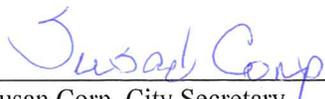


CITY OF DEL RIO
PLANNING & ZONING COMMISSION
COUNCIL CHAMBERS - CITY HALL
109 WEST BROADWAY ST.
FEBRUARY 12, 2014
5:30 P.M.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES –
4. OPEN PUBLIC HEARING
 - a. Zoning Change Appeal #14-01 Victor Hernandez is requesting a Zoning Change from Industrial (I) to Residential Multiple Family District (R-M). Property Description: Lot 6, Block 6D, Railroad 2nd (100 Avenue Q). Proposed Use: Single Family Residence
5. OTHER BUSINESS
(ACTION MAY BE TAKEN ON THESE MATTERS)
 - a. Zoning Change Appeal #14-01 Victor Hernandez is requesting a Zoning Change from Industrial (I) to Residential Multiple Family District (R-M). Property Description: Lot 6, Block 6D, Railroad 2nd (100 Avenue Q). Proposed Use: Single Family Residence
6. ADJOURNMENT

I, Susan Corp, City Secretary, hereby certify that the above agenda was posted on the bulletin board in the Municipal Building and on the bulletin board immediately outside the Municipal Building on or before 5:30 p.m. on the 7th day of February 2014.



Susan Corp, City Secretary

Planning & Zoning Commission

4. a.

Meeting Date: 02/12/2014

Submitted By: Janice Pokrant, Engineering Department

Information

SUBJECT:

Zoning Change Appeal #14-01 Victor Hernandez is requesting a Zoning Change from Industrial (I) to Residential Multiple Family District (R-M). Property Description: Lot 6, Block 6D, Railroad 2nd (100 Avenue Q). Proposed Use: Single Family Residence

BACKGROUND:

NOTIFICATIONS:

Advertised Commission Hearing Date: January 8, 2014 & February 12, 2014

Advertised City Council Hearing Date: January 28, 2014 & February 25, 2014

Property Owner Notices Mailed: 22

Letters in Support: 1st Notice = 2 & 2nd Notice =

Letters in Opposition: 1st Notice = 1 & 2nd Notice =

Letters with No Comment: 1st Notice = 0 & 2nd Notice =

One letter turned in and signed without filling out the comments

Inquiry Contacts: 1st Notice = 1 & 2nd Notice =

ADJACENT LAND USES:

DIRECTION / ZONING / LAND USE

North / I / Single Family Residences and Commercial

South / I / Railroad

East / I / Vacant Land (Railroad owned)

West / I / Single Family residences

DEVELOPMENT HISTORY:

Annexation: 1921

DISCUSSION:

This property owner would like to construct a new single family dwelling on this lot. The current zoning of the property is Industrial which prohibits any buildings for residential use except for quarters for caretakers and similar personnel. The railroad tracks are adjacent to the subject property on one side and single family residential dwelling units on the other side. There is an empty lot in front of the property owned by Union Pacific Railroad Company. The subject property has been used for a carport and storage for the dwelling next door since 1999. The houses in this area were built in the 1950's and 1960's.

Del Rio Municipal Code Section 30-149. Existing residential uses.

Residential uses existing within an I District at the time of adoption of this chapter or subsequent designation of an I District shall not be considered as nonconforming uses. The reconstruction, alteration, repair or expansion of any such residential use shall comply with the area regulations and height regulations as set forth in the R-M District Regulations. No reconstruction, alteration, repair or expansion of any existing or destroyed single-family residences or two-family residence shall increase the number of dwelling units upon a lot in excess of the quantity present at the time such lot became subject to the I District regulations.

PROS:

Not Applicable - this item is for a public hearing

CONS:

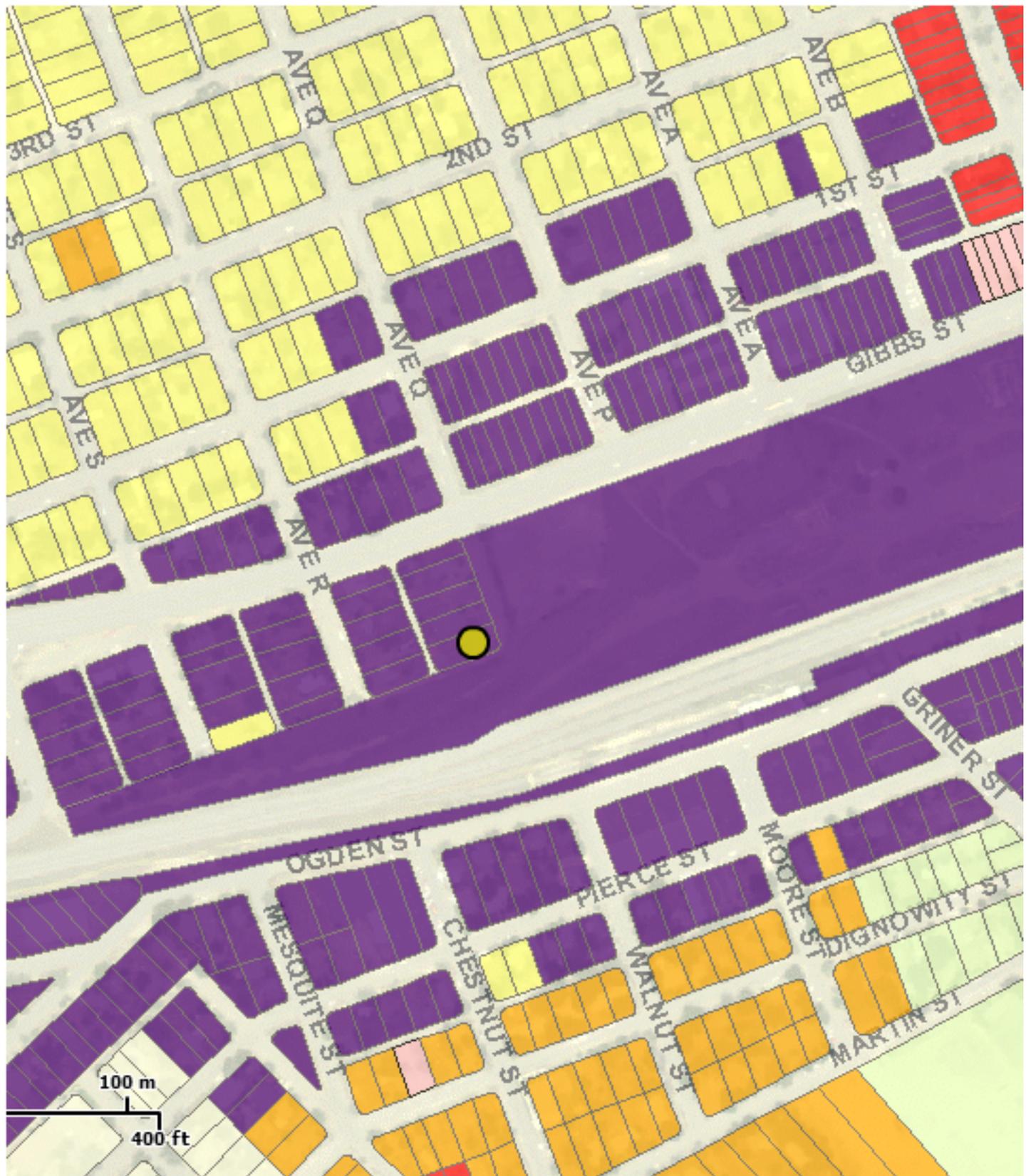
Not Applicable - this item is for a public hearing

RECOMMENDATION:

Not Applicable - this item is for a public hearing

Attachments

Zoning Map



Zoning Change #14-01 Zoning Map

DISCLAIMER

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



Planning & Zoning Commission

5. a.

Meeting Date: 02/12/2014
Submitted By: Janice Pokrant, Engineering Department

Information

SUBJECT:

Zoning Change Appeal #14-01 Victor Hernandez is requesting a Zoning Change from Industrial (I) to Residential Multiple Family District (R-M). Property Description: Lot 6, Block 6D, Railroad 2nd (100 Avenue Q). Proposed Use: Single Family Residence

BACKGROUND:

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One letter turned in and signed without filling out the comments
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ADJACENT LAND USES:

DIRECTION / ZONING / LAND USE

North / I / Single Family Residences and Commercial
South / I / Railroad
East / I / Vacant Land
West / I / Single Family Residences

DEVELOPMENT HISTORY

Annexation 1921

PLANNING AND ZONING COMMISSION ACTION

The Planning and Zoning Commission voted 5-0 to continue the item to the February Planning and Zoning Commission meeting due to the absence of the applicant at the meeting.

DISCUSSION:

This property owner would like to construct a new single family dwelling on this lot. The current zoning of the property is Industrial which prohibits any buildings for residential use except for caretakers or similar personnel. The railroad tracks are adjacent to the subject property on one side and single family dwellings on the other side. There is an empty lot in front of the property owned by Union Pacific Railroad Company. This lot has been used for a carport and storage for the dwelling next door since 1999. If this new dwelling is built then the existing house next door will not have the required parking space as mandated in the zoning ordinance. The houses in this area were built in the 1950's and 1960's.

Del Rio Municipal Code, Section 30-149. - Existing residential uses states:

Residential uses existing within an I District at the time of adoption of this chapter or subsequent design of an I District shall not be considered as nonconforming uses. The reconstruction, alteration, repair or expansion of any such residential use shall comply with the area regulations and height regulations as set forth in the R-M District regulations. No reconstruction, alteration, repair or expansion of any existing or destroyed single-family residence or two-family residence shall increase the number of dwelling units upon a lot in excess of the quantity present at the time such lot became subject to the I District regulations.

PROS:

Approving this request would allow for new development in this area which would be an improvement for the area that has not had a lot of new development.

CONS:

Approving this request would allow for an additional incompatible use next to the railroad and Union Pacific Railroad owned property.

RECOMMENDATION:

Staff recommends denial of the requested rezoning. New residential development is not a recommended use next to railroad tracks due to the noise and hazards associated with the railroad operations. It is undetermined what development plans the railroad has for the vacant land across the street from the subject property. We must keep in mind that commercial and industrial uses that could be incompatible with single and multiple family dwellings are allowable with the current zoning of all of the adjacent property.

Attachments

Zoning Map

14-01 Pictures

App Package

100 Ave Q – Pictures of Subject property



Picture of properties on either side of the subject property



Picture of the properties on the same side of the subject property within this block





Picture of the property across the street from the subject property



PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be conducted by the City of Del Rio Planning and Zoning Commission in the Council of Chambers at City Hall, 109 West Broadway on **Wednesday, the 8th of January 2014 at 5:30 p.m.**, and by the City Council on **Tuesday, the 28th of January 2014 at 6:30 p.m.**, for the purpose of hearing comments on the following requests:

Zoning Change Appeal # 14-01 Victor Hernandez is requesting a Zoning Change from Industrial (I) to Residential Multiple Family District (R-M). Property Description: Lot 6, Block 6D, Railroad 2nd (100 Avenue Q). Proposed Use: Single Family Residence

HANDICAPPED ACCESSIBLE LOCATION

Please publish once Sunday, December 15, 2013.

OF DEL RIO, TEXAS
PLANNING AND ZONING COMMISSION
ZONING APPLICATION
114 WEST MARTIN
DEL RIO, TEXAS 78840
FAX (830) 703-5305
(830) 774-8553

Appeal No. _____
Deadline NOV 18, 2013
Date of Hearing JAN, 2014
Date Received _____
Filing Fee _____
Date of Action _____
Action _____

Purpose:

The application process is the initial stage for requesting a change in zoning classification to the Planning and Zoning Commission and the Del Rio City Council as defined by Section 30-273 of the Code of Ordinances for the City of Del Rio, Texas.

Applicant:
Name VICTOR HERNANDEZ
Address 100 AVE A.
City DEL RIO TEXAS
Phone 325-574-3556
E-Mail VICTOR.HERNANDEZ@GESCIC.COM

Representing:
Name _____
Address _____
City _____
Phone _____
E-Mail _____

Request: INDUSTRIAL V.H.-Q.R.
Zoning Change from Commercial V.H.-Q.R. 10 RESIDENTIAL-MULTIPLE
Proposed Use To build a house - 3 bdr. 2 bath

Property Description:
Street Address 100 AVE A. Lot Size 60 X 140
Lot Number #6 Zoning District 1
Block Number 6-D
Addition SECOND RAILROAD ADDITION

- Please attach a copy of your deed to the property. If you are currently purchasing the property, please include a copy of your contract for the purchase of the property. Also include with your application a copy of any and all restrictive covenants pertaining to the property to be rezoned.

Appeal:

Why do you believe that the approval of this request would be in harmony (similar use) with the character of the neighborhood?

I believe that it will be very valuable to all of the neighborhood.

Why do you believe that the approval of this request would not be detrimental to the property or persons in the neighborhood?

I have a very good relation with all the neighbors.

Why do you believe that there is a need in this area for the uses that would be allowed under this proposed zoning change?

I believe that because it is the last lot on this neighborhood it will be a benefit to all.

History:

Previous Application/Appeal Filed? () Yes (X) No Date _____

Results of Appeal _____

Lienholder:

Is the property burdened by a lien of any nature? _____
 If so, describe the lien and give the name and address of lienholder and secure their consent to the requested zoning change with their signature.

Other:

Interest in the property? (Owner, Agent, Lessee, ect.) Victor Hernandez
 Approximate cost of work involved? \$ 80,000.

Include a schematic drawing of the site.

To the Applicant:

A fee of \$ _____ to defray the part of the costs of processing the application and holding the public hearing is required by City Ordinance. Such fee must be paid to the City of Del Rio at the time that this application is submitted. One-half (1/2) of the fee will be returned if the applicant decides to terminate the application and the public hearing notices have NOT been sent out.

I, Victor Hernandez, understand the above requirements and have read them thoroughly and my statements are true and correct.

 Lienholders (if any)

Victor Hernandez
 Applicant

AFFIDAVIT OF OWNERSHIP

THE STATE OF TEXAS) (

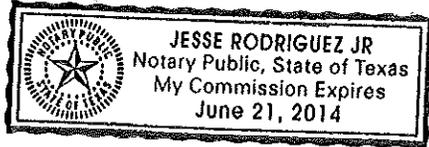
COUNTY OF VAL VERDE) (

Before me, the undersigned authority,

Victor Hernandez
Name of Applicant

Personally appeared, and upon being duly sworn by me, stated and deposed under oath that he/she is the true owner of the above described real property, or is the duly authorized agent for the true owner of the above described real property and have filed this application on behalf of said owner.

Victor Hernandez
SUBSCRIBED AND SWORN to before me this
Signature of Applicant /
15th day of November, 2013



Jesse Rodriguez Jr.
Notary Public 830-734-0224
My Commission Expires: 06-21-2014

FEES

Zoning Changes	
Less than 1 acre	\$100.00
1 acre to less than 5 acres	\$125.00
5 acres to less than 25 acres	\$150.00
25 acres to less than 50 acres	\$175.00
50 acres to less than 75 acres	\$200.00
75 acres to less than 100 acres	\$225.00
More than 100 acres	\$250.00

Zoning Applicants will not be entitled to a refund if notice has been published in the newspaper as required by the City of Del Rio Code of Ordinances

FOR CITY USE ONLY

Date _____ Invoice Number _____ Check or Money Order Number: _____

Application _____ Approved _____ Denied Date _____

VAL VERDE APPRAISAL DISTRICT
 PROPERTY 26296 R
 Legal Description
 RAILROAD 2ND NORTH BLOCK 6D LOT 6

OWNER ID
 87654
 OWNERSHIP
 100.00%

PROPERTY APPRAISAL INFORMATION 2012
 HERNANDEZ VICTOR
 102 AVE Q
 DEL RIO, TX 78840 US

5940-0064-0060
 Ref ID: R26296
 Map ID 67

Values

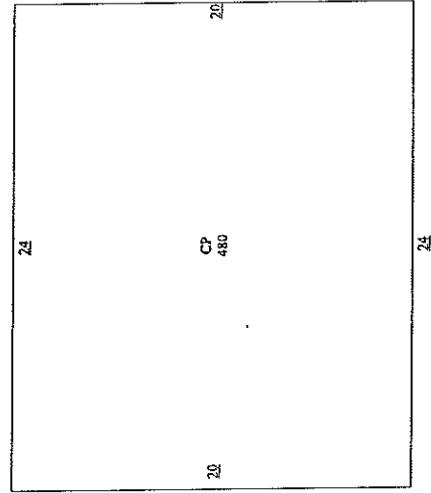
IMPROVEMENTS	1,900
LAND MARKET	6,000
MARKET VALUE	7,900
PRODUCTIVITY LOSS	0
APPRAISED VALUE	7,900
HS CAP LOSS	0
ASSESSED VALUE	7,900

Entities

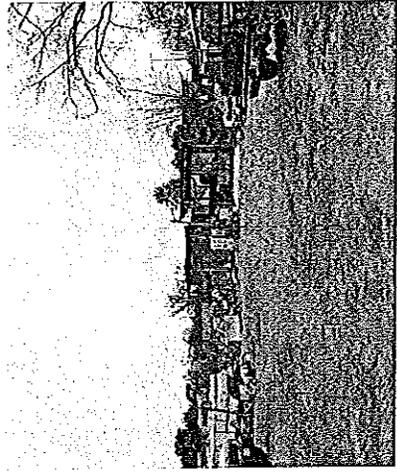
CAD	100%
CD	100%
G233	100%
HOS	100%
RFM	100%
SD	100%

ACRES:
 EFF. ACRES:
 APPR VAL METHOD: Cost
 SKETCH for Improvement #1 (MISC IMPROVEMENTS)

GENERAL
 LAST APPR. AF
 LAST APPR. YR 2010
 LAST INSP. DATE 01/01/2007
 NEXT INSP. DATE



PICTURE



REMARKS VAC LOT

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL
 BUILDING PERMITS

SALE DT PRICE GRANTOR DEED INFO
 06/06/2012 *****
 01/01/2007 *****
 HERNANDEZ ANGEL M/D / /
 LOZANO CARLOS & W/D / 1028 / 186-1

IMPROVEMENT INFORMATION

BUILT	EFF YR	COND. VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
1999	G	1,900	100%	99%	100%	100%	100%	0.99	1,900
Homestead: N									
STCD: A1									

IMPROVEMENT FEATURES

1. MISC IMPROVEMENTS	STCD: A1
----------------------	----------

SUBD: S5940
 NBHD: NB07 100.00%

LAND INFORMATION

UNIT PRICE	GROSS VALUE	IRR Wells: 0	Capacity: 0
100.00	6,000	0	0
ADJ MASS ADJ	VAL SRC	AG CLASS	AG TABLE
1.00	A	0	0
DIMENSIONS	60X140	AG APPLY	AG UNIT PRC
60X140		0	0.00
SPECIAL	AG VALUE	AG UNIT PRC	AG VALUE
	6,000	0.00	0
	6,000		0

UTILITIES TOPOGRAPHY ROAD ACCESS ZONING NEXT REASON

Oil Wells: 0

REMARKS VAC LOT

IRRA Acres: 0

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

Comment: FFP=100.00-OVR= FF

SUBD: S5940
 L# DESCRIPTION
 1. OTHER

Effective Date of Appraisal: January 1

Page 1 of 1

Date Printed: 06/12/2012 11:43:47AM

True Automation, Inc.

by GILDAM

WARRANTY DEED

STATE OF TEXAS)

COUNTY OF VALVERDE)

DATE: June 4, 2012

GRANTOR: Angelica I. Hernandez

102 Avenue Q

Del Rio, Texas 78840

GRANTEE: Victor Hernandez

102 Avenue Q

Del Rio, Texas 78840

CONSIDERATION: TEN DOLLARS AND NO/100 (\$10.00) AND OTHER VALUABLE CONSIDERATIONS TO THE UNDERSIGNED, PAID BY THE GRANTEE HEREIN NAMED, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Property (including any improvements.)

Lot No. 6 in block 6D of the Second Railroad Addition located at 100 Avenue Q to the City of Del Rio, Texas, County of Val Verde, State of Texas as Shown by plat thereof of record in Volume One on Page Thirty Two of Map Records.

THIS CONVEYANCE IS MADE AND ACCEPTED SUBJECT TO ANY, AND ALL CONDITIONS AND RESTRICTIONS, IF ANY, RELATING TO THE HERINABOVE DESCRIBED PROPERTY, TO THE EXTENT, AND ONLY TO THE EXTENT, THAT THE SAME MAY STILL BE IN FORCE AND EFFECT, SHOWN OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF VAL VERDE COUNTY, TEXAS. GRANTORS, FOR THE CONSIDERATION AND SUBJECT TO THE RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY,



**CITY OF DEL RIO
PLANNING AND CODE COMPLIANCE DEPARTMENT
(830) 774-8553**

BOARD OF ADJUSTMENTS RECEIPT

PERMIT NUMBER			
201008397			
APPLIED DATE		FEE	ISSUE DATE
11/18/2013		\$ 100.00	11/18/2013
ISSUED BY			
KAYLA HERNANDEZ			

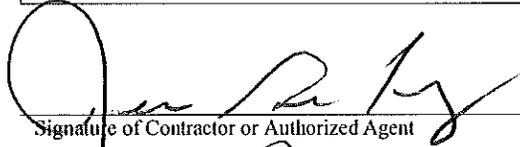
LOCATION OF IMPROVEMENT: 100 AVE Q	
ARCHITECT/DESIGNER:	GENERAL CONTRACTOR: VICTOR HERNANDEZ 100 AVE Q DEL RIO TX 78840
OWNER: VICTOR HERNANDEZ	

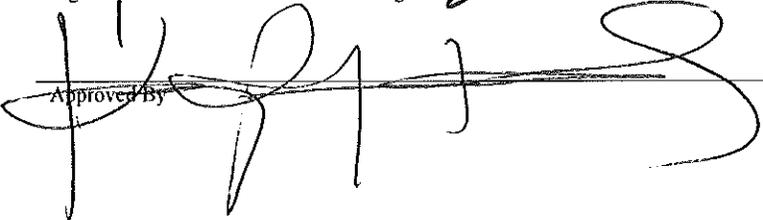
SPECIFIC CHARACTERISTICS OF WORK			
NATURE OF WORK: DEADLINE NOV 18, 2013. DATE OF HEARING JANUARY 2014 PAID BY JESSE RODRIGUEZ (MONEY ORDER) #C-2412001490	Dimensions	NO. OF FLOORS:	
		TOTAL FLOOR AREA OF NEW CONST.:	0.00
		SQ FT BASEMENT:	
		ACCESSORY STRUCTURES:	
		LAND AREA:	
TYPE FRAME:	FIRE ZONE:	OCCUPANCY TYPE:	
	USE ZONE:	CONSTRUCTION TYPE:	

FEES DUE:	DESCRIPTION	QTY	AMOUNT
	ZONING VARIANCES	0	\$ 100.00
TOTAL FEES			\$ 100.00

******* NOTICE *******

(Any special permit granted by the board of adjustment shall automatically become null and void at the expiration of six (6) months from the date of its issuance if the applicant has not commenced and maintained the use of his property in accordance with said permit.) Residence (Mobile Home) shall be in full compliance and occupied within six months from the date of the moving permit.

Signature of Contractor or Authorized Agent: 

Approved By: 

Date: 11-18-13

CITY OF DEL RIO, TEXAS
PLANNING & ZONING COMMISSION
109 West Broadway
Del Rio, TX 78840

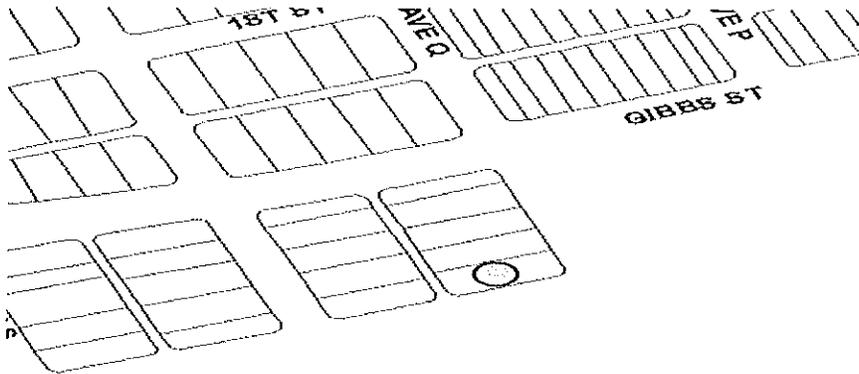
FOR ANY QUESTIONS OR COMMENTS PLEASE CALL (830) 774-8524 OR (830) 703-5309

December 26, 2013

RE: Planning & Zoning Commission Notice
Appeal # 14-01

Victor Hernandez made an appeal to the Planning & Zoning Commission to request a Zoning Change from Industrial (I) to Residential Multiple Family District (R-M). Property Description: Lot 6, Block 6D, Railroad 2nd (100 Avenue Q). Proposed Use: Single Family Residence

According to our Zoning Ordinance we are required to notify property owners within Three Hundred feet from the property in question. According to our records you are the owner of Lot:, Block:, ADDITION. This letter is to notify you that a Public Hearing will be held on the requested appeal on Wednesday, the 8th of January 2014 at 5:30 p.m. by the Planning & Zoning Commission and on Tuesday, the 28th of January 2014 at 6:30 p.m. by the City Council in the Council Chambers in City Hall (109 West Broadway). The purpose of these hearings is to give you the opportunity to express your views with respect to the requested appeal.



Anyone interested in the appeal, either for or against, may address a letter no later than five days prior to the hearing to the members of the Planning and Zoning Commission, 109 West Broadway, Del Rio, TX 78840, which letter or letters will be presented at the hearing.

- _____ I am FOR the appeal.
_____ I am AGAINST the appeal.
_____ I have NO COMMENTS either for or against the appeal.
_____ Other Comments (attach sheet if necessary).

Signature

Sincerely,
Planning and Zoning Commission

PUBLIC HEARINGS ARE HELD AT CITY HALL
A HANDICAPPED ACCESSIBLE LOCATION