

**PLANNING AND ZONING COMMISSION
JULY 11, 2016
CITY HALL'S COUNCIL CHAMBERS @ 12:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Marisela Marin
Carlos Lopez
Diana Izaguirre

P&Z ABSENT

Julio Cerda
Mario Garza

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Susana De Luna

GUESTS PRESENT

David Reyna
Serafin Garcia
JC Lowe
Omar Villarreal
Nereida F. Moreno
Veronica Peña
Maricela Roque
Adiel & Ismena Garcia
Mike & Mary Kay Broughton
Jose Borjon
Carl Wiesehan
Fred Kurth, P.E.

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 12:03 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR JUNE 8, 2016

Chairman Sheats asked if there were any corrections to the minutes for June 8, 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: 12:04 p.m.

Ended: 12:06 p.m.

Item #1.1

Rezoning:

**A 2.93 acre tract of land out of Lot 271,
John H. Shary Subdivision
AO-I to R-1A
Michael Broughton**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the NE corner of Stewart Road and E. 28th Street.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim

E: AO-I – Agricultural Open Interim
W: R1-A – Large Lot Single Family
S: R1-A – Large Lot Single Family

EXISTING LAND USES: N: Agricultural
E: Agricultural
W: Residential
S: Residential
Site: Vacant

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: The proposed zone complies with the City’s Future Land Use Map, area residential land uses, and the predominant R1-A zoning to the west and south.

RECOMMENDATION: Staff recommended approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Mike Broughton who resides at 2800 N. Stewart Road stated that he was proposing 9 residential lots for this property.

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

There was no response.

Mrs. Marisela Marin asked if the lots were going to have the driveways on 28th Street.

Mr. Acevedo replied, “Yes”. He added that it was going to mirror the subdivision on the south side.

Mrs. Marisela Marin asked if the existing home was going to remain or was it part of the development.

Mr. Acevedo stated that the home was going to remain because it was Mr. Broughton’s home and it was going to also remain agricultural.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:06 p.m.

Ended: 12:10 p.m.

Item #1.2

Rezoning:

**The Southeast 1.0 acre of the South 10.0 acres
of the North 20.0 acres of Lot 226,**

**John H. Shary Subdivision
AO-I to R-3
Nereida F. Moreno**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Taylor Road between Brentwood Drive and Country Club Drive.

SURROUNDING ZONES: N: P – Public
E: City of McAllen
W: P – Public
S: R1-A – Large Lot Single Family

EXISTING LAND USES: N: Public (Sharyland School District)
E: City of McAllen
W: Public (Sharyland School District)
S: Single Family Residential
Site: Single Family Residential

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Mrs. Moreno is requesting that his 1 acre tract of land be rezoned to Multi-Family Residential (R-3). Although this property borders Sharyland School District property, the predominant land use in this area is long standing Large Lot Single Family (R1-A) residences. The Future Land Use Map reflects Lower Density Residential (LDA) as well.

RECOMMENDATION: Denial.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Nereida F. Moreno who resides at 1201 N. Taylor Road stated that she was proposing to build 6 townhouses on the property.

Mr. Sheats stated that first of all she did not have the proper zoning. He suggests that this item be tabled because it would make a significant difference for this particular area.

Mr. Acevedo explained to Mrs. Moreno that the way it was presented it was for multi-family for apartments and in 1 acre tract you could fit about 29 apartments that was the reason staff was recommending denial. He added that for townhouses she would need an R-1T zone.

Mr. J.C. Lowe asked if they would need to submit a new application.

Mr. Acevedo replied, "No, they would just need to change their current application".

There being no further discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to 'table' the rezoning due to the incorrect rezoning request. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:10 p.m.

Ended: 12:19 p.m.

Item #1.3

Rezoning:

**A 0.250 acre tract of land, being a part or portion of
The Golf Course and Lake Reserve out of Meadow
Creek Country Club Phase I-A
AO-I to R-1T
Adiel & Ismena Garcia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the NE corner River Bend and Oasis Drive. The lot measures 156' x 70' or 10,920 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: PUD – Planned Unit Development
S: PUD – Planned Unit Development

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

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: Overall, the R-1T proposes to merge with the townhome land uses already existing in this area. The lot measures 156' wide by 70' deep and can easily accommodate 4 townhomes with their own garage and parking thereon. All area requirements will be complied with. R1-T is a single family residential designation in which each townhouse has its own lot and individual ownership. Thus the R1-T zoning does not appear to have detrimental devaluation to the surrounding neighbors.

RECOMMENDATION: Approval.

Chairman Sheats stated that this was strictly for the rezoning. He added that the number of homes should not be factored in all of these would be factored in during the subdivision stage.

Chairman Sheats asked if the applicant or representative were present.

Mr. Adiel & Mrs. Ismena Garcia who reside at 1908 Seagull Lane stated that they were proposing townhomes. – see attached pictures.

Chairman Sheats asked if they were proposing 1 or 2 buildings.

Mrs. Garcia replied, "Just 1".

Mr. Garcia stated that according to the pictures they were going to have a lot of green area.

Chairman Sheats asked what the square footage is for each.

Mrs. Garcia stated that unit 1 was about 1300 sq. ft. and units 2-4 are roughly about 1,000 sq. ft. each and only for the living area without the garage.

Mr. Acevedo stated that these townhomes would be wider than your typical townhomes because they were usually 20' wide and these were going to be 39' wide. He added that they were meeting all setbacks and they were not proposing to ask for any variances.

Mr. Garcia stated that in the previous meetings that owner of the golf course was requesting for them to install a fence on the back of the property to prevent the golf balls from coming into the property. He added that there was no other adjacent property that had a fence so why are they being required one.

Chairman Sheats stated that this meeting was strictly for zoning, the fence requirements would be considered at the subdivision stage.

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 rezoning. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:19 p.m.

Ended: 12:23 p.m.

Item #1.4

Zarah's Tacos Mobile Food Unit

808 S. Shary Road

Lot 5A, Cimarron Crossing Subdivision, Ph. II

C-3

Zarah Investments

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 500' south of Expressway 83 along the west side of Shary Road. There is an existing commercial plaza with 7 suites, two of which is being leased by Zarah's Meat Market. Zarah's is asking for a CUP renewal to keep an 8' x 16' Mobile Food Unit within two parking spaces located in front of the plaza. Access to this site is from an existing driveway off of Shary Road.

- **Hours of Operation:** Monday – Sunday from 5p.m. to 12a.m. Based on a review of the other suites' hours of operation, there are conflicts with the hours of the food trailer and the other businesses which may have a negative impact on the permanent businesses.
- **Staff:** 4 employees
- **Parking:** The total number of parking spaces required for the 7 suites and the proposed food trailer are 56 spaces. There are a total of 56 shared along the front of the building, plus an additional 8 spaces along the rear of the building for a total of 64 parking spaces, which exceeds code by 8 spaces. The applicant is proposing to take up two of the front 56 spaces.
- Must comply with building, fire, and health codes.
- Must acquire a business license

REVIEW COMMENTS: The portable food trailer is more appealing than others within the City. As of this write-up, Staff has not received any comments for or against this CUP.

RECOMMENDATION: Staff recommends a 6 month approval subject to:

1. Require Zarah's employees to park in the rear of the plaza;
2. Must comply with the Building, Fire, and Health Codes;
3. Must acquire a new Business License.
4. No chairs or tables are permitted outside.

Chairman Sheats asked if the applicant or representative were present.

Representing Zarah Investments, Mrs. Maricela Roque was present to address any question from the Board.

Chairman Sheats asked Mrs. Roque if she was receptive to staff's recommendations.

Mrs. Roque replied, "Yes". She added that they were looking forward to the mobile food park.

Chairman Sheats asked where the food park would be located.

Mr. Acevedo stated that the City Attorney had already prepared an ordinance for the mobile food park but they were still working on the logistics of things and whether they are going to have one or two locations.

Chairman Sheats asked if staff had received any complaints.

Mr. Acevedo stated that no complaints have been received from the surrounding neighbors or the Police Department.

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. Mrs. Marisela moved to approve the conditional use permit as per staff's recommendation. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:24 p.m.

Ended: 12:25 p.m.

Item #1.5

**Conditional Use Permit: Home Occupation – Licensed Home Daycare
2114 W. 42 ½ Street
Lot 12, Taurus Estates #9 Phase II Subdivision
R-1
Selina Garcia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NW corner of Anita Street and W. 42 ½ Street. The applicant wishes to obtain a Home Occupation CUP for a licensed child care home. There is a six foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children.

- **Hours of operation:** Monday – Friday from 6:30 a.m. to 5:30 p.m.
- **Staff:** Herself and 1 other adult run the registered home.
- Business license required prior to opening child day care.
- Applicant must be DHS certified in order to obtain business license.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regs.), inclusive of sign requirements.

REVIEW COMMENTS: Staff has received/reviewed several of these types of CUPs in the past and has not had any problems with previous others. However, the enclosure of the garage for child care use eliminates parking for Mrs. Garcia and her worker and will create a parking issue for parents dropping off their children at this location. The street cannot be used for parking nor as a drop off area. Because of the lack of parking Staff cannot support this CUP.

RECOMMENDATION: Denial.

If P&Z is inclined to approve the CUP, the following should be conditions of approval:

1. A 1 year re-evaluation in order to monitor the child care facility;
2. Must obtain a business license prior to opening the child care home;
3. Must be DHS certified prior to obtaining a business license;
4. Must continue to comply with the Home Occupation portion of the Zoning Code.

Mr. Acevedo stated that staff's recommendation was for denial because staff's concern was that there wasn't enough parking for this CUP, but that after talking to the applicant he has agreed to 'table' the item so that they can work on an alternative area for a safe drop off of kids in the front of the property like a circular driveway.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin 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: 5:25 p.m.

Ended: 5:33 p.m.

Item #1.6

Conditional Use Permit:

**Buddy's Drive-Thru
501 N. Inspiration Road
Lot 61, Georgeanna Estates Subdivision
C-3
Veronica Peña**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the NW corner of Inspiration Road and Cuesta Del Sol. The subject site currently has an existing plaza, car wash, and a 45' x 22' building with two existing 12' wide garage doors on opposite sides of the building. The prior owner was awarded a CUP back in July of 2013 and operated a similar type business at this property. Primary access into the drive-thru business will be from Inspiration Rd. through an existing 27' driveway leading around the building, then exiting out through the same driveway access. There is also an existing entry off of Cuesta Del Sol that may be used by the neighboring residences to the south.

- **Days / Hours of operation:** Monday – Friday from 10:00 a.m. to 12:00 a.m., Saturday from 10:00 a.m. to 1:00 a.m., and Sundays from 12:00 p.m. to 12:00 a.m.
- **Staff:** 6 employees during various shifts
- **Parking:** The drive thru business measures 990sq.ft. which requires 5 parking spaces. There are 28 existing parking spaces for the existing plaza and for the drive-thru business, plus enough space for 2 vehicles to be within the building for a total of 30 spaces. Staff does not foresee any issues with parking; however, we will be monitoring the area to see if there are any issues during the CUP's tenure.
- **Business License:** Must comply with the Building, Sign, Fire, Health & any other applicable codes in order to obtain a business license.
- **Sale of Alcohol:** Sale of alcohol for off-site consumption requires the property to be wet zoned. There are no churches, schools, or hospitals within 300', thus in compliance with code.
- **Buffering/Landscaping:** Staff recommends that the south property line be buffered with a landscape hedge in order to help screen the drive-thru business from the residential area located along the south side and would help in bringing the commercial site overall into compliance with the landscaping code.

REVIEW COMMENTS: In reviewing the site, Staff noticed that the carwash canopy was very close to the exit of the proposed drive-thru. The applicant previously stated that the carwash business was going to cease. Staff recommends the removal/relocation of the carwash canopy and the addition of a speed bump in order to provide a safe exit from the drive-thru business. Staff also recommends that there shall be no employees wearing

offensive/sexually explicit attire and the hours of operation should not exceed past 12am, especially since they are so close to a residential neighborhood.

RECOMMENDATION: 1 year approval subject to: 1) Removal of the canopy and the addition of a speed bump near the exit of the drive-thru; 2) Wet Zone the property; 3) Install a landscape hedge along the south property line; 4) Must comply with Building, Sign, Fire, Health, and any other applicable codes in order to obtain a business license; 5) Must obtain Business License, and 6) Hours of Operation until 12 a.m. (Midnight)

Ms. Izaguirre asked Mr. Acevedo if the City had a sign ordinance that would make all the signs in compliance because they need to be uniform.

Mr. Acevedo stated that the sign ordinance allows 1 tenant sign in a commercial plaza.

Chairman Sheats asked how many businesses are in this location.

Mr. Acevedo mentioned that they were probably 4 to 5.

Chairman Sheats asked if the sign on the building would be considered as 1.

Mr. Acevedo stated that the sign ordinance only allowed 1 ground pole sign per commercial development it doesn't specify the size of each sign. He added that as part of staff's recommendation they should also include that there should be no employee wearing offensive or sexually explicit attire during the hours of operation.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Veronica Peña who resides at 2307 Paseo Encantado was present to address any questions from the Board.

Chairman Sheats asked Mrs. Peña if she was receptive to staff's recommendations.

Mrs. Peña replied, "Yes".

Mrs. Izaguirre asked Mrs. Peña if there was a way she could have all the signs be the same size so that they be uniform.

Mrs. Peña stated that she agreed with Ms. Izaguirre in regards to the sign not be uniform but she would need to ask the landlord because she was only leasing the 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. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation,

including that employees do not wear sexually explicit attire. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:33 p.m.

Ended: 12:41 p.m.

Item #1.7

**Conditional Use Permit: To keep a Portable Building for
Office Use – Florida’s Palm Trees
1609 E. Expressway 83
Lots 3-6, Mission Palm Plaza
C-4
Omar Villarreal**

Mr. Jaime Acevedo went over the write-up stating that the site is located 600’ east of Stewart Rd. along the north side of the Expressway 83 Frontage Road. Previously, a CUP was approved by P&Z on 12-12-12 to be used as an office for an *auto sales* business. The business closed recently and the applicant wishes to open a landscaping nursery and utilized the portable building as an office for his proposed business.

- **Hours of Operation:** Monday – Saturday from 8:00 a.m. to 7:00 p.m.
- **Staff:** 2-3 employees
- **Parking:** The business requires a minimum of 4 parking spaces. The site has a total of 20 spaces, thus in compliant with parking code requirements.

REVIEW COMMENTS: During the previous CUP approvals, Staff recommended that the rear half of the property be screened off and that an all-weather surface be installed. The owner has installed a wood fence just behind the portable and does have a gravel base on the property. Staff also required the portable to be skirted, which has been done as well—**see pictures**. The striping for the parking area however is faded. Staff recommends that the parking lot be re-striped.

RECOMMENDATION: Staff recommends approval for 3 years subject to:

1. Re-striping the parking area, 2) that the portable building be re-painted with earth tone colors, and 3) compliance with sign code.

Chairman Sheats stated that he was under the impression that the City Council did not want to see any more portable buildings along the Expressway so why are we recommending 3 years.

Mr. Acevedo stated that the City Council had a moratorium for portable buildings that sell food. He added that the only reason he was recommending for 3 years was because of the use of the building because the building has been there for sometime now.

Chairman Sheats asked if the applicant or representative were present.

Mr. Omar Villarreal who resides at 3104 Kerria Avenue was present to address any questions from the Board.

Chairman Sheats suggested that this area be cleaned up.

Mr. Acevedo advised the applicant of staff's recommendations and he did mention that he had just placed an AC window unit where the glass was broken.

Chairman Sheats asked what type of sign he was proposing. He asked staff to please make sure it is in compliance with the sign ordinance.

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. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:41 p.m.

Ended: 12:46 p.m.

Item #2.0

**Homestead Exemption Variance: A .262 acre tract of land out of Lot 192,
John H. Shary Subdivision
214 Union Street
R-1
Jose Borjon**

Mr. Jaime Acevedo went over the write-up stating that the site is located along the west side of Union Street between Glasscock and Toledo. The lot measures 165' x 70.5' which equals to 11,325 sq. ft. thus exceeding the R-1 lot size requirements. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

WATER – The applicant is proposing to connect to an existing 2" water line located along the west side of Union to provide water service to the lot.

SEWER – The applicant is proposing to connect to existing 8" sanitary sewer line along the east side of Union that provides service to the lot. The capital sewer recovery fee is waived via the HVE.

STREETS & STORM DRAINAGE – The subject site has frontage to Union Street, which was recently paved by the City but has no curb or gutter just edge to edge paving. There is 50' of ROW and no additional ROW will be requested. Drainage will be onsite.

OTHER COMMENTS

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The street light requirement is also waived via the HEV.
- The park fees are also waived

RECOMMENDATION

Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose Borjon was present to address any questions from the Board.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the homestead exemption variance as per staff's recommendation. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:46 p.m.

Ended: 12:51 p.m.

Item #3.0

**Preliminary & Final Plat Approval: Stewart Gardens North Subdivision
A 2.93 acre tract of land out of Lot 271,
John H. Shary Subdivision
AO-I (R-1A Proposed)
Developer: Michael Broughton
Engineer: Javier Hinojosa Engineering**

Mr. Jaime Acevedo went over the write-up stating that the the proposed subdivision is located approximately ½ mile north of Griffin Parkway (F.M. 495) along the east side of Stewart Road. The developer is proposing 9 Large Lot Single Family Residential lots all exceeding area requirements.

WATER: There is currently an 8" waterline on the along the south side of 28th Street. The developer is proposing to connect into the 8" water line by boring across 28th street between lots 6 & 7 of proposed subdivision. Fire hydrants will be installed per the Fire Marshal's direction if required.

SEWER: The developer will be connecting to an existing 8" sewer line along the south side of 28th Street. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$1,800.00 (\$200.00 X 9 lots).

STREETS & STORM DRAINAGE: The subdivision has access to Stewart Road, a future 80' ROW, 57' B/B Street. The developer will be dedicating an additional 20' of ROW along Stewart Rd. to equate to the minimum 40' from centerline. The escrow for the future

widening of Stewart Road will be \$9,973.12 (178.41' x \$55.90 L.F.). The subdivision consists of a single street with a 50' ROW and a 32' B/B paved streets. Storm drainage is accomplished through a series of 24" storm lines which will connect into an existing storm drain system currently located on Stewart Road.

OTHER COMMENTS:

- Park Fees - \$300.00/Lot = \$2,700.00
- Escrow 5' sidewalk along Stewart Rd. in the amount of \$2,140.92 (178.41' X \$12 L.F.)
- Water District Exclusion
- Must Comply with all other format findings

RECOMMENDATION: Staff recommends approval subject to: 1) Payment of Park and Capital Sewer Recovery Fees, 2) Escrow the 5' sidewalk and Street Widening along Stewart Road, 3) Provide Water District Exclusion, and 4) Comply with all other format findings.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Mr. Tijerina recommended that this item be table the plat to assess the need for temporary cul-de-sac due to an open drain ditch to the east of the property

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

Started: 12:51 p.m.

Ended: 1:14 p.m.

Item #4.0

**Preliminary & Final Plat Approval: David Reyna Mobile Home & R.V. Subdivision
A 2.122 acre tract of land out of Lot 22-1,
West Addition to Sharyland
R-4
Developer: David Reyna
Engineer: Melden & Hunt, Inc.**

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located approximately 300' east of Inspiration Road along the north side of Barnes Street. The developer is proposing 11 R-4 lots for mobile homes/R.V.s. The developer's engineering firm, Melden & Hunt is asking for 3 variances as follows:

VARIANCE 1: To permit lots with 93+/- feet in depth. The Zoning code requires a minimum of 100' in depth for lots zoned R-4. With this being the final tract to be developed in this area (neighbors adjoining both sides of the tract) and the minimum street

ROW being 50' causing the reduction to 93', staff does not object to the reduced depth. 93' deep lots permit a maximum manufactured home length of 73'.

VARIANCE 2: To permit 4,652sq.ft. inner lot areas and a 5,583sq.ft. corner lot area. The Zoning Code requires a minimum area of 5,000 sq.ft. for inner lots and 6,000 sq.ft. for corner lots. Due to the reduced depth of the lots, the area square footage is also reduced. If Variance 1 is approved, staff has no objection to the approval of Variance 2.

VARIANCE 3: To make the subdivision private and gated. This will induce a 'Common Area A' designation for the street. Staff has reviewed this proposal and does not see any detriment to the proposed subdivision or surrounding areas.

WATER: A new 8" water line will be extended from an existing 6" line located along the north side of Barnes St. into the proposed subdivision, which will then be looped to an existing 6" water line located to the west of the proposed subdivision along Inspiration Rd. One new fire hydrant is shown pursuant to the direction of the Fire Marshal.

SEWER: In regards to sewer, the developer is proposing to install 11 new taps into an existing 8" sewer line located along the east side of the subdivision. The \$120.00/Mobile Home Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. 11 lots X \$120.00/Lot = \$1,320.00

STREETS & STORM DRAINAGE: The subdivision consists of a single cul-de-sac street proposed to be paved 32 feet back to back. The developer is proposing a gate and median entrance that is proposed to be 38' back to back and will need to be approved by the Fire Marshal and meet the City's standards prior to installation. ROW on Barnes Street is not required by this plat. As for the storm drainage, the developer is proposing to install a set of type "A" inlets and a 24" R.C.P. line that will flow towards the north side of the subdivision, then west through a proposed 24" R.C.P. line that will connect to an existing set of inlets along Inspiration Road.

OTHER COMMENTS:

- \$300.00/Lot park fee required (\$3,300.00)
- Water District exclusion required.

RECOMMENDATION: Staff recommends denial based on the fact that there is no outfall for the storm sewer.

Mr. Tijerina stated that in reviewing the subdivision plat Lot 6 would be considered as a temporary detention pond which makes it 10 lots versus the 11 lots proposed. He added that since they were unable to secure the easement to connect to Inspiration the proposal is to have a storm line coming south and then coming west along Barnes and then plugging the storm line until the storm system is available to connect on Inspiration Road. Mr. Tijerina mentioned that the City is widening 2 Mile Road and putting water, sewer all the way from the Expressway to 3 Mile Line so we would not have any outfall into a storm

system but the infrastructure would be there. He asked that a new updated drainage report be submitted.

Chairman Sheats asked if the applicant or representative were present.

Mr. David Reyna and Mr. Fred Kurth were present to address any questions from the Board.

Chairman Sheats asked if lot 6 was considered retention or a detention pond.

Ms. Izaguirre stated that the plat said detention pond.

Chairman Sheats stated that then they would not have an outfall either way until Inspiration widening is fixed and completed.

Mr. Tijerina replied, "That's correct". He added that the Council wants an outfall and an updated drainage report that was the reason it was being denied

Chairman Sheats asked if this plat had been before P&Z because he recalls there being an issue with having or giving access to the surrounding property owners.

Mr. Tijerina stated that Mr. Bazan was able to get access to go in and out of his property and there are other issues that are being taken care of by their attorney's but since it was a civil matter those issues would not be factored into the subdivision.

Chairman Sheats stated that there was another mobile home park in that area if staff knew where that one drained to.

Mr. Tijerina stated that it was Nell Tolle and he believed the drainage would be to Inspiration but he was not sure since he did not have that information with him.

Mr. Kurth stated that they may recall that this subdivision was already approved and ready for construction when the City rescinded the approval and then attorneys got involved and it was all about access. He added that the property that fronts Inspiration was illegally subdivision since it was done by metes and bounds because they were cut in half and how the lots had frontage to Mr. Reyna's property so it was kind of unusual and the people were driving into his property that why he put up a fence which seems to have helped with the encroachment and the trespass. Mr. Kurth stated that now they are trying to get re-approved. He added that Inspiration was under construction and all they wanted to do was to get started with their construction so that when the right times come they are ready to connect because it would take them 3 to 6 months to build there subdivision.

Ms. Diana Izaguirre asked if staff had an updated drainage report.

Mr. Kurth replied, "No". He added that they need to modify it.

Mrs. Marin asked what difference would it make if they get an updated drainage report.

Ms. Izaguirre stated that they could deny it or it could get approved but showing the improvements that he is proposing.

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

**ITEM #5.0
OTHER BUSINESS**

**ITEM #6.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 1:15 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission