

**PLANNING AND ZONING COMMISSION
MARCH 13, 2013
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Carlos Lopez
Mario Garza
Diana Izaguirre

P&Z ABSENT

Rene Flores
Abiel Flores

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Irasema Dimas

GUEST PRESENT

Arturo Navarro
Juan F. Zuñiga
Jeff Underwood
Gilbert J. Guerra
Ivan Garcia
Dina Sierra

CALL TO ORDER

Vice-Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

Vice-Chairman Ned Sheats asked if there was any citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR FEBRUARY 27, 2013

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for February 27, 2013. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:05 p.m.

ITEM # 1.1

Rezoning:

A 75.17 acre tract of land situated in Porcion 58, Nicolas Bocanegra Survey, Abstract Number 27, and being part of Lots 81, 91, 101, John H. Shary Subd. PUD & AO-I to R-1 Hunt Valley Industrial I, L.P.

Mr. Bobby Salinas went over the write up stating that the subject site is located west of Grand Canal Drive between Los Milagros and San Mateo St.

The surrounding zones and existing land uses include: (PUD) Planned Unit Development; SF subdivisions to the north and east; and (AO-I) Agricultural Open Interim; Open Acreage to the west and south. The site is currently (AO-I) Agricultural Open Interim. The Future Land Use Map reflects a Planned Unit

Development (PUD) designation. (NOTE: Sharyland Plantation's Land Use Map shows this area as proposed residential.)

Since this area is currently proposed as residential in Hunt's land use map and its adjacency to existing residential neighborhoods this proposal is directly consistent to the City's vision regarding residential uses in the area. Staff recommended approval to the R-1 zone request.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Jeff Underwood from Hunt Development stated he appreciated the board for allowing them to present this rezoning. He stated that initially they are in the stages of planning for future growth and also amending the PUD. He stated that at this point they were looking to get the approval for a residential zoning.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:10 p.m.

ITEM # 1.2

Conditional Use Permit:

**Home Occupation – Photography Studio
A 155' x 220' tract of land out of the
SW ¼ of Lot 24-9, W.A.S.
2002 N. Mayberry Rd.
AO-I
Mr. Arturo & Mrs. Mandie Navarro**

Mr. Bobby Salinas went over the write up stating that the subject site is located in the NE area of Mayberry Road and Volz Lane. In 2012, Mr. & Mrs. Navarro purchased this site as their personal residence. According to the applicant, the home dates back to approximately 1912, which has been beautifully restored and is located on approximately ¾ of an acre. The applicant wishes to offer their property to professional photographers and their clients for outdoor photo sessions for special events such as weddings, quinceañeras, anniversaries, etc. Mr. & Mrs. Navarro state that they have received several offers from people wanting to use their property as a "back-drop".

- **Hours of Operation:** Monday-Saturday from 9 a.m. to 7 p.m. by appointment only.

- **Staff:** Only Mr. & Mrs. Navarro will run this home occupation.
- **Parking & Landscaping:** There is an existing driveway capable of accommodating 8+ vehicles. Since it's by appointment only, Staff does not foresee any parking issues. The site currently has several mature trees and other plants in the area.
- Must comply with Sect. 1.56-1, Zoning Code (home occupations regs.) including having only a 1' x 1' sign attached to the home and no exterior display or alterations indicating that the building is being used for any other purpose other than that of a dwelling.

Since the proposal will be by appointment only and there is plenty of parking and landscaping, staff does not object to this initial CUP, which would be first of its kind. Staff recommended approval subject to a 1 year re-evaluation to further assess this home occupation.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Arturo Navarro the applicant stated that they purchased this property last year and they were considering opening it to the public as a home business where professional photographers could go and take pictures for different types of events. He stated that the driveway could accommodate 8 to 10 cars.

Vice-Chairman Ned Sheats asked if he would be charging for the services.

Mr. Arturo Navarro replied that he will.

Mrs. Marisela Marin asked how the applicant will advertise for the business.

Mr. Arturo Navarro replied that he would go to different photography studios, word of mouth, and also on-line.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin 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: 5:10 p.m.

Ended: 5:13 p.m.

ITEM # 1.3

Conditional Use Permit Renewal:

**Guest House on Property zoned R-1A
2024 Lambethway
Lot 42, Sharyland Orchards Subd.**

R-1A
Juan F. Zuñiga

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Lambeth Way and Ragland Road. The guest home is located on the NW area of the site, 70' from the primary home. All setbacks are being exceeded.

On 7-27-09, City Council approved a conditional use permit for a guest home on which also allowed the existing "full kitchen" to remain. Mr. Zuñiga is now asking for a renewal of his guest house CUP.

During the original approval, Planning had informed Mr. Zuñiga that a guest home CUP requires the following: 1) no kitchen, 2) no separate water meter, 3) no separate electrical meter, and 4) must not be rented, must only be used for legitimate guest house purposes.

Upon an on-site inspection, staff found that there was a kitchen (approved by City Council to remain), the guest home's utilities (water/electrical) were connected with the primary home (meters), and there were no signs of the guest home being rented.

Staff recommended approval subject to: **1)** a 3 year re-evaluation to ensure that the home will not be rented due to having a full, independent kitchen, **2)** continue to comply with requirements of no separate utility and electrical connections, **3)** transferability to future owners imposing the same conditions as this applicant, and **4)** not to be used for rental purposes.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Juan F. Zuñiga, the applicant stated that he was allowed to leave the original house on the property while he built the new one and then he was granted a conditional use permit to keep it as a guest home.

Vice-Chairman Ned Sheats asked Mr. Juan F. Zuñiga if anything had changed.

Mr. Juan F. Zuñiga replied that everything is still the same.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as recommended by staff. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:13 p.m.

Ended: 5:18 p.m.

ITEM # 2.0

Preliminary & Final

Plat Approval:

Santa Lucia Subdivision

A 13.055 ac. Tract of land out of

Lot 166, John H. Shary Subdivision

R-3 & C-3

Developer: Blanca A. Gutierrez

Engineer: Rio Delta Engineering

Mr. Bobby Salinas went over the write up stating that the subject site is located on the NW corner of Taylor Road and Colorado Street.

On 1/14/13, the City Council moved to table the subdivision, due to questions regarding the traffic that would be caused by the proposed commercial lots. The Council asked the project engineer to revise the proposal to reduce the amount of commercial development along Colorado Street. The revised subdivision consists of 8 lots, in which Lot 1 is proposed for a new private and gated apartment complex (168 apartments) and the remaining lots will be for commercial uses.

Water: Water service will be provided via an existing 8" water line located along the west and north side of the site. The developer will also be installing a new 8" water line along the south and east side of the site, thus looping the water system. There are 6 fire hydrants shown pursuant to the direction of the Fire Marshal, however additional hydrants will be required during the construction of the apartment complex. (NOTE: The apartment site plan approval will be forthcoming.)

Sewer: Sewer service will be provided through the installation of a new private lift station and a proposed 6" force main that will ultimately connect to the existing 10" line located along Shary Road. The private sewer improvements shall perpetually be maintained by the property owner's association. The Sewer Capital Recovery Fee (SCRF) equates to \$19,635.75 for the apartments and the proposed commercial lots as required by Ordinance # 3022.

Streets & Storm Drainage: This subdivision abuts both Taylor Road and Colorado Street. Taylor Road is a future 80' ROW, 57' B/B. There is an additional 10' of ROW being dedicated along Taylor Road via this plat and no additional ROW is needed along the north side of Colorado Street. Taylor Road and Colorado Street are already fully widened along the developer's side of the street, i.e. any additional widening would occur when the McAllen's side along Taylor Road and Shin Property south of Colorado Street develop. There is also a 50' ROW, 37' B/B street proposed along Taylor Road that will provide access to Lot 1. The developer is also proposing

to add a deceleration lane up to the entrance off of Taylor Road in order to aid in traffic congestion.

The developer will provide storm drainage by installing a 24" R.C.P. line along Colorado Street, the use of a detention pond, and swales. Our City Engineer has reviewed and approved the drainage report.

Other comments include: water district exclusion required, 5' sidewalks must be installed along Taylor and Colorado Street, Park Fees must be paid in the amount of \$50,400 (\$300/H.U.E. x 168 apartments), and there are existing street lights along Taylor Road and Colorado Street. Staff recommended approval subject to: **1)** payment of the Sewer Capital Recovery & Park Fees and **2)** provide exclusion from Water District.

Vice-Chairman Ned Sheats asked Staff what was changed from the original proposal.

Mr. Bobby Salinas replied that what they eliminated some portion of property along Colorado Street which was proposed for commercial suites.

Vice-Chairman Ned Sheats asked what was going to be there.

Mr. Bobby Salinas replied that there would be nothing for now.

Mr. Gilbert Guerra stated that even though they received preliminary and final approval from this board, during the City Council meeting there were some concerns on traffic and they were asked to hold off construction of that portion of property facing Colorado Street at this time. Although they met all the requirements, the developer agreed to hold off on construction of that portion of property to allay the Mayor's and City Council's concerns of traffic.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Carlos Lopez moved to approve the subdivision plat as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Bobby Salinas stated that there was no other business.

Ms. Dina Sierra from The Reserve at Cimarron stated that she was opposed to the subdivision and would like to express her concerns.

Vice-Chairman Ned Sheats replied that it was not a public hearing item, and the subdivision had already being approved, but would like to give Ms. Sierra the opportunity to present her concerns.

Ms. Dina Sierra stated that she was at the City Council's meeting, to express their concerns of traffic and in her opinion the City is not prepared to have that heavy flow of traffic.

Vice-Chairman Ned Sheats stated that the developer had agreed to hold off on the construction of the portion of property along Colorado Street and that should help alleviate the traffic concerns.

ITEM # 3.0
ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:22 p.m.

Ned Sheats, Vice-Chairman
Planning and Zoning Commission