

**ZONING BOARD OF ADJUSTMENTS
APRIL 11, 2012
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
Kathy Olivarez	1 VACANCY	Bobby Salinas	Miguel Angel Trevino
Raul Sesin		Sergio Zavala	Miguel Trevino
Danny Tijerina		Annette Zavala	Edgar Villarreal
Jorge Garcia			Carlos M. Garza
Keri Amen			Carlos F. Garza
Jon Lown			

CALL TO ORDER

Vice-Chair Raul Sesin called the meeting to order at 4:00 p.m.

CITIZENS PARTICIPATION

Vice-Chair Sesin asked if there was anyone in the audience that had anything to present or express that was not on the agenda. The audience remained un-responsive.

APPROVAL OF MINUTES FOR MARCH 21, 2012

Having Arrived, Chairwoman Olivarez asked if there were any corrections to the minutes. There being none, Mr. Garcia moved to approve the minutes as presented. Mr. Tijerina seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO a) TO HAVE A 51' SETBACK TO INTERNATIONAL BLVD. INSTEAD OF THE 70' REQUIRED BY PLAT; AND b) TO HAVE A 40' SETBACK TO INDUSTRIAL WAY INSTEAD OF THE 70' REQUIRED BY PLAT; AND c) TO HAVE A 25' SETBACK TO LOS EBANOS INSTEAD OF THE 40' REQUIRED BY PLAT, AT 107 INTERNATIONAL BLVD., BEING LOT 2, MISSION BUSINESS PARK SUBDIVISION, AS REQUESTED BY MR. MIGUEL TREVINO-C/O EDGAR VILLARREAL

Mr. Salinas mentioned that the site is located at the NE corner of Industrial Way and International Blvd. The irregular lot measured 450' along International Blvd., and 576' along Industrial Way, 363.84' plus an additional notch along Los Ebanos on the SE corner of the lot. The site is 6.53 acres in size. Plat notes 5 & 6 required a minimum 70' front setback along Industrial Way and International Blvd.; and a 40' setback along Los

Ebanos. The applicant is proposing a new self-storage business along the east side of the property and new industrial suites along the west side of the lot.

Variance (a): The applicant is asking for a 51' setback along International Blvd., instead of the plat required 70'. Though the Zoning Code allows for a minimum of 40' along Major thoroughfare, it states that the structure should also be "*in line with the majority setback of existing structures in the block face, whichever is greater.*" Notice that the proposed buildings to the north and south are at 70', however the middle buildings are at 51'. The 70' setback could be met by shifting the proposed building to the east, thus complying with the plat requirements and keeping the alignment of the structures without losing building square footage.

Variance (b): The applicant is seeking a 40' setback along Industrial Way, instead of the plat required 70'. It is clear that the "front" of the proposed business will not face south and primary access will be along International Blvd., leaving the rear of the buildings facing Industrial Way. The Zoning Code requires the front setback along major thoroughfares, i.e. Shary Rd., Griffin Parkway, ext., to be 40'; the applicant is proposing the *rear* of the building to be at 40' on a street that's not even a collector-effect because Industrial Way is no longer an E-W Collector due to intervening residential developments to the west. Staff would not object to the 40' setback so long as there is a landscape buffer with 7' tall 3" caliper shade trees located at 30' intervals along Industrial Way, to aid in screening the rear of the buildings.

Variance (c): The applicant is requesting a 25' setback along Los Ebanos, instead of the 40' required by plat. The general Zoning Code states: "*On lots having double frontage, the required front yard shall be provided on both streets, unless one of the front sides is fenced-in and is not accessible from that street. The fenced-in front building setback in such cases shall be as follows when the ROW is consistent to the Mission master thoroughfare plan: Major thoroughfare: 25 feet.*" The applicant is proposing to fence-in the frontage with no access to Los Ebanos, thus would be able to have a reduced setback of 25' along Los Ebanos.

Staff Recommendation: Variance (a): Denial Variance (b): Since the applicant is meeting the minimum front setback requirement of 40' for a rear of a building and plat note 5 states that the 70' setback requirement would be for a "*front*" setback, staff does not object to the variance with the condition of planting shade trees at 30' intervals to aid in screening the building, to be perpetually maintained by the owner recorded document. Variance (c): Approval

Chairwoman Olivarez asked if there was any public opposition to the request.

The audience remained un-responsive.

Chairwoman Olivarez asked if the applicant or representative were present

Mr. Trevino the applicant was present to answer any questions the board might have.

Mr. Sesin mentioned that he agreed with staff recommendations.

Mr. Tijerina mentioned that he had reviewed the site plan and that he had no objection to the recommendation as presented by staff.

There being no further discussion, Chairwoman Olivarez entertained a motion. Mr. Tijerina moved to approve the variance request as recommended by staff Mr. Sesin seconded the motion. Upon a called vote, the motion passed unanimously.

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO (RE) INSTALL A BILLBOARD SIGN (OUTDOOR ADVERTISING) TO A LOCATION WITHIN THE 1800' RADIUS FROM ANOTHER SUCH BILLBOARD SIGN, LOT 1, CIMARRON CROSSING PHASE I, AS REQUESTED BY M.P.A. BILLBOARDS

Mr. Salinas mentioned that the previous billboard was located at the SW corner of Expressway and Shary Rd. The old convenience store has been demolished, and it seems that the old billboard has been removed due to the new CVS Pharmacy being under construction. The City's Ordinance prohibits billboards being within 1800' from each other regardless if there is a billboard on the opposite side of the Expressway. Viewing the City's exhibit, there are 2 (still-standing) billboards that are factored into the applicant's proposed location: A) The billboard to the east (along the Expressway @ Kohl's alignment) was within 1800' of the removed 'grandfathered' billboard. The proposed location to the west would be beyond the 1800' of the eastern billboard the location is within a landscaped island within the paved parking lot of an upscale commercial complex (w/suites). B) The billboard north of the Expressway near Home Depot is well within the 1800' radius, i.e., will be 1190' away; thus the request is for a 610' variance.

The Sign Ordinance is an extensive document that was worked on for many months by a subcommittee of civic leaders, concerned citizens, the P & Z Commission, and the City Council. FYI, the intent of the 1800' billboard-to-billboard interval code is to not have the City's major commercial corridor appear congested with outdoor advertising. Staff Recommendation: Denial

any opportunity the City has to phase in compliance to our Sign Ordinance should be undertaken; this is one of those opportunities.

Chairwoman Olivarez asked if there was any public opposition to the request.

The audience remained un-responsive.

Chairwoman Olivarez asked if the applicant or representative were present.

Mr. Garza read a prepared statement see Exhibit A.

Mr. Sesin asked staff when the Ordinance was developed or amended; what was the reasoning for that update; it was meant to minimize the billboard from being right across each other on the Expressway not necessarily on a secondary road like Shary Rd.

Mr. Zavala replied that the intent of the ordinance was to minimize all billboards along the Expressway A sub-committee designed the original sign ordinance and it took at least 10 months or more. The original sign ordinance regulated billboard intervals only if on the same side of the Expressway. When the Lamar Weingarten Billboard hearing matter came in, what stemmed out from that was an amendment to factor *both* sides of the Expressway which is the current code as follows: *Off-premises billboards shall not be erected within 1800' ft. of another off-premises sign. For the purpose of this regulation, the 1800' ft. radius will factor in, and encompass the opposite side of the expressway.*

Mr. Sesin mentioned that he agreed with the intent and would be more inclined into saying *NO* if the billboard was right there in the intersection of Shary Rd. and Expressway. If you are driving east or west from McAllen, people don't notice the billboard. The City of Mission does want to cut down on billboards, but since it's going to be placed in that location, he had no objection to it.

Mr. Tijerina mentioned that the section also had the following paragraph *Billboard sign: Billboard signs shall be restricted to expressway corridor as outlined in each zoning district. No off-premise signs shall be permitted on any commercial corridor and will only be permitted off the expressway, and to a lesser degree, along the secondary arterial corridors.* He also traveled that area, and mentioned that after reading that section, Mr. Tijerina would make a motion for the variance request.

There being no further discussion, Chairwoman Olivarez entertained a motion. Mr. Tijerina moved to approve the variance request. Mr. Sesin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was no other business

**ITEM #3.0
ADJOURNMENT**

There being no further business, Chairwoman Olivarez entertained a motion to adjourn. Mr. Tijerina moved to adjourn. Mr. Sesin seconded the motion. Upon a vote, the motion passed unanimously at 5:07 p.m.

Kathy Olivarez, Chairwoman
Zoning Board of Adjustments