

**PLANNING AND ZONING COMMISSION
APRIL 28, 2010
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Rene Flores
Jose G. Vela
Mario Garza
Carlos Lopez

P&Z ABSENT

Luann Caudle

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Jaime De La Garza
Francis Garza
Paul Rodriguez
Rene De La Cruz
Idalia Gonzalez
Javier Contreras
Rene Barrera
Mrs. De La Garza

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:05 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR APRIL 14, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections. Mr. Vela moved to approve the minutes of April 14, 2010, as presented. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:08 p.m.

Item# 1.1

Rezoning:

Lot 1, Renell Subdivision

AO-I to C-1

Jaime De La Garza

(Centro Familiar Cristiano "El Buen Pastor")

Mr. Salinas briefed over the write-up stating that the subject site is located 850' north of Mile 2 North along the east side of Conway (SH 107). The surrounding zones include: Agricultural Open Interim (AO-I) to the north, east and west, and both (C-3) General Business and (R1-T) Townhouse Residential) to the south. The surrounding land uses consist of a funeral home and townhouses to the south, a vacant gasoline station to the west, a single-family home and open acreage to the east and a hardware store and open acreage to the north. The subject site currently has a large assembly area proposed to be used as a church. The Future Land Use Map reflects a General Commercial (GC)

designation along the Conway frontage. The subject property should be changed to C-1 due to FLUM compliance, frontage to a divided major thoroughfare, some adjoiners are commercial users, and the subject property has a history of commercial/institutional land uses. Staff recommended 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.

The applicant, Mr. Jaime De La Garza was present to address any questions that the Board might have.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the C-1 rezoning as recommended by staff. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously

Started: 5:08 p.m.

Ended: 5:19 p.m.

Item# 1.2

Rezoning:

**A 2.69 acre tract of land out of Lot 29-7,
West Addition to Sharyland Subdivision
AO-I to R-3
Francis Garcia**

Mr. Salinas briefed over the write-up stating that the subject site is located 850' east of Conway (SH 107) along the north side of Mile 2 North. The surrounding zones include: Agricultural Open Interim (AO-I) to the north, east and west, and (R-1) Single Family Residential to the south. The existing land uses include: Open Acreage to the north, Valley Paving, Inc. (Paving & Utility Company) to the east, Single Family Homes (in a colonia setting) to the west, and Mims Elementary School to the south. The site currently has a single-family home with open acreage to the north. The Future Land Use Map reflects a Low Density (LD) designation.

Though the FLUM shows an LD designation, staff noted a mixture of uses, which range from Moderate Density Residential to Heavy Commercial. Other features, either existing or certainly anticipated, include the following:

1. Adjoins 2 Mile Road which is a **future major thoroughfare** which currently mandates a minimum **100' ROW with an ultimate paving**

width of (approx) 65'; the street is currently being widened to a better width (though the ultimate will be forthcoming). With a widened street, the flow of **traffic should increase** and be efficiently managed with proper striping/signage. This type of street is usually **not conducive to SF residential settings but is more common to front either commercial users or apartments**, too.

2. The site is adjacent to an existing **heavy commercial user** that has existed on the property for at least 30 years (Valley Paving) thus staff expects this user to remain (for the foreseeable future);
3. **Mims Elementary School** is across the street; this generates heavy traffic during the school year and events, too.
4. **Veterans High School** is to the SE; this traffic is also heavy during the school year and their own events (sports, etc.)
5. There is a **daycare** across the street too, which only accentuates the mixture of uses.

After assessing the plethora of mixed features above, staff recommended approval of R-3 (and note that platting with P&Z Site Plan Approval would be required prior to any development).

