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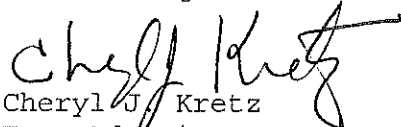
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NOTICE OF PUBLIC MEETING  
TOWN OF RANCHO VIEJO  
PLANNING AND ZONING COMMISSION

MARCH 7, 2013  
9:00 A.M.

NOTICE is hereby given of a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the TOWN OF RANCHO VIEJO, TEXAS to be held on March 7, 2013 at 9:00 A.M. in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

1. Call to Order
2. Roll Call
3. Approval of Minutes - February 8, 2012
4. Public Hearing To Consider an Ordinance of the Town of Rancho Viejo, Texas Amending the Comprehensive Zoning Ordinance, Establishing Procedure for Obtaining a Specific Use Permit, Providing for an Effective Date and Publication in Caption Form
5. Consideration, Discussion and Action on Final Recommendation to the Board of Aldermen on an Ordinance of the Town of Rancho Viejo, Texas Amending the Comprehensive Zoning Ordinance, Establishing Procedure for Obtaining a Specific Use Permit, Providing for an Effective Date and Publication in Caption Form
6. Adjourn

  
Cheryl J. Kretz  
Town Administrator

TOWN OF RANCHO VIEJO  
PLANNING AND ZONING COMMISSION  
FEBRUARY 8, 2012

A Regular Meeting of the Planning and Zoning Commission of the Town of Rancho Viejo was held on February 8, 2012 at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public. Mrs. Laura Partridge, Chairperson, called the meeting to order at 9:00 A.M. Roll call by made by Isabel V. Perales, Assistant Town Secretary.

Members present at the meeting were:

Mr. Filiberto Conde  
Mr. Oscar Gonzalez  
Mr. Glenn McGehee  
Mrs. Laura Partridge

A quorum was present at the meeting.

Those present in the audience were:

Juan Manuel Loya	Ana Cristina Loya
Henry Corona, Jr.	Joe Rafac

APPROVAL OF MINUTES:

Motion was made by Mr. McGehee, seconded by Mr. Gonzalez, and unanimously carried, that the Minutes of the Regular Meeting held on April 26, 2010 be approved as written.

PUBLIC HEARING ON REQUEST BY MR. ENRIQUE CORONA, JR., AGENT FOR MR. AND MRS. JUAN LOYA AND MR. AND MRS. JORGE N. NASRALLAH, OWNERS, TO REPLAT LOTS 301 AND 302, SECTION IV NORTH TO CHANGE THE LOT LINES:

Mrs. Partridge opened the public hearing. Mr. Joe Rafac stated that the Strategic Planning Committee unanimously recommended approval of this request. After everyone was given an opportunity to speak on the matter, the public hearing was closed.

CONSIDERATION, DISCUSSION AND ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY MR. ENRIQUE CORONA, JR., AGENT FOR MR. AND MRS. JUAN LOYA AND MR. AND MRS. JORGE N. NASRALLAH, OWNERS, TO REPLAT LOTS 301 AND 302, SECTION IV NORTH TO CHANGE THE LOT LINES:

February 8, 2012

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Motion was made by Mr. Gonzalez, seconded by Mr. McGehee, and unanimously carried, to recommend to the Board of Aldermen approval of the request by Mr. Enrique Corona, Jr., agent for Mr. and Mrs. Juan Loya and Mr. and Mrs. Jorge N. Nasrallah, owners, to replat Lots 301 and 302, Section IV North to change the lot lines as per the plat submitted.

ADJOURNMENT:

The meeting was adjourned at 9:05 A.M.

BY: \_\_\_\_\_  
Isabel V. Perales, Assistant Town Secretary

APPROVED: \_\_\_\_\_  
Laura Partridge, Chairperson

DATE: \_\_\_\_\_

**ORDINANCE NO.**

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ESTABLISHING PROCEDURE FOR OBTAINING A SPECIFIC USE PERMIT, PROVIDING FOR AN EFFECTIVE DATE, AND PUBLICATION IN CAPTION FORM

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the Town of Rancho Viejo, Texas, has the authority to adopt a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures, and land for business, industrial, residential, and other purposes; and,

**WHEREAS**, the Town of Rancho Viejo, Texas, adopted a comprehensive zoning ordinance and map as found in Chapter 70 of the Town's Ordinances pursuant to Chapter 211 of the Texas Local Government Code, which was made in accordance with a comprehensive plan for the purpose of promoting health, safety, peace, morals, and the general welfare of the Town of Rancho Viejo, Texas; and,

**WHEREAS**, section 70-1 of the Town's Ordinances provides that the comprehensive zoning ordinance is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and, to facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements; and,

**WHEREAS**, the comprehensive zoning ordinance makes zoning regulations and districts with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses; and, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Rancho Viejo, Texas; and,

**WHEREAS**, from time to time there may be a use that is sufficiently unusual in character as to not properly conform to the respective zoning districts, and may need special regulation; and,

**WHEREAS**, the Board of Aldermen wish to supplement Chapter 70 of the Town's Ordinances by providing authority for such special regulation in order to ensure the protection of the comprehensive plan of Chapter 70, which was adopted for the purpose of promoting health, safety, peace, morals, and the general welfare of the Town of Rancho Viejo, Texas;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution, laws of the State of Texas, and Chapter 211 of the Texas Local Government Code, **BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, THAT:**

**SECTION 1.** All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Rancho Viejo and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** When special regulation is necessary in order to allow a use that is sufficiently unusual in character as to not properly conform to the respective zoning districts, an application may be made for a specific use permit. Any specific use permit shall not alter a zoning district classification except by adding a particular use or uses for a designated period of time, subject to conditions and regulations in addition to those of the base zoning district as the Board of Aldermen may deem necessary.

**SECTION 3.** In general, and subject to any regulations proposed under Section 4 herein, the following conditions must be met before a specific use permit may be issued:

- (a) The specific use shall be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity of the specific use;
- (b) The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (c) Adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided;
- (d) The design, location, and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
- (e) Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration;
- (f) Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and,
- (g) There are sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

**SECTION 4.** Any application for a specific use permit must be made pursuant to the Specific Use Permit Application Form attached hereto as **Exhibit 1** and incorporated by reference. The Board of Aldermen and the Planning and Zoning Commission shall only approve a request for a specific use permit after they have each determined, after a public hearing, that the use or uses allowed will not be detrimental to the neighborhood around the area of request or to the Town of Rancho Viejo, Texas, as a whole, or comprehensive plan for the health, safety, peace, morals, and the general welfare of the Town of Rancho Viejo, Texas as set forth in the comprehensive zoning ordinance. Furthermore, in the course of considering any application for a specific use permit, the Board of Aldermen shall not grant any such application until the Planning and Zoning Commission has made a final recommendation on the advisability of said permit, and has had an opportunity to propose necessary regulations to accompany said permit. The Board of Aldermen and the Planning and Zoning Commission may require from the applicant any plans, including but not limited to site plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or building.

**SECTION 5.** The Board of Aldermen when awarding a specific use permit, and the Planning and Zoning Commission when making a final recommendation concerning an application for a specific use permit, shall establish conditions and regulations, in addition to

those of the base zoning district, necessary to comply with the comprehensive plan for the health, safety, peace, morals, and the general welfare of the Town of Rancho Viejo, Texas.

**SECTION 6.** Failure to comply with regulations, restrictions, and conditions of a specific use permit, or with any provisions of this Ordinance, or with County, State, and Federal laws, shall constitute adequate reason for revocation of a specific use permit at the sole discretion of the Board of Aldermen, after public hearing and final recommendation of the Planning and Zoning Commission.

**SECTION 7.** The various guidelines approved by the Board of Aldermen, which are not part of this Ordinance, shall serve as the guidelines when establishing regulations for specific use permits for the respective uses. The Planning and Zoning Commission may recommend, and the Board of Aldermen may modify, alter, change, add to, and delete from the guidelines as they find necessary to fit the needs at the location. The conditions and regulations of the base zoning district shall apply in addition to any special conditions or regulations that the Board of Aldermen may impose.

**SECTION 8.** The Planning and Zoning Commission shall, prior to holding a hearing to provide, change, revise, or modify a specific use permit, send notice of the hearing to all owners of property, or persons rendering the same for taxes, within such specific use permit, and to the owners within 200 feet of the specific use permit not less than ten (10) days before the hearing is held, and must send notice by one publication in an official newspaper, or a newspaper of general circulation, in the Town of Rancho Viejo, Texas, not less than fifteen (15) days before the hearing is held. After the Board of Aldermen receive the final recommendation of the Planning and Zoning Commission, the Board of Aldermen shall, prior to holding a hearing to take action on the final recommendation, provide notice of the time and place of the hearing by publishing the notice at least fifteen (15) days prior to the date of the hearing in an official newspaper, or a newspaper of general circulation, in the Town of Rancho Viejo, Texas.

**SECTION 9.** Any and all ordinances, orders, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of any conflict herewith.

**SECTION 10.** If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 11.** This Ordinance shall become effective from and after the date of its passage and publication, and it is accordingly so ordained.

**SIGNATURE PAGE TO FOLLOW:**

PASSED, ADOPTED, AND APPROVED on this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Roberto Medrano, Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Kretz, Town Secretary

# Exhibit 1



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**SPECIFIC USE PERMIT APPLICATION FORM**

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**Town of Rancho Viejo, Texas**

Planning and Zoning Commission  
Board of Aldermen

Tentative Date: \_\_\_\_\_  
Tentative Date: \_\_\_\_\_

**Owner Information**

Name: \_\_\_\_\_  
Applicant's Name (if different from Owner): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Property**

Property Tax ID #: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_ Overlay District: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_ Gross Acreage: \_\_\_\_\_

**For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.**

Upon submitting this form to the Town of Rancho Viejo, Texas, I have enclosed the following items, which are not to be appended to the specific use ordinance, as follows:

1. Filing fee;
2. Proof of title for each owner of record site;
3. Duly notarized authorization form of any said owner(s) who have not signed;
4. Letter describing all processes and activities involved with the proposed use;
5. Site plan drawn to scale with the information required by **Exhibit 1**;
6. 8 1/2" x 11" photocopy of the site plan;
7. Map showing boundaries of site covered by this application; and,
8. Concept site plan, signage plans, and elevations of the building.

Furthermore, I understand that all conditions in **Exhibit 1** must be met in order to formally request a specific use permit from the Board of Aldermen of the Town of Rancho Viejo, Texas, and that obtaining such permit is subject to formal approval by the Board of Aldermen.

Signature: \_\_\_\_\_

## EXHIBIT 1

The site plan must be drawn to scale, and must include the following information:

1. Boundaries of the area covered by the site plan;
2. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area, and location of building entrances and exits;
3. The location of existing and proposed drainage ways and significant natural features;
4. Proposed required landscaping and screening buffers;
5. The location and dimensions of all curb cuts, public and private streets, required parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities;
6. The location, height, and type of each existing or required wall, fence, and all other types of screening;
7. Off street parking, loading, and traffic circulation;
8. Refuse collection;
9. Narrative detailing the specific use, operating data, conditions of operation, and the enforceable conclusions of impact statement(s) (expert if necessary) concerning the location, function, and characteristics of any building or use to be included in the completed project; and,
10. The location, height, and size of all proposed signs.

The following conditions must be met before a specific use permit may be issued:

1. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
2. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. That adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration;
6. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
7. That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and,
8. Any other conditions established by the Specific Use Ordinance, and/or by the Planning and Zoning Commission or the Board of Aldermen.