

**PLANNING AND ZONING COMMISSION
SEPTEMBER 19, 2016
CITY HALL'S COUNCIL CHAMBERS @ 12:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Mario Garza
Carlos Lopez
Marisela Marin
Julio Cerda

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Jesus Gonzalez

GUESTS PRESENT

Ricardo Rodriguez
Maria Sofia Espinosa
Kelley Heller Vela
Manuel & Ofelia Rodriguez
Ruben De Jesus
Francisco Perez
Martin Mendoza
Johnny Cisneros
Socrates Garrigos
J. Maria Hervert
Victor Trevino
Mario Reyna

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 12:00 p.m.

CITIZENS PARTICIPATION

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

There was none.

Started: 12:01 p.m.

Ended: 12:07 p.m.

Item #1.1

Rezoning:

**The North 219.64' of the West 577.57' of the
East 609.7' of Lot 29, Bell-Woods Co.'s Subdivision "C"
AO-I to C-3
Allen Gooding**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Conway Blvd. 500' north of 2 Mile Road.

SURROUNDING ZONES: N: C-3 – General Commercial
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: C-3 – General Commercial

EXISTING LAND USES: N: Vacant Commercial
E: Agricultural

W: Agricultural
S: Commercial
Site: Vacant Agricultural

FLUM: General Commercial (GC)

REVIEW COMMENTS: The future land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation. Overall, it seems that the C-3 proposal is the highest and best use for the site.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Johnny Cisneros who resides at 1117 Orange Avenue stated that he was with Kayden Commercial Real Estate.

Chairman Sheats asked if he knew what the developer was proposing to do in that property.

Mr. Cisneros stated that the project was a free standing single tenant fitness facility about 18,000 to 20,000 square feet.

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 Marin moved to approve the rezoning as per staff's recommendations. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:07 p.m.

Ended: 12:12 p.m.

Item #1.2

**Rezoning: Lots 1-5 & 7-20, Sno-Bird Estates Subdivision
AO-I to R-1
City Initiated**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 1 mile north of Military Parkway along the east side of Bentsen Palm Drive. The lot measures 135' x 100' or 13,500 sq. ft. each.

SURROUNDING ZONES: AO-I to all directions

EXISTING LAND USES: N: Agricultural

E: Outside City Limits
W: Outside City Limits
S: Agricultural
Site: Single Family Residential

FLUM: Low Density (LD)

REVIEW COMMENTS: The proposed use of the property has long been single family residential. All lots exceed the R-1 lot width, depth, and square footage requirements. This area was annexed by the City of Mission in 2009 and was interimly zoned AO-I by default.

RECOMMENDATION: Approval.

Mr. Acevedo stated that P&Z might recall that the City Council just recently rezoned Lot 6 due to the applicant wanting to build a home and it being zoned agricultural.

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

Mr. Francisco Pina who resides at 3802 Falcon Drive stated that they also own Lot 37. He mentioned that he was not in opposition to the rezoning but he just wanted to get an update on when they would be getting the City services to that area.

Mr. Daniel Tijerina stated that this subdivision was originally a private subdivision that the City took in. He added that the City also accepted a petition from the property owners stating that they City would be paving Wescan Lane. Mr. Tijerina mentioned that currently the services provided are trash, brush pick up, police and fire. Mr. Tijerina stated that this area is in AGUA's CCN but the City is in discussions on trying to see what we can do to service them in the near future.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as per staff's recommendations. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:12 p.m.

Ended: 12:15 p.m.

Item #1.3

**Rezoning: A 1.59 acre tract of land out of Lot 205,
John H. Shary Subdivision
AO-I to C-3
Javier Hinojosa Engineering**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 600' north of 6th Street along the east side of Shary Road.

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

E: R-1 – Single Family Residential
W: C-4 – Heavy Commercial
S: AO-I – Agricultural Open Interim

LAND USES: The surrounding land uses consist of a car wash/oil change commercial establishment (Superior Oil Express) to the north, open acreage to the south, a residential subdivision to the east, and a tractor retail store (Weaks Martin) to the west. The subject site is currently open acreage.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Rd. frontage.

REVIEW COMMENTS: The subject property has been a commercial ‘reserve’ since the inception of the Master Plan. The C-3 request is directly consistent with the FLUM and surrounding land uses and zones along Shary Road.

RECOMMENDATION: Approval.

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.

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

Started: 12:15 p.m.

Ended: 12:19 p.m.

Item #1.4

**Rezoning: 8.898 acre tract of land out of Porcion No. 2,
San Jose Subdivision
AO-I to R-1A
Guillermo Marquez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the east side of Stewart Road 750’ north of Trinity Road.

SURROUNDING ZONES: AO-I – Agricultural Open Interim to all directions

EXISTING LAND USES: N: Agricultural
E: A drainage easement borders the property to the east
W: Agricultural

S: Agricultural
Site: Agricultural

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Dr. Marquez is requesting that his 8.898 acre tract of land be rezoned to Large Lot Single Family (R-1A). The predominant land use in this area is long standing Large Lot Single Family (R-1A) and Single Family (R-1) residences. The Future Land Use Map reflects Lower Density Residential (LDA) as well; reflecting that R-1A or R-1 remains the best compatible use for the neighborhood.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino whose address is 900 S. Stewart Road, Suite 13 was present to address any questions from the Board.

Chairman Sheats asked how many lots they were proposing.

Mr. Trevino stated that they would be 27 lots counting the existing home.

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

Mr. Ricardo Rodriguez stated that he was representing his parents Ofelia & Manuel Rodriguez who live on the north side of the proposed area and his only issue is the drainage. He added that he just wanted to make sure that whoever develops has the proper drainage for these homes.

Mr. Tijerina stated that currently the only item being considered was the rezoning of the land the drainage issue would be taken care of during the subdivision stage.

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

Started: 12:19 p.m.

Ended: 12:26 p.m.

Item #1.5

**Rezoning: Lot 4, Block 90, Mission Original Townsite Subdivision
R-1 to C-2
Maria Sofia Espinosa**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located between 6th Street and Rafael Ramirez Street along the east side of Doherty Avenue.

SURROUNDING ZONES: R-1 - Single Family Residential to all directions

EXISTING LAND USES: N: Vacant Commercial (Rex Theater & Joes Meat Market)
E: Single Family Residential
W: Single Family Residential
S: Multi-Family Residential

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

REVIEW COMMENTS: The FLUM designation Low Density Residential (LD). Mrs. Espinosa previously operated a beauty salon from this location for over 15 years. On October 23, 2006, there was a City initiative to rezone this property from C-3 to R-1. The applicant had relocated and been operating at a different location for past 2-3 years. However, she would like to relocate her operation back to 510 Doherty and is requesting a C-2 zoning to have a beauty salon. Beauty Salons are specifically outlined in the C-2 zone as permitted uses. It is also noted that a similar proposal for a Zumba studio at 12th Street and Keralum was approved by the PNZ on July 22, 2015 and for a gym at 400 W. 13th Street on July 25, 2016 both on property zoned R-1. This is the same scenario; the applicant is requesting a rezoning in a property that had previously been rezoned by City.

RECOMMENDATION: Staff recommends approval of a C-2 Zoning.

Note: If the zoning is approved, the FLUM will be amended to reflect a commercial designation.

Chairman Sheats asked how it was zoned previously.

Mr. Acevedo replied, "C-3". He added that this area along with the meat market, theater and Rio Patio were all zoned C-3.

Chairman Sheats asked if they would be considered grandfathered.

Mr. Acevedo stated that they were in operation for many years after the rezoning took place as grandfathered but then they moved to a different location.

Chairman Sheats asked if they ever operated with a conditional use permit.

Mr. Acevedo replied, "No".

Dr. John Guerra asked if this was a house or a business.

Mr. Acevedo stated that it was a house but 10 or 15 years ago when they first move in they converted more into a business. He added that most of the business in that area did the same thing although all of them are currently unoccupied.

Chairman Sheats stated that he would rather keep it residential but he also understood that being a block away from Conway would be more appealing for commercial.

Mr. Acevedo mentioned that even in the aerial it shows the parking layout being more for commercial than residential.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Maria Sofia Espinosa whose address is 510 Doherty Avenue was present to address any questions from the Board.

Mr. Acevedo asked how many employees she was proposing to have.

Mrs. Espinosa stated that the business was just for her daughter so it would probably be just her daughter and herself.

Chairman Sheats asked Mrs. Espinosa if someone would be living in this home.

Mrs. Espinosa replied, "No".

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 as per staff's recommendations. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:26 p.m.

Ended: 12:32 p.m.

Item #2.0

**Homestead Exemption Variance: A 0.90 acre tract of land out of Lot 165,
Sharyland Orchards Subdivision
R-1A
Erica Ivette Garza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 800' east of Shary Road along the north side of Sunset Lane. The property measures 113.9' X 344.7' for a total square footage of 39,186 sq. ft. The property is currently open acreage. Mrs. Garza is proposing a new residence thereon. The lot exceeds the square footage size requirements for an R-1 lot. 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.

Mr. Acevedo mentioned that P&Z might recall that on the September 14, 2016 meeting this item was presented as a single lot variance but the Board took no action because the applicant informed us that this would be her primary residence that is the reason it is being presented as a homestead exemption variance.

WATER: There is an existing 6" water line along the south side of Sunset Lane. There is also a fire hydrant within 75' of the proposed site so no additional fire hydrants will be required pursuant to the direction of the Fire Marshal.

SEWER: The subject site has access to an existing 8" sewer line along the north side of Sunset Lane. The Capital Sewer Recovery is waived via the HEV.

STREETS & DRAINAGE: The property has frontage along Sunset Lane an existing 50' ROW/ 32' paved B/B street, no further ROW or paving is required. Drainage will be reviewed during the building permit stage.

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 Mr. Acevedo if the reason the City Council approved this type of applications was because it was the owners primary home and they couldn't be sold or rented out.

Mr. Acevedo stated that he was correct. He added that if they sold the property then they would need to comply with the single lot variance requirements and payback the money.

Chairman Sheats asked if they would need to pay the original dollar amount or the amount that was due at the time the variance was requested.

Mr. Acevedo stated that he believed it would have to be the original dollar amount at the time of the sale because it would not make sense to charge less but we would need to ask our City Attorney to verify that information.

Mrs. Marisela Marin asked Mr. Acevedo if they were going to finish the cul-de-sac that is at the end Sunset Lane.

Mr. Acevedo stated that right now that property was not subdivision once they are ready to develop the property that would be something that staff would need to address.

Mrs. Marin asked what would happen if they decide to do a homestead exemption variance.

Mr. Acevedo stated that most of the surrounding properties were already developed. He mentioned that he believed this was the only property that was not developed. Mr. Acevedo added that they must have dedicated the right-of-way already because the street was already paved 32' back to back.

Mrs. Marin asked so then the issue was already addressed.

Mr. Acevedo stated that what he was saying was that it should have been addressed back in the day but it wasn't but when any other property in that area gets developed it would be addressed.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Started: 12:32 p.m.

Ended: 12:45 p.m.

Item #3.0

Preliminary & Final Plat Approval:

**Taylor Senior Village Subdivision
Being a Resubdivision of 10.285 acres
Consisting of 0.394 of one acre out of an
Abandoned Canal ROW adjacent to the West
of Lot 246, John H. Shary Subdivision; 8.890
acres out of Lot 246, John H. Shary
Subdivision; and 1.001 acres being all of
Lot 1, Whitney-Ross Subdivision
R-3
Developer: The Brownstone Group, Inc.
Engineer: Melden & Hunt, Inc.**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Taylor Road between Summer Breeze Avenue and East 20th Street. The developer is proposing a one lot R-3 subdivision; all R-3 area requirements are being exceeded. The developer's representative, Mr. Fred L. Kurth, is also asking for a variance to make the subdivision private and gated. Staff has reviewed this proposal and does not see any detriment to the proposed subdivision or surrounding areas.

VARIANCE REQUEST: Cul-de-sac of Torrie Lane. Taylor Senior Village is requesting to allow a cul-de-sac of Torrie Lane rather than to extend – Marble Falls Subdivision, located to the north of Taylor Village Subdivision. Taylor Senior Village is a residential development for senior citizens. The extension of Torrie Lane would create a strip of land 115' x 343' which would not be consistent with the development of Taylor Senior Village.

WATER: New 8" water lines will be extended from the stubbed 8" network at Marble Falls Subdivision into Taylor Senior Village; then looped to Taylor Road's existing 6" water line network. Eight hydrants are shown pursuant to the direction of the Fire Marshal.

SEWER: New 8" & 12" sewer lines will be extended from an existing manhole located approximately 450' south of the subject property along the east side of the Taylor Road in Olive Tree Estates. The Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022. The fees will be \$70 for every 1 bedroom apartment ($\$70 \times 84 = \$5,880$), and \$120 for every 2 bedroom apartment ($\$120 \times 28 = \$3,360$). Total sewer capital recovery fees for all 112 multi-family apartments equals to \$9,240.

STREETS & STORM DRAINAGE: The subdivision will not have any private streets. A private drive will lead traffic to parking spaces throughout the private subdivision. The developer is proposing a gate and median that will need to be approved by the Fire Marshal prior to installation and must meet the City's minimum standards. ROW dedication on Taylor is shown via MPO policies. As for the storm drainage, the developer is proposing sheet flow along proposed interior driveways into proposed storm sewer inlets located within subdivision and interconnected via pipes ranging in size of 24" to 30". Runoff will discharge into a proposed detention pond located at the west end of the site and will bleed into existing City of Mission drainage facilities located along the west side of existing Taylor Road via a 24" bleeder line.

OTHER COMMENTS:

- \$200.00 per unit park fee required ($\$200 \times 112 = \$22,400$).
- Water District exclusion required.
- Provide escrow for future widening of Taylor Road ($\$55.90/\text{LF} \times 343' = \$19,173.70$).
- Escrow 5' sidewalks along Taylor Road ($\$12.00/\text{LF} \times 343' = \$4,116.00$).
- Provide a solid buffer to the surrounding residential subdivisions.

RECOMMENDATION:

Staff recommends approval subject to:

1. Compliance with the Model Subdivision Rules.
2. Escrow of Taylor Road future widening and sidewalks.
3. Payment of park fees and sewer capital recovery fees.
4. No objection to the cul-de-sac of Torrie Lane rather than extending to Marble Falls Subdivision.
5. No objection to subdivision being private.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Kelley Vela from Melden & Hunt stated that she was representing the developer applicant who was unable to attend the meeting was present to address any questions that the Board might have. She mentioned that they were proposing Senior Housing and all of the units would be single story units with the exception of the one in the middle that one will be the only 2-story unit and that was discussed a couple of months back when the change of zone was requested.

Mrs. Marin asked if the subdivision was going to be gated.

Mrs. Vela replied, "Yes".

Mrs. Marin stated that the cul-de-sac throws her off on the gated part.

Mrs. Vela stated that they are proposing to fence around the cul-de-sac.

Mrs. Marin asked if she knew what type of fence were they proposing.

Mr. Vela stated that she didn't ask the developer but for the most part they are looking at a solid buffer between them and the property to the north but she didn't specifically ask them for Torrie Lane.

Mrs. Marin asked staff if there was any way they to do it other than a detention basin.

Mr. Tijerina stated that the reason for the detention basin was based on the detention report and what needs to be retained onsite. He added that there is so much it could flow to the south on 22nd and to the east on Taylor Road and there is a minimum cubic feet that needs to be retained onsite. Mr. Tijerina stated that a similar detention area is on the apartment complex that is on Taylor and Colorado.

Mrs. Marin asked if it was bigger and might hold a larger capacity.

Mr. Tijerina stated that stated our City Engineer J.P. Terrazas & our Public Works Director Roberto Salinas both require the layout and they approved the detention area being proposed.

Mrs. Marin asked if it was because of the number of apartments being proposed.

Mr. Tijerina replied, "Yes".

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

Started: 12:45 p.m.

Ended: 12:55 p.m.

Item #4.0

**Preliminary & Final Plat Approval: Via Veneto Subdivision
A 1.0 acre tract of land out of Lot 226,
John H. Shary Subdivision
R-1
Developer: Nereida F. Moreno
Melden & Hunt, Inc.**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located The proposed subdivision is located along the west side of Taylor Road between Country Club Drive and Brentwood Drive. The developer is proposing a four lot R-1 subdivision; all R-1 area requirements are being exceeded. The developer's representative, Mr. Fred L. Kurth, is also asking for a variance to make the subdivision private and gated. Staff has reviewed this proposal and does not see any detriment to the proposed subdivision or surrounding areas.

VARIANCE REQUEST: To have a 32' ROW instead of required 50' ROW. Via Veneto Subdivision is proposing to have a 32-foot Private Street Right-of-Way adjacent to a 20-foot Easement along the south side of the 4 proposed residential lots. This will equate to a total of 52 feet available for access and utilities. The Private Street and Easement will be in lieu of a 50-foot right of way dedication.

WATER: New 8" water lines will be extended from Taylor Road's existing 8" waterline. The lines will run along the south side of lots 1-3, stubbed out to lot 4, and then looped around the north side of lots 1-3 and looped back onto Taylor Road's 8" water line. One hydrant is shown pursuant to the direction of the Fire Marshal.

SEWER: A new 8" sewer lines will be extended from the south side of lots 1-4 and connect to a manhole along the west side of the subdivision. The Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022. The fees will be \$200 for every lot or \$800 total.

STREETS & STORM DRAINAGE: The subdivision will have a private 32' private street adjacent to a 20-foot easement along the south side of the 4 proposed residential lots. The private street and easement will be in lieu of a 50-foot right of way dedication typical of all streets. The developer is proposing a gate and median that will need to be approved by the Fire Marshal prior to installation and must meet the City's minimum standards. ROW dedication on Taylor is shown via MPO policies. As for the storm drainage existing runoff is by surface flow in a southeasterly direction. The proposed drainage for Via Veneto Subdivision shall detain 3,355 cubic feet onsite. Drainage along proposed interior private drive will sheet flow into an existing inlet located along the west side of Taylor Road.

OTHER COMMENTS:

- \$300.00 per unit park fee required ($\$300 \times 4 = \$1,200$).
- Water District exclusion required.
- Provide escrow for future widening of Taylor Road ($\$55.90/\text{LF} \times 132' = \$7,378.80$).
- Escrow 5' sidewalks along Taylor Road ($\$12.00/\text{LF} \times 132' = \$1,584.00$).
- Provide a solid buffer to the surrounding residential subdivisions.

RECOMMENDATION:

Staff recommends approval subject to:

1. Compliance with the Model Subdivision Rules.
2. Escrow of Taylor Road future widening and sidewalks.
3. Payment of park fees and sewer capital recovery fees.
4. No objection to have a 32' ROW instead of required 50' ROW.
5. No objection to subdivision being private.

Mrs. Marin asked what the minimum square foot requirements for single family homes is.

Mr. Acevedo stated that it was 6,000 sq. ft.

Mrs. Marin asked if they had enough room to park a vehicle in front of the property.

Mr. Acevedo stated that this subdivision is owned by one family.

Mrs. Marin stated that it could be owned by one family even if they have 4 lots but in the future they can sell and what is going to happen is there enough room because the streets seems to be narrow.

Mr. Tijerina stated that they had enough room because they are going to have off-street parking besides most of the existing streets were 32' curb to curb even if they have 50' of right-of-way.

Mr. Acevedo stated that most subdivisions have lots on both sides of the street and this particular subdivision will only have lots on one side of the street.

Mrs. Marin stated that the lots to the south were huge.

Mr. Acevedo mentioned that those residents came to the meeting when they found out that they were going to be single family residences but once they found out it was only 4 lots and that it would be private and gated they were okay with the proposal.

Mrs. Marin asked if they have restrictions.

Mr. Tijerina replied, "No". He added that there needs to be a home owners association in order to have deed restrictions. Mr. Tijerina stated that as per Chapter 98 Subdivision Via Veneto needs to have a plat note that indicates that is private. He mentioned that there were like five or six plat notes that need to be included in the plat as per our subdivision ordinance and the home owners would need to make sure they comply with. Mr. Tijerina

stated that normally this type of subdivision would not come before the P&Z Board and would be handled administratively by staff but since they are requesting a variance that is the reason why they have to be seen by P&Z and City Council.

Chairman Sheats asked if there were any plans for road extensions.

Mr. Tijerina replied, "No".

Chairman Sheats asked if the applicant or representative were present.

Mr. Mario Reyna from Melden & Hunt 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 subdivision plat as per staff's recommendations including the plat notes restrictions. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 12:55 p.m.

Ended: 1:09 p.m.

Item #5.0

**Tabled Rezoning: 1.56 acres out of Lot 161, John H. Shary Subdivision
& a part of portion of Lot 1, Praxedis Garza Subdivision
AO-I to R-1T
Socrates Garrigos**

Chairman Sheats entertained a motion to remove the item from the 'Table'. Mrs. Marisela Marin moved to remove the item from the Table. Dr. John Guerra seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the east side of Stewart Road ¼ mile south of U.S. Expressway 83.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: AO-1 – Agricultural Open Interim
W: AO-1 – Agricultural Open Interim
S: AO-1 – Agricultural Open Interim

EXISTING LAND USES: N: Single Family Residential
E: A drainage easement borders the property to the east
W: Agricultural
S: Agricultural
Site: Agricultural

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Dr. Garrigos is requesting that his 1.56 acre tract of land and portion of another lot be rezoned to Townhouse Residential (R1-T). The predominant land use in this area is long standing Large Lot Single Family (R1-A) and Single Family (R-1) residences. The Future Land Use Map reflects Lower Density Residential (LDA) as well; reflecting that R1-A or R-1 remains the best compatible use for the neighborhood. Rezoning the site R1-T would appear to have a detrimental devaluation to the surrounding Single Family neighborhoods.

RECOMMENDATION: Denial.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Kelley Vela from Melden & Hunt stated that they were with the applicant on this project. She added that they were actually going to be single family homes and the lots that are being presented were 6,000 sq.ft. She added that the only reason they were requesting R-1T was because the property itself leans towards longer lots which means that they are several lots that area 42' to 50' wide to get to the 6,000 sq. ft. and that was the reason why the applicant applied for the R-1T zone. Mrs. Vela stated that the homes that they were considering building were actually 2,000 sq.ft. which were larger than the homes on the subdivision on north side because most of those homes were 1,800 sq. ft. Mrs. Vela also mentioned that the applicants would also be living in that area and they had a cross access agreement with the land owner to the south of them so that both entrances would have only once access to Stewart Road.

Chairman Sheats asked Mrs. Vela if there was any lot smaller than 6,000 sq. ft.

Mrs. Vela replied, "No".

Chairman Sheats asked if they were going to comply with the R-1 setbacks as well because the site plan shows the houses right up to the property line.

Mrs. Vela stated that they were trying to but would property need to ask for some variances because the lots were a little narrow.

Mr. Tijerina stated that he understood why they were requesting an R-1T zone based on the layout submitted and the reason staff was recommending denial was because of the surrounding land uses including the recent rezoning to R-1A. He added that once the R-1T is approved if approved by the City Council staff could not make the applicant comply with the R-1 requirements basically because the R-1T calls for lesser setbacks.

Mrs. Vela asked that no action be taken on this item so that the applicant can request an R-1 zone.

Chairman Sheats stated that was not an option because that was the opportunity given to the applicant and he pursued the R-1T zone.

Dr. Socrates Garrigos stated that considering the market he feels that what he is proposing would help bring value to the surrounding neighborhoods because there some homes that have been on the market for over a year and have not been sold.

Mrs. Marin asked how many lots were they proposing because based on the layout submitted it shows about 46 homes.

Mrs. Vela stated that they were 39 lots in total.

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

In opposition, Mr. Ricardo Rodriguez stated that he was against the rezoning request because it would generate more traffic in that area and drainage issues.

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

Started: 12:55 p.m.

Ended: 1:09 p.m.

Item #6.0

**Rezoning: 7.30 acre portion of Lot 1, Praxedis Garza Subdivision
AO-I to R-1T
Socrates Garrigos**

Chairman Sheats entertained a motion to remove the item from the 'Table'. Mrs. Marisela Marin moved to remove the item from the Table. Dr. John Guerra seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the east side of Stewart Road ¼ mile south of U.S. Expressway 83.

SURROUNDING ZONES: AO-I – Agricultural Open Interim to all directions

EXISTING LAND USES: N: A drainage easement borders the property to the north
E: A drainage easement borders the property to the east
W: Agricultural
S: Agricultural
Site: Agricultural

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Dr. Garrigos is requesting that his 7.30 acre tract of land be rezoned to Townhouse Residential (R1-T). The predominant land use in this area is long standing Large Lot Single Family (R1-A) and Single Family (R-1) residences. The Future Land Use Map reflects Lower Density Residential (LDA) as well; reflecting that R1-A or R-

1 remains the best compatible use for the neighborhood. Rezoning the site R1-T would appear to have a detrimental devaluation to the surrounding Single Family neighborhoods.

RECOMMENDATION: Denial.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Kelley Vela from Melden & Hunt stated that they were with the applicant on this project. She added that they were actually going to be single family homes and the lots that are being presented were 6,000 sq.ft. She added that the only reason they were requesting R-1T was because the property itself leans towards longer lots which means that they are several lots that area 42' to 50' wide to get to the 6,000 sq. ft. and that was the reason why the applicant applied for the R-1T zone. Mrs. Vela stated that the homes that they were considering building were actually 2,000 sq.ft. which were larger than the homes on the subdivision on north side because most of those homes were 1,800 sq. ft. Mrs. Vela also mentioned that the applicants would also be living in that area and they had a cross access agreement with the land owner to the south of them so that both entrances would have only once access to Stewart Road.

Chairman Sheats asked Mrs. Vela if there was any lot smaller than 6,000 sq. ft.

Mrs. Vela replied, "No".

Chairman Sheats asked if they were going to comply with the R-1 setbacks as well because the site plan shows the houses right up to the property line.

Mrs. Vela stated that they were trying to but would property need to ask for some variances because the lots were a little narrow.

Mr. Tijerina stated that he understood why they were requesting an R-1T zone based on the layout submitted and the reason staff was recommending denial was because of the surrounding land uses including the recent rezoning to R-1A. He added that once the R-1T is approved if approved by the City Council staff could not make the applicant comply with the R-1 requirements basically because the R-1T calls for lesser setbacks.

Mrs. Vela asked that no action be taken on this item so that the applicant can request an R-1 zone.

Chairman Sheats stated that was not an option because that was the opportunity given to the applicant and he pursued the R-1T zone.

Dr. Socrates Garrigos stated that considering the market he feels that what he is proposing would help bring value to the surrounding neighborhoods because there some homes that have been on the market for over a year and have not been sold.

Mrs. Marin asked how many lots were they proposing because based on the layout submitted it shows about 46 homes.

Mrs. Vela stated that they were 39 lots in total.

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

In opposition, Mr. Ricardo Rodriguez stated that he was against the rezoning request because it would generate more traffic in that area and drainage issues.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to deny the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed 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. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 1:10 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission