

Draft Minutes for the October 4, 2017 Planning Commission Regular Meeting

PZ-17-032: Public hearing and recommendation to City Council regarding the proposed rezoning request to apply a Special Use Permit to allow a vehicle storage facility in the "C-3" Commercial District on 0.716 acres out of subdivision No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, addressed at 2635 S. Hwy 46.

(Applicant: Hernandez; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommends approval of the Special Use Permit to allow a vehicle storage facility in the C-3 District as the proposed use is consistent with the Future Land Use Plan designation of the property as Commercial and the property is located on a Principal Arterial if the proposed use complies with all commercial development standards of the Zoning Ordinance, including residential buffers, building design standards and lighting and the following restrictions:

1. At least one tree per 20 linear feet of property, or part thereof, a minimum of three- inches (3") in diameter, shall be planted along the common property line of the adjacent single-family or two-family properties. Shade trees must be used. All new trees shall be provided with a minimum permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.
2. The residential masonry buffer wall required adjacent to the two residential properties must be 8 feet in height.
3. All lighting must be shielded and directed away from adjacent residential properties.
4. Non-security lighting shall be extinguished during non-business hours.
5. All parking/vehicle storage areas must be paved with concrete, asphaltic concrete, asphalt, paverstone or other permeable pavement material approved by the City Engineer.

Mr. Greene indicated the percentage in objection exceeded 20%, therefore a super-majority was required for approval at City Council.

Commissioner Laskowski requested clarification regarding what buffers would be required for the rear portion of the property.

Mr. Greene responded buffers were not required for the portion of the property outside of the city limits.

Vice Chair Edwards asked if anyone wished to speak in opposition.

Mr. Greene passed out packets provided by the group in opposition.

Arturo Partida Jr., 2469 State Highway 46 South, wished to speak in opposition. Mr. Partida stated the property owner knew the zoning requirements prior to the development of the property. He stated that he did not believe the property should be allowed to deviate from standards. He stated the fence was built under a residential permit, not a commercial permit. He stated the applicant had falsified the Homestead Verification documents. He expressed concerns regarding drainage issues due to the gravel improvements on the property. He presented photos of water collection on State Highway 46, attributing the collection of water to runoff from the property. He stated the applicant should not receive the Special Use Permit due to past code violations. He stated the fence built on the property is not secure, and unsightly to the neighboring home. He stated he was concerned about his property value being negatively affected as a result of the vehicle storage facility being permitted at that location.

Norma Rangel, 2627 State Highway 46 South, wished to speak in opposition. Ms. Rangel referenced previous sign code violations for the property. She stated the owner did not apply for a Certificate of Occupancy with the city. She stated she was also speaking for another neighbor in opposition. She stated the improvements to the property were not previously existing. She stated the property did not have sufficient turnaround space for TxDOT approval. She referenced the 2 acres outside of the city limits, and stated it should be considered in the city limits. She made references to the neighboring properties in favor, stating the neighbor lives out of town and is unaware of the issues. She stated the

elevated gravel caused drainage issues resulting in mold in her home's foundation. She stated her distaste for the fence. She expressed concerns about her property value being negatively affected as a result of the vehicle storage facility being permitted at that location.

Arturo Partida Sr., 2469 State Highway 46 South, stated the development should follow the required standards.

Vice Chair Edwards asked if anyone wished to speak in favor.

Serapio Herrera, 2655 State Highway 46 South, wished to speak in favor. Mr. Herrera stated the adjacent properties were not being used as residential, as previously claimed. He stated the adjacent properties were being utilized as a moving and antiques businesses, and had outdoor storage of furniture and other various items. He stated he had been harassed by the neighbors for years. He stated there were no other masonry walls at the other businesses in the area. He expressed a desire to see the area of State Highway 46 South cleaned up. He stated the neighbors in opposition do not upkeep their properties.

Lance Gepperd, 8000 West Ave., wished to speak in representation of the applicant. Mr. Gepperd referenced the similar uses permitted in the 'C-3' commercial district. He referenced the state requirements for the vehicle storage facilities, and stated the applicant had followed those requirements. He stated the nature of the vehicle storage facility contracts is temporary. He speculated that the properties in the area will continue to convert to commercial uses. He presented examples of multiple existing vehicle storage facilities throughout the city that did not have the masonry walls. He explained the lot for impounding vehicles must be located within city limits, therefore the rear 2 acres outside of city limits would not be utilized for the vehicle storage facility use. He stated the adjacent properties have all demonstrated drainage issues. He stated the request for a Special Use Permit to allow a vehicle storage facility is the applicant's property right. He stated the vehicle storage facility would not create any more traffic than what was generated by the moving company adjacent to the subject property.

Motion by Commissioner Hoyt, seconded by Commissioner Laskowski, to close the public hearing. The motion carried (5-0-0).

Commissioner Hoyt inquired to the falsified Homestead Verification documents.

Mrs. Snell stated the issue had already been submitted to the city and was a separate matter.

Commissioner Laskowski requested clarification regarding the effect on drainage the new development would cause.

Mrs. Reynolds stated the development had not been reviewed for drainage yet.

Commissioner Laskowski expressed concern regarding subsequent drainage issues if the Special Use Permit is granted without the drainage analysis.

Mrs. Reynolds clarified that a construction permit had not yet been submitted to allow for review of the drainage.

Mrs. Snell stated the applicant would still need to submit the proper permits. She stated once the permits had been submitted the city engineers could review for drainage. She stated construction plans had not been submitted, and that the item for consideration at that time was the use.

Vice Chair Edwards stated the item for discussion was if the use was appropriate, and the Commission's recommendation on the Special Use Permit.

Commissioner Hoyt stated the use was similar to the permitted uses for the 'C-3' district, and referenced existing commercial uses in the area.

Discussion followed regarding the process of gaining an exception to the masonry buffer wall requirement.

Commissioner Hoyt stated support of the masonry requirement for the property.

Motion by Commissioner Laskowski to recommend denial to City Council regarding the proposed rezoning request to apply a Special Use Permit to allow a vehicle storage facility in the "C-3" Commercial District on 0.716 acres out of subdivision No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, addressed at 2635 S. Hwy 46.

The motion failed for a lack of a second.

Motion by Commissioner Laskowski, seconded by Commissioner Hoyt, to send to City Council without a recommendation regarding the proposed rezoning request to apply a Special Use Permit to allow a vehicle storage facility in the "C-3" Commercial District on 0.716 acres out of subdivision No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, addressed at 2635 S. Hwy 46. The motion carried (5-0-0).