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

In opposition, Mr. Rene De La Cruz who resides at 3308 N. Conway stated that he and his family have lived in the area for over 8 years now and experienced little positive growth. He added that the area dictates little if any construction with the many abandoned homes the people don't want to live in the area. Mr. De La Cruz mentioned that they didn't need more apartments in the area but they do need to deal with the existing ones. Most of the citizens in the surrounding areas are against the R-3 rezoning due to the fact that they have too many apartments in the area that are causing major negativity in market values and real estate. He added that a lot of graffiti and vandalism has been noticed. He stands before the Board to ask not to add more to the existing problem and to deny the rezoning request by Francis Garcia. Mr. De La Cruz submitted a petition with signatures from property owners that were against the request.

Chairman Sheats asked if the names and signatures in the petition were from adjacent properties.

Mr. De La Cruz mentioned that they were from property owners that live on Black Oak and also from Patriot Estates, which was next to Valley Paving. He added that there were some pictures of the problems they are currently having.

Chairman Sheats stated that he didn't have a copy of the pictures but asked Mr. De La Cruz to please point out what apartments was he referring on his comment made earlier.

Mr. De La Cruz pointed out to the Pueblo De Paz Apartments. He stated that these apartments have caused major chaos in the area for the past 5-6 years all this area has not developed or picked up like it should and they didn't need more apartments. He mentioned that he didn't know if staff was planning to flood the area with apartments. He imagined that eventually they would want to put apartments behind his property.

Chairman Sheats stated that considering where the property is located between two major streets, he would not say that it would be impossible to have more apartments because in his opinion that area was not the best place for single family dwellings. He added that maybe people don't want to develop in an area so close to 2 major highways. He asked how many signatures were on the petition and if this petition had been submitted to staff prior to the meeting.

Mr. De La Cruz stated that he had just got notified a day before the meeting and within the hour he went around the neighborhood to get the signatures.

Chairman Sheats stated that staff didn't really get a chance to find out how many signatures were within the radius.

Mr. De La Cruz stated that the petition had 18 signatures. He added that the pictures on the presentation were an example of the graffiti caused by the existing apartments.

Chairman Sheats asked if Mr. De La Cruz if he was sure of that.

Mr. De La Cruz replied, "He was positive of that." He stated that he had his house graffitied on one side, which he had cleaned already.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Rene Barrera mentioned that one of the reasons why they didn't go for a single family setting was because the surrounding areas were highly industrialized commercial use for example valley paving. Mr. Barrera assured the Board that these apartments would not be in Section 8. Chairman Sheats asked if he could define what Section 8 apartments were.

Mr. Barrera stated that Section 8 apartments were low-income housing. He added that the applicant would be developing this property on her own and she

was not planning to sell lots; this would be a 1-lot subdivision. Mr. Barrera stated that they would have architectural controls, stucco type construction it would be first class construction. He added that it would be \$700 and higher per unit and she was proposing to have a total of 22 units.

Chairman Sheats stated that the only item before the Board was the zoning.

Mr. Barrera stated that he understood but wanted to brief the Board on the type of development Mrs. Garcia was proposing for this area.

Chairman Sheats stated that he appreciated that because the Board also needed to take into consideration the concerns of the residents in Black Oak and other areas.

Mr. Barrera asked staff if they had received any formal complaints regarding this rezoning.

Chairman Sheats replied that he was not aware of any complaints the reason the petition was a surprise for the Board and staff.

Mr. Barrera stated that the applicant had her home on this property and she would not like these types of issues to happen to her property. He added that she was proposing to have a Home Owners Association for this development.

Mr. Salinas stated that 6 of 18 signatures from the petition submitted were within the 200 radius.

Mrs. Marin asked 6 out of how many notices.

Mr. Salinas stated that they were 6 signatures out of the 27 notices mailed out.

Mrs. Marin stated that they were 6 signatures so where did the other signatures come from?

Mr. De La Cruz stated that he just knocked on the doors of the residents to get the signatures.

Mrs. Marin questioned why didn't the City didn't send letters to the other people that signed the petition.

Mr. Salinas stated that the City was only required to send notices to the residents that live within 200' from the proposed site.

Mr. Barrera stated that he had a letter of support from the neighbor directly to the west of the property Mr. Arturo Espino.

Mrs. Marin asked if the letter had been submitted to staff already.

Mr. Barrera apologized for not submitting the letter earlier to staff.

Mrs. Marin suggested that the item be tabled to find out the opinion of the rest of the people that live in the area.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to 'Table' the item. Mr. Flores seconded the motion. Upon a vote the motion passed unanimously

Started: 5:19 p.m.

Ended: 5:19 p.m.

Item# 1.3

Conditional Use Permit:

**To Move a Wood Frame Home Onto
Property Zoned Mobile Home and
Modular District
1801 W. 26th Street
Lot 12, El Valle Subdivision Ph. II
R-4
Karla Flores/San Juanita Mercado**

Mr. Salinas stated that no action was needed for this item since the applicant had withdrawn the request via e-mail.

Started: 5:20 p.m.

Ended: 5:24 p.m.

Item # 2.0

Single Lot Variance:

**A 5.00 ac. tract of land out of Lot 31-1,
West Addition to Sharyland Subdivision
AO-I
Gonzalo Arevalo, Jr.**

Mr. Salinas briefed over the write-up stating that the property is located 2,000' south of Mile 3 along the east side of Inspiration Road. The property measures 162.20' x 1,315.58'. The applicant wishes to construct a new home on the subject property.

There are two 8" water lines available to provide water service, one on the west side of Inspiration Road and the other approximately 270' north of the subject

property. In order to meet code, an 8" waterline extension will be required and must be stubbed for future connection southward. The Fire Marshal has reviewed the subject property and will not require any fire hydrants since there is an existing hydrant within 500' of the property.

There is an existing 8" sanitary sewer line running along the west side of Inspiration Road. The applicant would need to extend an 8" sewer line to the east side of Inspiration Road to run to the south property line.

The property fronts Inspiration Road, a future 100' ROW/65' B/B paved street. The MPO Thoroughfare Plan requires a minimum of 50' ROW from the centerline of the street. An additional 20' of ROW is required in order to meet MPO requirements. The street widening for Inspiration is also required to be escrowed at \$78.73 per linear foot, which equates to \$12,769.33 (\$78.73 x 162.20' l.f.). There do exist streetlights along Inspiration for this area.

Mr. Salinas mentioned that he forgot to include a requirement on the write-up which would be that master drainage plan in the area called for a ditch to be required on the eastern area that would be approximately a 100' x 162' drainage easement. He added this is part of the master drainage plan where storm drainage would run from 3 Mile to the Mission lateral.

Other requirements include: Park fees – since there was an existing home on the property; park fees will not be required, capital sewer recovery fee - \$200; escrow 5' sidewalks - \$12.00/l.f. x 150.20' (150.20' -12' driveway) = \$1,802.40; and exclude from the Water District.

Staff did not object to the single lot variance subject to: 1) Dedication of 20' additional ROW along Inspiration Road, 2) Escrow – 5' sidewalks and street widening costs, 3) install the 8" waterline extension to be stubbed to the southern perimeter, 4) install the 8" sewer line to the east side of Inspiration Road to be stubbed to the southern perimeter, 5) payment of capital sewer recovery fee, 6) provide proof of exclusion from the water district, and 7) dedicate 100' drainage easement on perimeter east to meet Drainage Master Plan.

Chairman Sheats asked if there was any input from the Board Members in regards to the request.

There was none.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the single lot variance as recommended by staff. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:34 p.m.

Item # 3.0

Site Plan Approval:

**Construction of 28 Apartments
1.173 ac. tract of land out of Lot 25-12,
West Addition to Sharyland Subdivision
R-3
Manuel Jr. & Beatriz Mata**

Mr. Salinas briefed over the write-up stating that the 198' x 276.13' property is located 500' west of Stewart Road along the south side of 24th Street. The property was approved for a single lot variance on 3-24-10 in order to develop the property. During the single lot variance, the park fees and capital sewer recovery fees were calculated using the 28-apartment figure. The applicant wishes to build 3-two story complexes with 2 containing 10 apartments and 1 containing 8 apartments, which equals 28 (2 bedroom apartments) overall. Each apartment will be approximately 1,000 sq. ft. and will be divided by a minimum of 1 hr. rated firewalls. A fire hydrant is proposed along the SW area of the property as per direction of the Fire Marshal. An 8" waterline is also proposed to provide an internal loop for the water system.

The minimum required setbacks based on zoning are: Front -30', Rear - 15', and Sides - 6'. The proposal is exceeding all setback requirements, thus compliant to code. The 28 units are calculated to require 56 parking spaces based on the 2:1 parking ratio. The applicant is proposing 56 parking spaces meeting the minimum requirements. The applicant is meeting the ten percent landscaping requirement by proposing landscaping along the 24th Street frontage and has also included landscape areas between and in front of each building. A combination of trees, plants, and shrubs are also being proposed along the perimeter of each complex. A minimum of 7 - 3" caliper shade trees are required to be planted within frontage area and within the landscape areas.

Mr. Salinas mentioned that they needed to comply with the perpetual maintenance of the landscaping. He added that he had talked to the applicant regarding the perpetual maintenance of the landscaping and he agreed to comply. Mr. Salinas added that they were also proposing a 6' opaque buffer along the perimeter of the property. He stated that in the write-up he

mentioned that the applicant was proposing to have two-gated entrance but after further review the applicant has decided not to gate the entrances.

Other requirements include: Payment of all fees and additional requirements for the single lot variance (capital sewer recovery, park fees, install 1 fire hydrant along 24th street as per the direction of the Fire Marshal, 5' sidewalks along 24th Street, etc.), public works is requiring two 6" sewer services to serve the 28 apartments, and a drainage plan has been submitted for the approval by the City Engineer. Staff recommended approval subject to: 1) meet all requirements and pay all fees required during the single lot variance, 2) provide 1 additional 6' sewer service to serve the apartments, and 3) drainage plan must be approved by the City Engineer.

Chairman Sheats asked Mr. Salinas if the applicant was sure he was not going to gate the entrances in the future.

Mr. Salinas stated that the applicant had mentioned that he would not be gating the entrances at all but if in the future he changed his mind he would need to submit a new layout to staff and P&Z.

Chairman Sheats asked if there was any input from the Board Members in regards to the request. There was none.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Started: 5:34 p.m.

Ended: 5:44 p.m.

Item # 4.0

Discussion and Action to Consider Officially Abandoning Cummings Avenue as it Lies Between Block 148 and 149, Mission Original Townsite

Mr. Salinas briefed over the write-up stating that last year, the City council desired to hold public hearings on issues involving any abandonment of public ROWs. After conferring with the City Attorney on processing this new policy, the public notification procedures (similar to rezonings) have been activated, i.e., notice to owners on a 200' radius plus publication of such 'ROW abandonment' in the City's newspaper.

The 60' x 163' area to be abandoned lies 320' west of Perkins Avenue along the south side of Catholic War Veterans Blvd. between Block 148 and 149. Staff has received continued inquiries from various property owners regarding the ROW. Staff was under the assumption that the ROW had previously been abandoned, however upon further investigation staff discovered that the ROW had not been formally abandoned. In order to reconcile our records, a formal abandonment of the ROW is in order. The area had never been used as a public street and there are no public utilities within the ROW area. Staff did not object to the official abandonment.

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

There was no response.

Mr. Javier Contreras was present in favor of officially abandoning and closing Cummings Avenue.

Chairman Sheats asked if this street went anywhere.

Mr. Salinas replied, "No".

There being no discussion, Chairman Sheats entertained a motion. Mr. Vela moved to approve the abandonment as per staff's recommendation. Mr. Flores seconded the motion. Upon a vote the motion passed unanimously.

5.0 OTHER BUSINESS

There was no other business.

6.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mrs. Marin seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:45 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission