

**PLANNING AND ZONING COMMISSION**  
**JULY 11, 2012**  
**CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Rene Flores  
Ned Sheats  
Carlos Lopez  
Abiel Flores  
Diana Izaguirre

**P&Z ABSENT**

Marisela Marin  
Mario Garza

**STAFF PRESENT**

Bobby Salinas  
Patricio Martinez  
Susana De Luna

**GUESTS PRESENT**

Arnoldo Cadena  
Yessica Pedraza  
Jason Billman  
Alfonso Quintanilla, P.E.

**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 upon inquiry.

**APPROVAL OF MINUTES FOR JUNE 27, 2012**

Chairman Rene Flores asked if there were any corrections to the minutes for June 27, 2012. There being no corrections, Mr. Ned Sheats moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:04 p.m.**

**ITEM # 1.1**

**Rezoning:**

**A 1.00 acre tract out of Lot 205,  
John H. Shary Subdivision  
AO-I to C-3  
Perla McDonald**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SE corner of E. 6<sup>th</sup> Street and Shary Road. The surrounding zones include: AO-I (Agricultural Open Interim) to the north and south, R-1 (Single Family Residential) to the east, and C-4 (Heavy Commercial) to the west. The surrounding land uses consist of open acreage to the north & south, a tractor retail store and open acreage to the west, and a residential subdivision to the east. The subject site is currently open acreage. The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Road frontage. The subject property has been part of a commercial 'reserve' since the inception of the Master Plan. C-3 is consistent to area zonings along Shary, commercial area uses, and is fully compliant to the FLUM's GC designation. 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.

There was no response.

Chairman Rene Flores asked if staff had any idea of what they were planning to build on the property.

Mr. Salinas stated that they were proposing to build a commercial plaza but staff has not received any plans yet.

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

**Started: 5:04 p.m.**

**Ended: 5:08 p.m.**

**ITEM # 1.2**

**Conditional Use Permit Renewal: Ballet Studio in an AO-I Zone  
1309 E. Griffin Parkway  
Lot 1, Yessica Pedraza Subdivision  
AO-I  
Yessica Pedraza**

Mr. Bobby Salinas went over the write up stating that the subject site is located ¼ mile east of Bryan Road along the north side of Griffin Parkway. There is an existing 10,140 sq. ft. building on the property which includes two studios, a dance floor area, locker facilities, etc. Royal Dance Studio has been in operation since May 5, 2008. This conditional use permit was most recently approved on 7-8-09 for a period of 3 years which now requires a renewal.

- **Days/Hours of Operation:** Monday – Friday 4 p.m. to 9 p.m. The studio is also open on Saturdays for private lessons if needed.
- **Staff:** 4 employees
- **Parking:** The total number of parking spaces required for this site is 28 spaces. There are a total of 28 parking spaces, thus compliant to code.
- Sign and Landscaping Codes are being met.

The dance studio conditional use permit has been in operation for several years without any complaints from neighboring properties. Staff does not object to re-approve this conditional use permit for another 3-year tenure. Staff recommended approval.

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

There was no response.

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

Mrs. Yessica Pedraza who resides at 1309 E. Griffin Parkway was present to answer any questions from the board.

Chairman Rene Flores thanked Mrs. Pedraza for constructing a very nice building and asked if she owned or rented the building.

Mrs. Pedraza stated that she owned the building and the lot immediately behind it as well.

Chairman Rene Flores asked if she rented any of the offices inside this building.

Mrs. Pedraza stated that she rented one of the studios to two other people that also teach.

Mr. Ned Sheats also thanked Mrs. Pedraza for bringing a good looking building to FM 495.

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

**Started: 5:08 p.m.**

**Ended: 5:16 p.m.**

**ITEM # 2.0**

**Single Lot Variance:**

**The W. 120' of the E. 180' of  
the S. ½ of Block 8,  
Citriana Heights Subdivision  
C-3 & C-2  
Arnoldo Cadena**

Mr. Bobby Salinas went over the write up stating that this property is located approximately 270' east of Lomita Avenue along the north side of Delmar Drive. The property measures 120' x 140' for a total square footage of 16,000 sq. ft. The property is currently open acreage. Mr. Cadena is proposing a new auto parts business thereon.

**WATER:** There is an existing 8" water line along Delmar Drive and a 2" waterline along the alley area that can be used to serve the Lot. No new Fire Hydrant

**SEWER:** The subject site has access to an existing 6" sewer line along the alley area located in the rear of the site and an 18" sewer along Delmar Drive. The capital sewer recovery fee will be required in the amount of \$289.26. (\$750/acre x .38acre).

**STREETS & DRAINAGE:** The property has frontage along Delmar Drive 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:**

- Since this is a commercial property, Park Fees will not be imposed.
- Must install/escrow 5' sidewalks during the building permit stage.
- Provide proof of exclusion from the Water District. (Letter from UID)
- There are existing street lights along Delmar Drive; no new lighting required.

Staff recommended approval subject to: **1)** Payment of Capital Sewer Recovery fee; and **2)** provide proof of exclusion from the water district (water rights conversion).

Chairman Rene Flores asked if this area was behind Foy's.

Mr. Salinas replied, "Yes".

Chairman Rene Flores asked if there had been an application submitted for something and this Board denied the request due the residential area.

Mr. Salinas stated that it was the same applicant when he was requesting to rezone all of his property to C-3 and P&Z denied the request. However, the City Council rezoned the W. 120' of the E. 180' to C-3 and the remaining portion was to be kept as C-2. He added that it remained C-3 closer to Conway and a lower commercial density as you get closer to the residential area.

Ms. Diana Izaguirre walked in at 5:12 p.m.

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

Mr. Arnaldo Cadena was present to answer any questions from the board.

Chairman Rene Flores asked Mr. Cadena if he was receptive to staff's recommendations.

Mr. Cadena stated that he was willing to comply with all of staff's recommendations.

Chairman Rene Flores asked if he was also willing to build something nice for the City and the neighborhood.

Mr. Cadena stated that he was willing to do a nice building not only for the city but for him and his business.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Abiel Flores moved to approve the single lot variance as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:10 p.m.**

**Ended: 5:17 p.m.**

**ITEM # 3.0**

**Pre-Final Plat Approval:**

**Summerwood Manor Estates Subdivision**

**A 10.755 acre tract of land out of**

**Lots 292 & 302, John H. Shary Subdivision**

**R-1A**

**Developer: El Toro Builders, Inc.**

**Engineer: Quintanilla, Headley & Associates**

Mr. Bobby Salinas went over the write up stating that the subject site is located ¼ mile north of Mile 2 along the west side of Glasscock Road, adjoining the south side of The Oaklands Subdivision. The proposed subdivision consists of 27 single family residential lots. The plat reflects several double frontage lots where the homes shall face north (Plat Note #18), and driveway access can still be gained from the south (if desired). The project engineer is asking for two variances on behalf of the developer as follows:

Variance #1 – To allow the subdivision to be private and gated. The subdivision code states that a *“Lot means an undivided tract or parcel of land having frontage on a **public street**...”* We have seen many similar proposals for gated communities and we do not see any detriment to the proposed subdivision or surrounding areas. Staff does not object to this variance.

Variance #2 – A variance from the lot width requirement. The lot areas range from 11,788' to 20, 838'. These lots sizes are consistent with the minimum R-1A area requirements. However, Corner Lot 27 has a lot width of 52' and does not comply with R-1A's 80' minimum lot width requirement. Due to the limited 102' of frontage onto Glasscock Road minus the minimum 50' required by the City's Subdivision Code, the lot width is hereby proposed by the developer for residential usage. The developer wishes to construct a 2,500 sq. ft. home that will still meet the R-1A setbacks. We do note that R-1A's corner lot minimum area requirement is 9,000 sq. ft.; Lot 27 has 11,788 sq. ft. Since the overall tract was irregular and it is vital to maintain the 50' ROW easement, Staff does not object, especially since the overall area requirement of 9,000 sq. ft. is exceeded.

**WATER:** The developer is proposing water service with a new internal 8" waterline network that will connect to an existing 8" water line located along the west side of Glasscock Road and will provide a secondary loop to the system by connecting to an existing 8" line located within The Oaklands subdivision. The developer is also proposing 3 new fire hydrants located via the direction of the Fire Marshal's office.

SEWER: An 8" sewer line network will be installed within the subdivision which will then connect into an existing 8" sewer line located along the east side of Glasscock Road. The capital sewer recovery fee is required at \$200/Lot which equates to \$5,400 (\$200x 27 lots).

STREETS & STORM DRAINAGE: The subdivision has access to Glasscock Road, a future 80' ROW, 57' B/B street. The developer will be dedicating an additional 20' of ROW along Glasscock Road to equate to the minimum 40' from centerline as required by the Hidalgo County Thoroughfare Plan. The subdivision consist of 3 – 50' (ROW), 32' B/B paved streets. Storm drainage is accomplished through a series of 24" storm lines which will connect into an existing regional drainage ditch system currently located on the west side of the subdivision. An additional 30' of drainage ditch ROW is also being dedicated by this plat for future widening, maintenance, etc. of the drainage ditch. The City recently made some drainage improvements in the area for which a 34 acre reimbursement basin was created. A reimbursement in the amount of \$10,056.68 is required.

#### OTHER COMMENTS:

- Park Fees - \$300/lot =\$8,100 (\$300 x 27 lots)
- Escrow 5' sidewalk along Glasscock Road in the amount of \$780 (65' x \$12/l.f.); and a 4' sidewalk along the north side of Monaco's entrance to be determined by Project Engineer.
- Widen or escrow street widening for Glasscock Road in the amount of \$5,702.36 (102.01' x \$55.90 l.f.)
- Must pay waterline reimbursement in the amount of \$736.50 via Sommerset Subdivision reimbursement contract.
- 6' opaque fence buffer required along the north and west sides of the subdivision due to the existing ditch and the private subdivision to the north.
- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Water District Exclusion
- Must comply with all other format findings

Staff recommended approval subject to: **1)** No objection to Variance 1 and 2, subject to meeting private street policy; and **2)** Comply with all other format findings.

Chairman Rene Flores asked staff to explain variance #1 a little bit more.

Mr. Salinas stated that a lot under the city code has to have access to paved Public Street and when a subdivision is made private they are no longer in compliance with the city ordinance. He added that with a variance P&Z or Council authorizes a lot to face a private street. Mr. Salinas stated that staff does this for every private subdivision.

Chairman Rene Flores just wanted to be reassured that this variance is done on every private subdivision.

Mr. Salinas replied, "Yes".

Ms. Izaguirre stated that there was a private subdivision right across the street from the proposed subdivision.

Mr. Salinas stated that what staff was trying to do, and hopefully they talked about it in the workshop, was that a private street section be implemented in the Subdivision code that would allow developments to now go through a variance since it would be allowed by code.

Chairman Rene Flores asked if the second variance was for the width of the lot.

Mr. Salinas stated that because of the overall area that it has along Glasscock and the ROW that is needed it makes the lot small but the developer is proposing to construct a home that would still comply with the minimum setbacks. He added that the setbacks would be front 35' and corner 10', it would be narrow, but it would work.

Mr. Ned Sheats stated that he didn't have a problem with the house but would hate to approve these variances and then see them come back to the Zoning Board of Adjustments for setback variances.

Mr. Salinas mentioned that staff will make sure they comply with the setbacks when they submit the building permit application. He added that it was an option to reduce the setback at the plat level.

Mr. Ned Sheats stated that he was just afraid that if the lot doesn't sell quickly we might forget.

Mr. Salinas stated that Mr. Alfonso Quintanilla was present representing the developer and to his understanding the developer himself is the one that wanted to build there and live there.

Mr. Alfonso Quintanilla, Project Engineer stated that the developer, Mr. Salinas, wanted to build his personal home on that lot. He added that Mr. Salinas' idea was to construct a home that would be around 2500 square feet with a different shaped layout because of the lot. He mentioned that based on the setbacks and measurements of the lot they have enough space to build a home of almost 6,000 square feet but that was not the case. He also appreciated the Board's consideration based on the conditions of the property. Mr. Quintanilla stated that he believed it would be better for all of us to have a home in the near future that would generate city taxes than having vacant land.

Chairman Rene Flores stated that he agreed and appreciated that he was trying to do nice subdivisions and believed private subdivisions tend to be more desirable in the area along 2 Mile.

Mr. Quintanilla stated he was going to be back to P&Z in the near future with another development similar to this one which should be good news for the City.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Izaguirre moved to approve the preliminary & final plat as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM # 4.0**  
**ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. Ned Sheats seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:28 p.m.

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Rene Flores, Chairman  
Planning and Zoning Commission