

Started: 7:17 p.m.

Ended: 7:37 p.m.

Item #2.4

Variance request by Quintanilla, Headley & Associates on behalf of Ricardo Salinas to the Subdivision Code for unrecorded Papillion Square Subdivision, A 1.977 acre tract of land being a 2.00 acre tract out of lot 25-11, West Addition to Sharyland a/k/a Papillion Square Subdivision

Ms. De Luna went over the write-up stating that On August 18, 2022 staff received an application for Papillion Square Subdivision. This proposed subdivision is located at the northeast corner of Griffin Parkway (FM 495) and Bryan Road. The developer is proposing a 1-lot subdivision. It is commercially zoned and he would like to do a commercial plaza at this location. On November 7, 2022 the Project Engineer, Alfonso Quintanilla submitted a letter for a variance request to the Subdivision Requirements for the following:

- Bryan Road Paving widening plus curb and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road.

Now, due to the nature of the proposed use, amount of people working in the subdivision, effects on traffic, health, safety and convenience in the vicinity it was determine by staff that there were no hardships to consider that would prevent this development therefore full compliance would be required for the Subdivision approval. Staff is requiring the same requirements that would be imposed on any new subdivision. After conferring with the developer, on staff's recommendation he would still like these variances to go before the P&Z Board and City Council for their consideration.

On April 20, 2023, Mr. Quintanilla subdivision a new variance request letter and is now asking for the following variances from the Subdivision Requirements:

- Bryan Road Paving widening plus cub and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road
- Drainage Improvements along Bryan Road

RECOMMENDATION: Staff recommends denial.

*Note: If P&Z is incline to approve the variance requests, then we would suggest that a contractual agreement be made and allow the developer to proceed with the understanding that once the improvements are required then he would have to comply.

Vice Chairman Barrera asked if the board had any questions.

Mr. Lalo Ramirez who works for Quintanilla, Headley & Associates is representing the developer stated that the improvements that are being requested through the variance request should've been done by the city a long time ago. He added that a major expense would be imposed for the developer by extending the water line and drainage improvements and expanding Bryan road only on one side wouldn't do anything for the area.

Mr. Sanchez stated that the city is requiring these improvements to be done and you don't want to do it.

Mr. Lalo Ramirez stated "yes" these requirements are from the city and the developer is requesting a variance.

Mr. Sanchez stated if Mr. Ramirez thinks that the city is responsible for these improvements.

Mr. Lalo Ramirez stated that the 4" waterline is under sized, and has been there for a long time. He added that the developer thinks that the city should've upgraded a long time ago. Mr. Ramirez stated that fire hydrants can't be placed on a 4" waterline. He mentioned that widening one side of Bryan would require an inlet and that is part of the drainage improvements.

Mr. Sanchez asked if only the east side of Bryan would be widening.

Mr. Lalo Ramirez stated only the east side and the frontage, which is part of the subdivision process.

City Engineer Mr. Abel Bocanegra stated that requirements for new development are depending on the area. He added that a 4" waterline is not enough for fire protection and require the developer to upgrade the waterline. He mentioned that a detention pond is also required onsite to help with any flooding issues.

Mr. Sanchez asked if these variances have been approved in the past?

Ms. De Luna stated that she didn't recall any variances that have been approved. Ms. De Luna added that she met with the applicant and he stated that these improvements are too costly for him. She mentioned that an alternative would be if the board would consider a contractual agreement to start development to get revenue to pay the improvements.

Mr. Lalo Ramirez stated if the developer ends up selling the property, and the property is rezoned residential the same improvements are required.

Mr. Abel Bocanegra stated that for residential no outside waterline is required, but if the fire marshal requires a fire hydrant then one would need to be installed. He added that if the fire hydrant is required on the north west corner then the developer would need to extend the water line and drainage.

Mr. Sanchez stated if he would purchase the property, and rezone it single family residential. He mentioned that if he would have to pay to upgrade all improvements.

Mr. Abel Bocanegra stated "yes" all improvements would need to be done.

Ms. Garza asked if this was required for all developers?

Ms. De Luna stated that these are required when developing a new subdivision.

Ms. Garza asked how did the developer feel about your recommendation?

Ms. De Luna stated that the developer wants all variances to be granted.

City Attorney Mr. Victor Flores stated that the proposal are 3 variances if the board wants to approve only one or all three.

Mr. Abel Bocanegra stated that the property requires onsite dentition.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Sanchez moved to deny all variances. Mrs. Austin seconded the motion. Upon a vote, the motion passed 3-1 unanimously.