

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, MAY 10, 2016 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET

PURPOSE OF MEETING:

- Consider recommendation for a Zoning change for the County Fair Addition, Blocks 5, 6, 7, and 8 to a Commercial Zone
- Consider recommendation for a variance on RV Park site requirements of structures within 15' of the RV pad to be removed at 1828 N Third Street
- Consider recommendation for a variance on required lot dimensions for mobile homes on a single lot to be removed at 500 E Adams Drive
- Consider recommendation for a variance of 21' front yard setback and 5' rear yard setback for Lots 1-24 in Sunrise Acres

PRESENT: Members: Vice Chairman Randy Pettigrew, Member David Lynch, Clint Laughrin, and Betty Price.

NOT PRESENT: Chairman Kallie Windsor, Member Abel Cabello, and Member Bobby Kimbro

ALSO PRESENT: City Manager James Williams, City Attorney Patrick McMahon, Fire Inspector Michael Ontiveros, Planning and Zoning Coordinator Crystal Ball, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

CALL TO ORDER: The meeting was called to order by Vice Chairman Pettigrew at 4:00 p.m.

APPROVAL OF AGENDA: Vice Chairman Pettigrew called for a motion. Member Price so moved to approve agenda as published; Member Laughrin second. Motion was approved.

APPROVAL OF REGULAR MINUTES OF MAY 10, 2016: Vice Chairman Pettigrew called for a motion to approve the regular minutes of May 10, 2016. Member Lynch so moved. Member Price seconded. Motion was approved.

NON-ACTION ITEMS:

- **Staff Report on Action Items Approved by City Commission:** City Manager Williams stated City Commission approved variance for Eddy Madison Subdivision and variance for side yard setback and lot dimensions for mobile homes in Eddy Madison Subdivision.

ACTION ITEMS:

CONSIDER RECOMMENDATION FOR A ZONING CHANGE FOR THE COUNTY FAIR ADDITION, BLOCKS 5, 6, 7, AND 8 TO A COMMERCIAL ZONE: Planning and Zoning Coordinator Crystal Ball addressed Commission to consider zone change of blocks 5, 6, 7, and 8 of the County Fair Addition from an Industrial Zone to a Commercial Zone; this change is in conformance with the City Comprehensive Plan for the future use of these properties. Planning and Zoning Coordinator Ball clarified previous request of zone change. Hilda Marquez is a business owner of Block 8 Lots 1-11; and is in favor of change. Mrs. Marquez stated she owns a business in this location and would like the change so she can build a house beside

her business. Vice Chairman Pettigrew called for a motion; Member Price so moved to approve the zone change for County Fair Addition Blocks 5, 6, 7, and 8 from Industrial to Commercial. Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

CONSIDER RECOMMENDATION FOR A VARIANCE ON RV PARK SITE REQUIREMENTS OF STRUCTURES WITHIN 15' OF THE RV PAD TO BE REMOVED AT 1828 N THIRD STREET:

Planning and Zoning Coordinator Crystal Ball addressed Commission of tenant and owner request to keep additional structure on the side of RV, not attached, but butted up to the RV; not sure when structure was built. RV Park owner Troy Chun stated structure is not attached to RV and the structure is nicely built; structure is used for storage and a playroom. Members, Staff and Mr. Chun discussed 15' side requirement in ordinance for RV and compliance period of code book. Members considered different options to be able to keep structure and still comply with ordinance. City Manager Williams read code 5.52.060 all trailer courts shall provide a lot for each house trailer with boundaries indicated by corner markers. Each trailer house shall be parked parallel to the adjacent trailer houses and shall be at least fifteen feet from the side of any other trailer house or building, whether included within the trailer court or upon adjacent property. Trailers may be parked in staggered rows with the front of such trailers being less than fifteen feet laterally. Vice Chairman Pettigrew stated ordinance that was updated in 2015 has the same verbiage in it with not being able to have structure 15' of RV. City Attorney McMahan stated this is something that was in place already, so you would have to comply with rules now. Members, Staff and Mr. Chun discussed health and safety risks with structure, moving trailer in an adjacent lot to be in compliance, and justification of allowing variance; final approval comes from the City Commission on May 23, 2016. Vice Chairman Pettigrew called for a motion. Member Price so moved to deny the variance as presented by RV owner located at 1828 N Third Street; Member Lynch seconded. With no further discussion, all Aye; with the exception of Member Laughrin. Motion was approved.

CONSIDER RECOMMENDATION FOR A VARIANCE ON REQUIRED LOT DIMENSIONS FOR MOBILE HOMES ON A SINGLE LOT TO BE REMOVED AT 500 E ADAMS DRIVE:

Planning and Zoning Coordinator Crystal Ball addressed Commission of a property owner requesting a variance for the removal of the required lot dimensions for mobile home; due to the pie shaped configuration of this lot. Planning and Zoning Coordinator Ball recommended a mobile home with the dimensions of 16'x60' home will fit with all setbacks still being met. Manuel Garfio, property owner, stated he was not aware of the rules until it was time to install the water and sewer lines, but will comply with requirements if approved he will stay within the guidelines. Members Lynch asked if mobile home size can be only 16'x60' and below; Planning and Zoning stated yes and lot is appropriate size. Vice Chairman Pettigrew called for a motion. Member Lynch so moved to approve the variance for the lot dimension requirement to be removed for this property located at 500 E. Adams; Member Price seconded. With no further discussion, all Aye. Motion was approved.

CONSIDER RECOMMENDATION FOR A VARIANCE OF 21' FRONT YARD SETBACK AND A 5' REAR YARD SETBACK FOR LOTS 1-24 IN SUNRISE ACRES:

Planning and Zoning Coordinator Crystal Ball addressed Commission of a property owner of Sunrise Addition developer is requesting a variance for lots 1 – 24 to change the front yard setback to 21' and the rear yard setback to 5' to accommodate their floor plans; lots are not developed, but water and

sewage is installed. Daniel Dattola, developer stated request for variance will cut back on time and will allow customer the option to decide what type of floor plan they want; the request of variance is in case it is needed. Members, Staff, David Gallegos and Mr. Dattola discussed size of homes, size of lots, style of homes, fire hydrants placement, and water flow. Fire Inspector Ontiveros stated fire hose is 1200 feet of supply line; fire does have enough line to reach the furthest house in the cul de sac. Mr. Dattola stated every yard will be enclosed with a fence for privacy; 12 models will be offered to customers with their own identity. Members, Staff and Mr. Dattola discussed new type of neighborhood with no backyards, satisfying customer's needs, and restriction for customers to not ask for another variance. Leon Ivery stated we are asking for the 5' setback, realistically we might average 8' to 15' from the rear with a common fence; the homes are 1400 to 2800 square foot and on the deeper lots homes will be 25 to 27 foot setback. Without the variance, developers would need to redesign complete lines of homes; replat will serve no purpose with all utilities and street paved. Planning and Zoning Coordinator Ball asked if owners could be made aware of covenants and presented to all buyers prior to purchase; developers agreed. Mr. Gallegos translated for Maria Salcido, who had a question concerning telephone poles and electrical poles which eventually will need to be moved to the alley; which is currently in her front yard on Dogwood; house is in between subdivision. Mr. Gallegos translated for Mrs. Salcido stated that they spoke to Rudy Quiroz, some time back he wanted a straight line; they encroached on her property and this is probably why they are willingly to buy an easement. It is both on her property and her alley; Mr. Quiroz had made a comment that the City would move the alley in the back to pass. This is something that is going to have to be dealt with. Mr. Gallegos translated for Mrs. Salcido alley needs to be moved because it is in the middle of her patio. Mr. Gallegos stated he will work with Mrs. Salcido to see what can be done with easement and alley issue. City Attorney McMahan asked Members to consider: is this a decision that is up to the customer, why do we have setbacks are they objective or subjective, and is this something specific as far as a health and safety risk. Planning and Zoning Coordinator stated most new homes are all electric. City Manager Williams stated when setbacks were set in the early 1970's it was possibly an aesthetic issue; this variance will give the landowner the right to decide what they want. Members, Staff and City Attorney McMahan discussed option for considering variance presented, future concerns with neighbors requesting the same, and full disclosure to customers. City Attorney McMahan stated the record would reflect even if one lot wants this request of change if someone else came in and request that change to 5' setback, you can take into consideration because those units would have already been developed under certain criteria; as far as the setback in that one house development that is already existing will have a significant impact, as opposed to this subdivision which has not been developed. Members, Staff and City Attorney McMahan discussed motion to include full disclosure of understanding of setbacks. Mr. Dattola stated covenants will be recorded with the County; homes will have two car garages. Vice Chairman Pettigrew called for a motion. Member Laughrin so moved to approve the variance with the additional understanding that the applicant make buyer aware of setbacks of accessory buildings; Member Price seconded. With no further discussion, all Aye. Motion was approved.

PUBLIC COMMENT:

City Manager Williams stated on the April 11, 2016 City Commission meeting an individual asked City to review new ordinance concerning individuals living in RV's outside of an RV

park. City Manager Williams asked Members to review, comment, and make changes to draft ordinance addressing issues in the June meeting. City Manager Williams stated ordinance will come back for action for recommendation to proceed with ordinance change; at that point, ordinance will be presented for recommendation to City Commission for approval to start advertisement and public hearing process.

ADJOURNMENT:

There being no further business the meeting adjourned at 5:17 p.m.

APPROVED: _____
VICE CHAIRMAN, RANDY PETTIGREW

ATTEST: _____
MEMBER, DAVID LYNCH