

Install or Escrow Street Lighting

Install or Escrow 5' sidewalks along Shary Rd. (**322.72' X \$12.00/L.F.= \$3,872.64**)

Exclusion from the Water District

RECOMMENDATION: Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules
2. Comply with the street alignment policy
3. Must pay the capital sewer recovery fees, and
4. Must pay street widening fee.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 6:58 p.m.

Ended: 7:03 p.m.

Item #3.0

Preliminary & Final Plat Approval:

**Sharyland Rock Stone Manor Subdivision
A 1.8161 acres of land being a re-plat of the
North line of Lots 72 & 73 of Sharyland
Orchards Subdivision**

R-1

Developer: Eliazar & Alma Nora Contreras

Engineer: Cruz-Hogan Consultants, Inc.

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located approximately ½ mile south of Griffin Parkway (F.M. 495) along the west side of Glasscock Road. The developer is proposing 10 Single Family Residential lots. Two variances will be requested.

VARIANCE #1: The developer is requesting to have lots at a 95' depth instead of the required 100' lot depth.

VARIANCE #2: The developer is requesting to have street pavement width at 26.5 instead of the required 32' back to back. The developer is proposing a 30' ROW on Tillie instead of typical 50' but will have additional 10' of Utility Easement along the north side. The lots along the south side of Tille also have an existing 10' of Utility Easement thus equating to the 50' typical ROW width.

WATER: There is currently a 6" waterline on the along the south side of Tillie Lane. The developer is proposing to connect into the 6" water line by boring across Tillie Lane. Fire hydrants will be installed per the Fire Marshal's direction if required.

SEWER: The developer will be connecting to an existing 6" sewer line along the north side of Tillie Lane. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$2,000.00 (\$200.00 X 10 lots).

STREETS & STORM DRAINAGE: The subdivision has access to Glasscock Rd., a future 80' ROW, 57' B/B Street. The developer will be dedicating an additional 20' of ROW along Glasscock Rd. to equate to the minimum 40' from centerline. The escrow for the future widening of Glasscock Road will be \$5,310.50 (95' x \$55.90 L.F.). The subdivision consists of a single street with a 30' ROW and a 26.5' B/B paved streets. Storm drainage is accomplished through a series of 24" storm lines.

OTHER COMMENTS:

- Park Fees - \$300.00/Lot = \$3,000.00
- Escrow 5' sidewalk along Glasscock Rd. in the amount of \$1,140.00 (95' X \$12 L.F.)
- Water District Exclusion
- Must Comply with all other format findings

RECOMMENDATION: Staff recommends approval subject to:

1. Approval of Variance #1 and Variance #2
2. Payment of Park and Capital Sewer Recovery Fees
3. Escrow the 5' sidewalk and Street Widening along Glasscock Road
4. Provide Water District Exclusion
5. Comply with all other format findings.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jesus Garza stated that he was representing the applicant and was present to address any questions from the Board.

There being no discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the subdivision plat as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 7:03 p.m.

Ended: 7:04 p.m.

Item #6.0

Request by Eduardo Gamba to have P&Z waive the 6-month waiting period in order to reconsider a change of zone for a 6.65 acre tract of land out of Lot 16-2, West Addition to Sharyland Subdivision

Mr. Daniel Tijerina stated that Mr. Eduardo Gamba was requesting that P&Z waive the 6-month waiting period for the rezoning.

There being no discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to approve the request as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion was approved unanimously.

ITEM #7.0

OTHER BUSINESS

ITEM #8.0

ADJOURNMENT

There being no further items for discussion, Mrs. Marisela Marin moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 7:04 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission