

PLANNING AND ZONING COMMISSION
JULY 27, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
John Guerra
Mario Garza
Carlos Lopez

P&Z ABSENT

Diana Izaguirre
Julio Cerda

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Susana De Luna
Marie Villarreal
Jesus Gonzalez

GUESTS PRESENT

Derly Guerra
Selina Garcia
Ruben Canales
Sheri Moss
Jesus Villalobos
Mike Broughton

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.

There was none.

APPROVAL OF MINUTES FOR JULY 11, 2016

Chairman Sheats asked if there were any corrections to the minutes for July 11, 2016. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:10 p.m.

Item #1.1

Rezoning:

**All of Lots 1-9, Block 212,
Mission Original Townsite Subdivision
R-1 to C-2
Sonia M. Trevino**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the east side of Kika De La Garza Loop between 13th and 14th Street.

SURROUNDING ZONES: N: P- Public
E: R-1 – Single Family Residential
W: P – Public
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Public (Mission High School)
E: Single Family Residential

W: Public (Mission High School)
S: Single Family Residential

Site currently has an office/warehouse building.

FLUM: The Future Land Use Map reflects a Low Density Residential (LD) designation.

REVIEW COMMENTS: The FLUM designation Low Density Residential (LD). This site contains an office/ warehouse building and is equipped with parking and an alley between site and the only abutting residence to the East. On October 23, 2006, there was a City incentive to rezone this property from C-4 to R-1. Dr. Trevino is requesting a C-2 zoning to have a fitness/ gym facility. Although, gyms or fitness facilities are not specifically outlined in the C-2 zone permitted uses, our City Attorney it has been determined that a gym is a service that would fall within the realm of the C-2 zone.

RECOMMENDATION: Staff recommended approval.

Mr. Acevedo stated that if the zoning is approved, the FLUM will be amended to reflect a commercial designation.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

Mr. Sheats had questions he would like to ask the applicant regarding the item. He would like to know what idea Mrs. Trevino has with the rest of the land for the future.

Mr. Tijerina stated he had the opportunity to go out there with one of the inspectors to review the site. The facility is a warehouse structure, Mr. Tijerina and the inspector inspected the building and asked them to apply for business license application with the Planning Department and with the Fire Department. Mr. Tijerina said he has spoken to the City Attorney about whether a C-2 (neighborhood commercial) use. Staffs opinion is that these buildings are very well constructed and will be long standing. The newer building is renovated office space. On the East side on the property the zoning map shows an abandon rail road right of way. There is a gap in between that ROW and the homes to the East side. Across on the South side the area is a parking area. On 12th street is current zone is C-4 (Heavy Commercial) with La Respuesta Ministries Church. Mr. Tijerina saying is that the building is in good condition and based on the discussion with City Attorney, his legal opinion is that a C-2 use blends with neighborhoods which provides a service to the area and neighboring property owners. This case provides a fitness area where people could go and work out, and office use which is permitted in a C-2 zone. Nothing higher than a C-2 would be permitted at this site.

Mr. Sheats asked that even though this was an R-1 they were conducting business without a business license.

Mr. Tijerina stated they were not conducting business the buildings were vacant. He added that they walked the facility and the interior and exterior were in good shape.

Mr. Sheats stated there is no one in opposition.

Mr. Carlos Lopez asked how many notices were sent out.

Mr. Tijerina stated that there were a total of 26 notices were sent out, there's a copy in the agenda packet, and we did not hear back from anybody.

Mr. Acevedo stated the building is commercial and that it would not be torn down to build residential homes.

Mr. Sheats stated that the issue goes back to the rezoning; it should not be R-1.

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

Started: 5:10 p.m.

Ended: 5:15 p.m.

Item #1.2

Rezoning:

**Lot 6, Sno-Bird Estates Subdivision
AO-1 to R-1
Derly F. Guerra**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located located 500' east of Bentsen Palm Drive along the north side of Wescan Lane. The lot measures 135' x 100' or 13,500 sq. ft.

SURROUNDING ZONES: AO-1 to all directions

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

FLUM: Low Density (LD)

REVIEW COMMENTS: The proposed use of the property is for a single family residence in a recently annexed AO-1 property. Single Family Residential R-1 is directly consistent with the predominant SF residential uses already existing in the area.

RECOMMENDATION: Approval.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Derly Guerra resides at 400 Wescan Lane was present along with his daughter to address any questions from the board.

Mr. Guerra daughter stated that her father was looking into building a single family home on lot 6.

Mr. Sheats asked if it was an addition from Lot 5 to Lot 6.

Daughter of applicant said “No” it is not an addition it is another home he wants to build on Lot 6.

Mr. Sheats explained to Danny that an AO-I should be rezoned as soon as possible to the proper zoning.

Mr. Tijerina stated that it was private subdivision and that the owners dedicated the right of way to the City and the City put it into its capital improvements program to pave the street. Mr. Tijerina explained that it was paved and that they are working on this area. As far as mass rezoning, or City initiating zoning, we would have to rezone all the properties to reflect the current land uses. So we rather amend the FLUM and go from there. Mr. Tijerina mentioned that it would cost the Planning and Zoning Department lots of money to publish in the paper and send notices out.

Mr. Sheats stated that running things correctly usually costs money.

Mr. Tijerina explained that the Planning and Zoning Department has a budget to work with and it's not a big budget.

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

Started: 5:15 p.m.

Ended: 5:18 p.m.

Item #1.3

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. Ned Sheats entertained a motion to remove the item from the table. Mr. Mario Garza moved to remove item from the table. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near Anita Street and W. 42 ½ Street intersections along the north side of W. 42 ½ Street. The applicant wishes to obtain a Home Occupation CUP for a licensed child care home. The home has a two car driveway off of E. 42 ½ Street capable of accommodating the safe drop off and pick up of children – see site plan. 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 – see code below.

REVIEW COMMENTS: Staff has received/reviewed several of these types of CUPs in the past and has not had any problems with previous others. This item was last seen on 7/11/2016 at which time the item was tabled so that a drop off area could be added to the site. Since the garage was converted into day care area and since Mrs. Garcia and her worker will utilize the driveway to the alley to park, a drop off area was required. A building permit for a 2 car driveway along 42 ½ Street was issued on July 18, 2016. This new driveway will be used by parents for safely dropping off their children at this location.

RECOMMENDATION: Approval subject to:

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. Jaime Acevedo mentioned that the only issue with the daycare was that it didn't have an area to safely drop off the children. They enclosed the garage in the rear, and the driveway is in the back of the home which is going to be used for one employee parking space and for the applicant to park her vehicle so it left no space to safely drop off and pick up the children. Mr. Jaime Acevedo explained that the applicant did come in to apply for a building permit for a driveway along 42½ street. Mr. Jaime Acevedo spoke to the applicant before the meeting; the applicant explained that the construction for the driveway is underway and will be completed soon. Mr. Jaime Acevedo mentioned that we worked with the applicant with the design of the driveway and it does meet city codes and city standards.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Selina Garcia who resides at 2114 W. 42½ Street was present to address any questions from the Board.

Mr. Sheats asked Mrs. Selina Garcia if she had decided to put a driveway in the front.

Mrs. Selina Garcia explained that the driveway was under construction and that they have already torn the front grass and started working on it.

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. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:21 p.m.

Item #2.0

**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**

Chairman Sheats entertained a motion to remove the item from the table. Mr. Mario Garza moved to remove the item from the table. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo went over the write-up stating that 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 consists of a single street with a 50' ROW and a 32' B/B paved streets. There is currently a temporary cul-de-sac at the end of 28th street before the drain ditch. Storm drainage is accomplished through a series of 24" storm lines which will connect into an existing storm drain system currently located on Steward Road.

OTHER COMMENTS:

- Park Fees - \$300.00/Lot = \$2,700.00
- 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) Provide Water District Exclusion, and 3) Comply with all other format findings.

Chairman Sheats asked if the applicant or representative were present.

Mr. Javier Hinojosa from Javier Hinojosa Engineering was present to address any questions from the board.

Mr. Sheats asked Mr. Hinojosa, "Do you think it's a big enough turn around"?

Mr. Hinojosa replied, "That the turnaround has been there for approximately 10 years and it has served its purpose, the fire marshal has been out there to inspect it as well.

Mr. Daniel Tijerina stated that he took the fire marshal to inspect the turnaround.

Mr. Sheats stated that he wanted to reassure that an expert has inspected the turn around and that the engines could get in out of there safely.

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

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

Started: 5:21 p.m.

Ended: 5:23 p.m.

Item #3.0

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. Ned Sheats entertained a motion to remove the item from the table. Mr. Mario Garza moved to remove the item from the table. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo went over the write-up stating that the proposed subdivision is located approx. 300' east of Inspiration Rd. along the north side of Barnes St. The developer is proposing 11 R-4 lots for mobile homes. 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 St. 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 Rd.

OTHER COMMENTS:

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

RECOMMENDATION: Staff recommends approval subject: 1) No objection to the 3 proposed variances; 2) Compliance with the Model Subdivision Rules; 3) Must meet private street maintenance and hold harmless requisites; 4) Exclusion from the water district.

Mr. Acevedo stated that they have received a revised drainage report. Mr. Acevedo explained that he had spoken to City Manager and Public Works Director and they had no problem approving the subdivision as long as they are aware that the City is working on Inspiration Road and that they are not able to tie into Inspiration Road as far as drainage until the project is complete. Mr. Acevedo stated that Fred Kurth is aware of it and had no problem.

Chairman Sheats asked if the applicant or representative were present.

Mr. Ruben Canales from Melden & Hunt, Inc. was present to address any questions from the board.

Mr. Sheats asked him if he had any questions for the board.

Mr. Ruben Canales stated that he had no questions everything was pretty much already explained.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the subdivision plat as per staff's recommendation. Mr. Carlos Lopez 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. Mario Garza moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:23 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission