



MEETING MINUTES

Date and Time: December 21, 2017 at 5:15pm

MEMBERS PRESENT:

Greg Spears
James Johnson
John Hyak
Michael Atkinson
Gail Hoad
Jill Trevino
Mary Ann Wyatt

Member Absent:

Philip Johns
Julia Welder

STAFF PRESENT:

Development Services:

Julie Fulgham, Director Development Services
Larry Badon, Sr. Transportation Planner
Lila Foster, Planning Technician
Alina Phillips, Planning Manager

City Manager's Office

John Kaminski – Assistant City Manager

City Attorney's Office:

Allison Marek – Assistant City Attorney

A: CALL TO ORDER

December 21, 2017 – Mr. Spears called the Regular Meeting of the Planning Commission to order at 5:15pm.

B: APPROVAL OF MEETING MINUTES

September 21, 2017 – Regular Meeting

Motion to accept the minutes was made by Ms. Wyatt and was seconded by Ms. Trevino. The motion passed unanimously.

C: CITIZEN COMMUNICATION - None

D: DEVELOPMENT REVIEWS/FORMAL ACTION

1. **The Texan Subdivision** – Preliminary Plat and Final Plat; 1 lot on a 5.90-acre tract of land out of the Jose Maria J Carbajal League Survey, Abstract Number 13 in Victoria County, Texas; 1 Commercial Lot (C-1); The Texan Store Properties, LLC - Brian Dlugosch, President (Owner); Urban Engineering LLC (Agent).
 - a. Staff Report
The Texan Subdivision Preliminary and Final Plat of property at the corner of Zac Lentz Parkway and 7305 N Main Street.

The Subdivision & Development Ordinance requires construction plans when public improvements are proposed. These plans are submitted at the time of final plat submittal and

must be approved prior to Planning Commission approval of the final plat. The construction plans for the proposed public improvements have been approved by the Public Works Department.

The proposed Preliminary and Final plat is in compliance with the minimum requirements for commercial development contained within the Subdivision and Development Regulations. Staff recommends approval of the preliminary plat and final plat for The Texan Subdivision finding they meets all applicable ordinances and regulations.

- b. Public Hearing for Preliminary Plat – None
- c. Preliminary and Final Plat Deliberations/Action

Mr. Atkinson made a motion to accept both the Preliminary and Final Plats as presented. Ms. Wyatt seconded the motion and it passed unanimously.

2. **Variance Request for 1607 Carville** – Request for variance to City Code for a tract legally described as being a 0.50-acre tract of land situated in, Block 2, Range 7, East Above Town Farm Lot 2 of the City of Victoria, Victoria County, Texas; Mark Anthony Garcia (Owner).

A variance request to Section 21-9(b)(4), the requirement to plat property prior to issuance of a building permit, to allow the placement of a manufactured home without platting.

- a. Staff Report

The subject property is a .50-acre tract of land located on Carville Street, a private drive. Located on the property is Mr. Garcia's residential manufactured home, which was severely damaged during Hurricane Harvey. The applicant is requesting a variance to City Code: Section 21-9 (b) (4), which requires the property to be platted prior to the placement of a manufactured home. The subject property was illegally subdivided in the early 1980s and accesses the nearest public right-of-way, Lone Tree Road, by a private access easement/drive named Carville Street. The existing home is served by a septic system and private water well. There are many challenges to develop this property with current development regulations. The private drive does not meet minimum standards to become a public right-of-way and the property is not served by the public water or sewer systems.

Due to these existing conditions, properties along Carville Street have long remained undeveloped and new development cannot occur until the owner of the Carville Street driveway dedicates Carville Street and upgrades the right-of-way to meet City standards. Currently, the owner of Carville Street has no plans to for the private drive to become a public right-of-way. Therefore, since Mr. Garcia cannot provide access to a public right-of-way and legally plat his property, he is requesting a variance to the subdivision requirements. Mr. Garcia is requesting this variance because without it, he is unable to replace the existing manufactured home, which was destroyed by Hurricane Harvey. City Code requires property to be represented on a recorded subdivision plat prior to the issuance of any building permits on the property. This is to insure all property being developed meets the minimum development requirements established by the City.

Mr. Garcia's situation is unique in that the property has long been developed and is only being redeveloped due to damage to the existing structure, which was caused by

Hurricane Harvey. Staff recommends approval of the variance request, subject to certain conditions. Staff recommends approving the request, but stipulating that the variance only authorizes a one-time replacement of the manufactured home to allow a new residential manufactured home of similar size to replace the one damaged during the hurricane. Staff further recommends limiting the variance to only allow the replacement of the manufactured home if the existing water well and septic system can serve the home or if the home is connected to the public water and sewer systems.

Mr. Hyak asked if the Health Department had reviewed the well and was informed they had and they Health Department had approved continued use of the well and septic system.

b. Public Hearing for Variance

Mr. Reyna Rodriguez of 2207 E. North Street in Victoria, Texas stated, "I am the owner of the acre next to this and I have a water well and septic also. I bought it 2 years ago and there had been a house that burned up. I wanted to place a mobile home on there and I was told I couldn't because there were no public services. I was wondering why he was allowed and I am not. I have an acre and he has half an acre and he is allowed to do it and I am not. I was wondering why."

Ms. Trevino asked if Mr. Rodriguez had gone through the formal variance process, and he stated that he went to the City and they said they were going to deny anything he wanted to do.

Mr. Spears asked if Mr. Rodriguez would be using it for his personal home and was told yes it would be for his residence.

Ms. Fulgham stated that staff didn't have specific history about this request and citizens come in asking about the tracts along Carville quite often. Staff explains that because of the lack of water and sewer and access to a public right of way, there is no way to develop the properties without costly infrastructure extensions or variances and that staff will not support variances.

Ms. Trevino stated that Mr. Rodriguez could apply for a variance and staff may or may not recommend it and it would come to the Planning Commission.

Mr. Mark Garcia of 1607 Carville in Victoria, Texas stated, "I am the variance applicant and I've been looking at suitable homes I could put in there and tiny home living. I have considered shipping containers, either buying them fully furnished or build out yourself. Considering that my trailer was destroyed and I didn't get much help from FEMA would it be feasible."

Mr. Hyak pointed out that the variance stated as replacement of manufactured home of similar size.

Ms. Fulgham stated that shipping containers do not meet any international building codes or residential code therefore we do not allow them in the city. If it were to it would have to go before the Construction Board of Appeals because of variance to our adopted building codes. The City has done a lot of research because the question about shipping containers is asked frequently and research has not turned up any city that allows them.

They can be found in unincorporated areas, however, to date, no city in Texas has allowed them because they are a substandard style of building that does not meet residential building codes.

c. Variance Deliberations/Action

Ms. Trevino made a motion to approve the variance. Ms. Hoad seconded the motion and it passed unanimously.

E: OTHER BUSINESS

1. Introduction of Alina Phillips, Planning Manager
2. Development Services Monthly Development Report – Julie Fulgham

F: ITEMS FROM PLANNING COMMISSIONERS

Mr. Johnson had a question about fencing regulations specifically putting the public or smooth side of the fence to the public side. Is there any talk of fencing ordinances to keep the public side out to make the city more attractive? Ms. Trevino asked if we could get some information about what other cities require.

G: ADJOURNMENT

The meeting adjourned at 5:35pm

APPROVED:

Greg Spears, Chairperson
Victoria Planning Commission

APPROVED:

James Johnson, Secretary
Victoria Planning Com