

PLANNING AND ZONING COMMISSION
SEPTEMBER 25, 2013
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Rene A. Flores
Ned Sheats
Diana Izaguirre
Carlos Lopez
Abiel Flores
Mario Garza

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUEST PRESENT

Edgar Esquivel
Jonas Olvera
Guillermo Zamora
Irene Garza
Narce Flores
Yolanda Garza
Cita G. Jimenez
Flor Magallan
Carlos Garza
Eric Ybarra

CALL TO ORDER

Chairman Rene Flores called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Rene Flores asked if there was any citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR SEPTEMBER 9 & 11, 2013

Chairman Rene Flores asked if there were any corrections to the minutes for September 9 & 11, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:05 p.m.

ITEM #1.1

Rezoning:

**.50 acre tract of land more or less out
of the Northwest part of Lot 20-1,
West Addition to Sharyland Subdivision
C-3 to P
Guillermo Zamora**

Mr. Bobby Salinas went over the write-up stating that the site is located at the NE corner of Expressway 83 and Inspiration Road.

SURROUNDING ZONES:

N: Multi-Family Residential (R-3)
E: Mobile & Modular Home (R-4)

W: Agricultural Open Interim (AO-I)
S: General Business (C-3)

EXISTING LAND USE:

N: Single Family Home
E: Mobile Home & R.V. spaces
W: Open Acreage
S: Expressway 83
Site: The site currently has an existing church

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation.

Review Comments: On August 13, 2012, City Council created a new Zone which requires all public facilities such as City, County, Federal Buildings; Churches; and Schools to fall within this zone. The applicant is proposing to remodel the existing church facility. The applicant is requesting to change the zone from C-3 to P in order to be in compliance with the new Public Zone ordinance. Notices were sent to property owners within 200’ of the site. Staff has not received comments for or against this proposal. Staff recommended approval.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Pastor Guillermo Zamora whose address is 916 Inspiration Road was present to address any questions from the Board.

Chairman Rene Flores stated that this was just a formality that needed to be done to the property in order to be in compliance with the new Public Zone.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the request as per staff’s recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.
Ended: 5:29 p.m.

ITEM #1.2

**Rezoning: 1 acre of land out of the
N. ½ of Lots 15-7 & 15-8,
West Addition to Sharyland Subdivision
(AKA Lot 13, Melba Carter Subdivision)
R-1 to P
Jonas Olvera**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately 900’ east of Conway Blvd. along the north side of Melba Carter.

SURROUNDING ZONES: The surrounding zones are Agricultural Open Permanent (AO-P) to the north and Single Family Residential to all other directions.

EXISTING LAND USES:

- N: Magic Valley Concrete
- E: Single Family Home
- W: Single Family Home
- S: Single Family Home
- Site: The site currently has an existing open pavilion

FLUM: The Future Land Use Map reflects an Industrial (I) designation.

Review Comments: On August 13, 2012, City council created a new Zone which requires all public facilities such as City, County, Federal Buildings; Churches; and Schools to fall within this zone. The applicant has been using the (20' x 50') open pavilion as an 'open' church gathering area. On 7-24-13, Staff sent the owner a letter notifying them of the need to rezone to a Public Zone.

The applicant is requesting to change the zone from R-1 to P in order to be in compliance with the new Public Zone ordinance. Notices were sent to property owners within 200' of the site. Staff did receive 2 complaints regarding the proposal from one of the neighbors stating that the area was primarily residential. Staff does note that there are currently several residences in the area, however based on the FLUM this area will slowly be converted into more of a commercial/industrial nature. Staff recommended approval.

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

A show of hands indicated that they were approximately 7 residents in opposition to this request.

Mrs. Yolanda Garza who resides in front of the proposed site stated that really they didn't want a church there because it was all residential. She added that she has lived there for the past 50 years. She mentioned that her niece had more information.

Chairman Rene Flores asked how long?

Mrs. Garza replied, "50 years".

Chairman Rene Flores asked Mrs. Garza how long has this lot being used for church gatherings.

Mrs. Garza stated that her daughter had a paper that the church people distributed with more information.

Chairman Rene Flores asked Mrs. Garza if she knew the new owner of the property.

Mrs. Garza replied, "Yes".

Mrs. Cita G. Jimenez stated that she resides on Lot 14. She mentioned that she had a brother with several health issues like anxiety attacks, was mentally retarded and had other complications.

Chairman Rene Flores asked how this rezoning would affect her brother.

Mrs. Jimenez stated that the loud music makes him get anxiety attacks.

Chairman Rene Flores asked what type of noise she was referring too.

Mrs. Jimenez stated that there was a lot of banging of music and since his brother is bedridden and his room was towards the back of the house he hears all the noise.

Chairman Rene Flores asked at what time they would hear the music.

Mrs. Jimenez stated that it was about 7 o'clock.

Chairman Rene Flores asked if it was in the morning or evening.

Mrs. Jimenez replied, "In the evening". She added that with all the noise her brother won't go to sleep and starts screaming which makes it hard for her since she takes care of him and she has to work the following day at school.

Chairman Rene Flores asked for how long these people have had church gatherings and how long she's been hearing music coming from the church.

Mrs. Jimenez replied, "for the past 2 months".

Mrs. Irene Garza stated that she lived with her mom across the street from the proposed site. She mentioned that if the applicant's intentions were to construct a church why he didn't look for a commercial area instead of existing residential area. She stated that her concerns were for the noise and the safety issue because the street was not very wide to fit several cars through it.

Chairman Rene Flores asked Mrs. Garza about how many cars would she say go to this church.

Mrs. Garza stated that she really would not know because she didn't attend the church.

Chairman Rene Flores asked Mrs. Garza if she remembered how many vehicles were at the gathering since she lived right across the street from the site.

Mrs. Garza replied, "Approximately 20 to 30 cars". She mentioned that she really couldn't tell exactly because she had worked that day but when she got out of work she did see quite a few cars.

Chairman Rene Flores asked how late they hear the music.

Mrs. Garza stated that it was in the evening like from 6:30 p.m. to 9:00 p.m.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Jonas Olvera apologized for being a little nervous since it was his first time attending this type of meeting and for the concerns that the neighborhood were addressing. He added that the reason they wanted to build a church was because they wanted more people to come and get saved by God which would be the most important reason. Mr. Olvera stated that he admits that sometimes they make a little bit of noise because they meet from 6:30 p.m. to almost 9:00 p.m. on Sunday's at his house. He added that they wanted to build a church there for a good purpose and if it was God's will, it will happen. If not, they will respect it.

Chairman Rene Flores asked Mr. Olvera how long he has owned this property.

Mr. Olvera stated that his sister and he bought this property about 6 months ago. He mentioned that it used to be a bar.

Chairman Rene Flores asked Mr. Olvera if he did the actual preaching of the gospel.

Mr. Olvera stated that his Pastor was Edgar Esquivel. He added that in the future their plans are to donate the lot to the church.

Chairman Rene Flores asked how many people attend the church.

Mr. Olvera replied, "About 40 people".

Chairman Rene Flores asked how often they met.

Mr. Olvera stated that they meet on Thursdays, from 7:30 p.m. to 9:00 p.m. and Sundays from 6:30 p.m. to 9:00 p.m.

Chairman Rene Flores asked if they had a live band.

Mr. Olvera replied, "Yes". He also stated that they are planning on building something with walls because of the rain season and would limit the singing without a microphone and speakers.

Mr. Abiel Flores asked if there was a law or ordinance that prohibits P&Z to deny any permits for a church in any designated zone.

Mr. Tijerina stated that this was one of the reasons that the City Council had adopted that P Zone which is for churches, schools, City, County, and Federal Buildings.

After further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to 'Table' the request so that the applicant has an opportunity to talk to the neighbors and provide a site plan of the church he is proposing to construct. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:30 p.m.

Ended: 5:39 p.m.

ITEM #1.3

Conditional Use Permit:

**Storage Units for Lease
on property Zoned AO-I
2425 E. Griffin Parkway
Lot 2, 3A Subdivision
AO-I
Move-It Self Storage
c/o Eric Ybarra**

Mr. Bobby Salinas went over the write up stating that the site is ¼ west of Taylor Road along the north side of Griffin Parkway. Move-It Self Storage currently exists on the site. A CUP for the storage facility was approved on 7-25-12 for a period of 1 year.

There are 7 different buildings that house approximately 559 storage units, and the main office. There is also an area located on the northern boundary utilized for storing R.V.s, boats, etc.

A renewal of the CUP was needed, however the applicant also wanted to construct a new 24' x 40' metal carport in order to offer covered car/boat/R.V. storage spaces, instead of having it open in the elements. Since they are proposing this new addition to the storage facility, a new CUP is in order.

- Days/Hours of Operation: Monday-Friday 9 a.m. to 6 p.m., Saturday 9 a.m. to 1 p.m. and closed on Sundays.
- Staff: 1 employee
- Parking: In reviewing the parking, there are a total of 9 parking spaces. The office area is 988 sq. ft. The number of spaces required for the site is 5 spaces, exceeding code by 4.

Review Comments: The storage facility has been in operation for several years, where no complaints have been filed with Staff. Since continuation of the storage use is proposed, staff can expect the same (quiet) environment. Staff has no objection to the proposed 24' x 40' carport. Staff recommended approval for a 3 year period in order to assess the operation.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Representing Move-It Self Storage, Mr. Carlos Garza, President of AEC Engineering was present to address any questions from the Board. Mr. Garza stated that his client had purchased the property about a year ago and since then, has cleaned up the property by removing the existing 18-wheelers that used to be in the property. He added that his client wanted to add better service to his customers by providing areas with carports for RV's.

Mr. Ned Sheats asked if they expand their operation in the future would they need to reapply for a conditional use permit.

Mr. Salinas replied, "Yes".

Mr. Ned Sheats asked Mr. Garza why only a 960 sq. ft.

Mr. Garza replied, "Testing the waters".

Mr. Ned Sheats asked how many RV's he would be able to fit.

Mr. Garza replied, "18 RV's".

Mr. Ned Sheats mentioned that it would be difficult to fit 18 RV's in 960 sq. ft.

Mr. Salinas stated that it was actually 40' x 217'.

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

Started: 5:40 p.m.

Ended: 5:50 p.m.

ITEM #2.0

Pre-Final Plat Approval:

Tierra Linda Subdivision

A 5.02 acre tract of land out of

Lot 26-1, West Addition to Sharyland Subdivision

R-2

Developer: Francisco Ruiz

Engineer: Vanguard Engineering

Mr. Bobby Salinas went over the write-up stating that the proposed subdivision is located ¼ mile north of Griffin Parkway along the east side of Inspiration Road. This acreage is located just north of the Hidalgo Irrigation District (Edinburg Main Canal). The subdivision consists of 10 lots zoned R-2, Duplex-Fourplex Residential. Each lot may permit up to 4 apartments/condos. The developer is requesting two variances from our subdivision code.

VARIANCE #1: The developer is requesting a 45' ROW for the proposed street located along the south side of the subdivision. Our Subdivision code requires a minimum of 50' of ROW for streets. The developer would still be constructing the City's minimum 32' B-B paved street, however we would have 5' less of ROW along the south side of the street. Staff does not object to the variance since the street will primarily serve only the residents of Tierra Linda, the street pavement width will be meeting the City's requirement of 32' B-B, and there will be no other users to the south.

VARIANCE #2: The developer is also requesting a variance to not dedicate public alleys in the rear of the apartment lots. Due to the limited depth of the property, the developer is proposing a 24' maneuvering lane with 18' parking stalls in the rear of each lot. The 24' maneuvering lane will be within a roadway access and utility easement that will act as an alley in the rear of the property. Staff also does not object to the maneuvering lane in lieu of a dedicated alley, since this is a unique tract with the abutting canal to the south and the maneuvering lane is essentially an alley.

WATER

New 8" water lines will be extended east from the existing 12" water line located along the east side of Inspiration Road, and then looped to the existing 8" line located on Gabriel Street. Hydrants are shown pursuant to the direction of the Fire Marshal.

SEWER

New 8" sewer lines will be extended from an existing 8" sewer line located on Gabriel Street to serve the entire subdivision. The Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. 40 apartments X \$140.00= \$5,600.

STREETS & STORM DRAINAGE

The subdivision abuts Inspiration Rd. which is a 100' ROW, future 65' B-B street according to the MPO Thoroughfare Plan. The widening costs for Inspiration will be required in the amount of \$12,871.67. The developer is also proposing to install a 45' ROW, 32' B-B street along the south side of the subdivision. The developer will also be installing the minimum 24' maneuvering lane along the north side of the lots. The maneuvering lane will be the responsibility of each property owner. As for storm drainage, the developer is proposing to install 24" and 30" R.C.P. lines along the new street and maneuvering lane. The storm system will then connect into the existing Inspiration Road storm system.

OTHER COMMENTS

- \$300.00/Housing Unit Equivalent for park fees required in the amount of \$12,000
- Water District exclusion required.
- This property falls within Taurus Estates, No. 2's reimbursement zone which requires \$698.63 for the 5.02 acre tract.
- A street light plan is required for the lighting along Inspiration Road and Thornwood Drive.

RECOMMENDATION

Staff recommends approval subject to:

1. No objection to the variances requested by the developer;
2. Payment of the sewer capital recovery, reimbursement & park fees;
3. Escrow the widening costs for Inspiration Rd;
4. Provide the water district exclusion;
5. Comply with any other format findings.

Chairman Rene Flores asked if there was any input from the Board.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

Mr. Ned Sheats asked what type of buffering were they proposing.

Mr. Salinas stated that there is existing chain link fences to the north.

Mr. Ned Sheats asked if they were proposing to have individual trash containers.

Mr. Salinas stated that he was not sure if they were going to have single trash containers or 1 big container per 2 apartments.

Mr. Ned Sheats stated that he would like these questions answered before he approves anything especially because P&Z would not be seeing the site plan since it was less than 5 apartments.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to 'Table' the item. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM#3.0
OTHER BUSINESS**

Mr. Bobby Salinas presented Mr. Sheats with a Certificate of Appreciation for his perfect attendance to the Planning & Zoning Commission from 2005 to present.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:51 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission