

**PLANNING AND ZONING COMMISSION
JANUARY 11, 2012
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Marisela Marin
Mario Garza
Rene Flores
Abiel Flores
Carlos Lopez
Diana Izaguirre

P&Z ABSENT

Luann Caudle

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Juan Lino Garza
Brian K. Dyer
Eduardo G. Vela, AIA
J. Guadalupe Reyes
Mark Richards
Kevin Sparks
Tony De La Tejera
Ruben Lozano

Amelia Gonzalez
Maxilou Link
Jeff Underwood
Nora Arguelles
Pablo & Noemi Munguia
Maria Del Pilar Gonzalez
Gilberto Flores
Sylvia Hornbuckle

Reyna E. Lopez
Edelir Garza
Gloria Vanderbeck
Gerardo Gonzalez
Ismena Garcia
Edwin Makowski
Nacho Pecina
Oscar L. Cardenas

CALL TO ORDER

Acting Chairwoman Marisela Marin called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Acting Chairwoman Marisela Marin asked if there was any citizens' participation. There was no response upon inquiry.

APPROVAL OF MINUTES FOR JANUARY 4, 2012

Acting Chairwoman Marisela Marin asked if there were any corrections to the minutes for January 4, 2012. There being no corrections, Mr. Rene Flores moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:03 p.m.

Item# 1.1

Election of Chairman and Vice-Chairman

Mr. Sergio Zavala stated that it was common procedure to elect a Chairman and a Vice-Chairman every year.

Acting Chairwoman Marisela Marin asked if there was any nomination for Chairman. Mr. Abiel Flores nominated Mr. Rene Flores for Chairman. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Acting Chairwoman Marisela Marin asked if there was any nomination for Vice-Chairman. Mr. Rene Flores nominated Mrs. Marisela Marin for Vice-Chairman. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:15 p.m.

ITEM # 1.2

Re-Designation of Land Use: Cimarron Country Club PUD (Various Tracts) Tract II – A 0.269 acre tract of land being an open tract adjacent to Lots 1-4, block 21; and Tract III – A 0.030 acre tract of land being an open tract adjacent to Shary Road, Sabine Ct.; and Rio Grande Dr. out of Block 21; Cimarron Country Club, Ph. I, Section IV PUD (Non-Designated) to PUD (Townhouse) Ruben Lozano

Mr. Sergio Zavala went over the write up stating that the L-shaped site is located on the NW corner of Shary Road and Rio Grande Drive. The surrounding zones (designations) include: Townhouse to the north and south, Agricultural Open Interim to the east, and Single Family/Townhouse to the west. The predominant land use is 'Townhouse' within the Sabine Court area.

According to the PUD's land use map (approved by City Council January, 1992), the site was a non-designated part of the Cimarron Golf Course. Cimarron later sold it to the applicant, who wants to utilize the portion east of his Lot 4 to make his lot larger for his future home. Staff has no objection to the request since it would complement the existing Townhouse to the north and west of the tract.

Staff notes that the E-W panhandles is not being subdivided for usage; as shown on the filed re-plat; thus will remain 'open' and un-used. The re-plat will mandate a minimum of 40' setback to the east (Shary Road side), and a minimum 30' setback to the south (double frontage setback to Rio Grande). Staff recommended approval to the land use re-designation.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Ruben Lozano stated that he is currently living at 4217 Cobalth Avenue in McAllen.

Chairman Rene Flores asked if he was the owner of the lot.

Mr. Ruben Lozano replied, "Yes". He added that he was the owner of Lot 4 and the original owner transferred the L-shaped lot to him as long as he paid the taxes owed since 1996 in order to get the title policy.

Chairman Rene Flores asked Mr. Sergio Zavala if the land use re-designation was done in an effort to unify the PUD.

Mr. Sergio Zavala stated that he was just incorporating the L-shaped panhandle to his lot to make his property bigger.

Mrs. Marisela Marin asked if there were going to be any entrances through Rio Grande Drive.

Mr. Sergio Zavala stated that there would be no access points on Shary Road & Rio Grande Drive pursuant to our subdivision code and plat notes on the recorded replat.

Chairman Rene Flores asked if Mr. Ruben Lozano would be able to build in that tract.

Mr. Sergio Zavala stated that he would be able to build as long as he complies with the setbacks.

Chairman Rene Flores asked if there were any questions from the Board members.

Mr. Sergio Zavala stated that replat would be coming to the P&Z Board in the future for review.

Chairman Rene Flores asked Mr. Ruben Lozano if he was in agreement with the setbacks mentioned by Mr. Sergio Zavala.

Mr. Ruben Lozano stated that he had discussed the setbacks with Mr. Bobby Salinas and he had understood that the setback was 20' from Shary if there was a masonry wall.

Mrs. Marisela Marin asked if the 20' setback was from the city or from TXDoT.

Mr. Ruben Lozano stated that he had checked that out with the city.

Mr. Sergio Zavala stated that he would rather reserve those comments until staff sees the re-plat and Cimarron would also like to see that as well. He mentioned that Mr. Ruben Lozano was encumbered by deed restrictions as well. He added that he was not sure if fences are allowed on Shary Road and that would be something that he needed to research. Mr. Sergio Zavala stated that both layers of review need to be complied with and that was not going to be solved this day.

Chairman Rene Flores asked Mr. Sergio Zavala if this was the first step in this process.

Mr. Sergio Zavala stated that the first step was to re-designate the land use so it could acclimate with the PUD.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the re-designation of land use request as recommended by staff. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:20 p.m.

ITEM # 1.3

Rezoning:

**A 2.47 ac. tract out of Lot 165,
John H. Shary Subdivision
C-3 to R-3
Everardo Sustaita**

Mr. Sergio Zavala went over the write-up stating that the flag shaped tract of land is located south of Mission's Wal-Mart. The surrounding zones include C-3 (General Business) to the north, west and south; R-3 (Multi-Family Residential) to the east, and AO-I (Agricultural Open Interim) to the south. The surrounding land uses include Wal-Mart to the north, Multi-Family Apartments (Reserve @ Cimarron) to the east, Holiday Inn Hotel to the west, Open acreage & Child Daycare to the south, and open acreage at the site. The Future Land Use Map reflects a General Commercial (GC) designation for the general area.

The area south of the site has frontage to Colorado Street, which is more compatible for non-res uses as recognized by the City's FLUM designation of General Commercial. However, the site's buildable area is 193' north of Colorado Street, where an R-3 zone would be a smooth transition from commercial uses. A multi-family use would be less intrusive to the adjoining apartments to the east than a commercial use. Staff recommended approval to the R-3 zone request.

Chairman Rene Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene Flores asked if this was the property where they had applied for a conditional use permit for a ballroom. He also asked if the applicant abandoned those plans.

Mr. Sergio Zavala stated that Mr. Everardo Sustaita had applied for conditional use permit in May 25, 2011 for a ballroom, which was over 6 months ago. After 6 months he could re-apply for some other land use considerations by the city and now wants to acclimate more into the apartments setting.

Chairman Rene Flores asked if the applicant or representative were present.

Representing the applicant, Mr. Gilbert Flores who resides at 1001 South 10th Street, Suite 217 was present to address any questions that the Board might have.

Chairman Rene Flores asked if he knew what Mr. Everardo Sustaita plans were for this property.

Mr. Gilbert Flores stated that he wanted to do some apartment complexes similar to the apartments next door.

Mrs. Marisela Marin asked Mr. Sergio Zavala if the property in the front was already rezoned.

Mr. Sergio Zavala stated that it was rezoned to C-3 (General Business).

Mrs. Marisela Marin asked if the strip was the only entrance they had to this property.

Mr. Sergio Zavala stated that the leg would be the effect of a street because the City didn't necessarily want to take responsibility for it. He added that it might a public access easement to have the effect of a street. Mr. Sergio Zavala stated that they might want to consider to link-it up to the Wal-Mart alley area to have some more flow north and south.

There being no further comments, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the rezoning subject to staff's recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:20 p.m.

Ended: 5:22 p.m.

ITEM # 1.4

Rezoning:

Lot 7, Stewart Place Subdivision, Ph. II

R-2 to R-3

Kevin Sparks

Mr. Sergio Zavala went over the write-up stating that the subject site is located at the NW corner of Griffin Parkway and Dora Jeanne Drive. The surrounding zones include: (R-2) Duplex-Fourplex Residential to the north, (R-3) Multi-Family Residential to the east, (R-1) Single Family Residential to the west, and (C-3) General Business to the south. The surrounding land uses consist of apartments to the north and east, a single-family home to the west, and a commercial plaza to the south. The Future Land Use Map reflects a General Commercial (GC) designation along the Griffin Parkway frontage. The proposed R-3 is consistent to area land uses; apartments are not un-common when fronting a major street; and the proposed use is apartments. Staff recommended approval to the R-3 zone request.

Chairman Rene Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Kevin Sparks who resides at 1608 Lila Beth Lane was present to address any questions that the Board might have.

There being no comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:22 p.m.

Ended: 5:24 p.m.

ITEM # 1.5

Rezoning:

A 0.51 acre tract out of a 39.81 acre tract,

Lot 205, John H. Shary Subdivision

AO-I to C-3

J.J. Universal, LLC

Mr. Sergio Zavala went over the write-up stating that the subject site is located 200' east of Shary Road along the south side of Business 83. The site's dimensions are approximately 112' x 200'. The surrounding zones include: (C-4) Heavy Commercial to the north, (AO-I) Agricultural Open Interim to the east, and (C-3) General Business to the west and south. The surrounding land uses consist of a

commercial warehouse to the north, a 'Stripes' convenience store to the west, open acreage (future commercial reserve) to the east, and an Advanced Auto Parts store to the south. The subject site is currently open acreage. The Future Land Use Map reflects a General Commercial (GC) designation along the Business 83 frontage.

The site is part of a commercial 'reserve' since the inception of the Master Plan for Shary Crossing. It should be rezoned to C-3 due to FLUM compliance, frontage to a widened major thoroughfare, and it's adjacency to existing commercial users and zones. Staff recommended approval to the C-3 zone request.

Chairman Rene Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

There being no comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:29 p.m.

ITEM # 1.6

Conditional Use Permit:

**Home Occupation – One Chair Beauty Salon
508 Los Ebanos
.29 acre tract of land out of Lot 19-3,
West Addition to Sharyland Subdivision
R-1
Sylvia Hornbuckle**

Mr. Sergio Zavala went over the write up stating that the subject site is located in the NE area of Expressway 83 and Los Ebanos. This site has gone through the Single Lot Variance process (Laura Martinez) and has frontage to Los Ebanos Road, a future 80' collector. The home has a two-car driveway meeting the minimum of 2 off-street parking spaces for residential areas. The applicant is proposing to utilize a room located on the north side of the home for the one-chair beauty salon.

- **Days/Hours of Operation:** Tuesday – Saturday from 1:00 p.m. to 6:00 p.m. (By Appointment Only)
- **Staff:** Only the applicant will be operating the salon.
- **Signage:** The applicant used to have an existing salon in her previous home with a 3.5' x 2.5' sign located near the street. Now, she wishes to attach the

same sign to the new home, instead of the maximum allowed 1' x 1' sign. We have had other CUP's that are located on collector streets that have requested larger signs, due to the distance from the road, however those homes were 95'+ from the road. The home is approximately 45' from the street. To gauge perspective, a typical R-1 residence is 30' - 35' from the street. Though the 3.5' x 2.5' sign was used previously, this in and of itself is not sufficient cause to re-use this much larger sign. If a variance on the sign's size is considered due to the increased distance of 10' -15' over the R-1 norm, then the sign should increase to approximately 2' x 2', but not over 3 times the 1' maximum.

- Must comply with the remaining portions of Sec. 1.56-1, Zoning Code (home occupations regs.)

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** comply with Sect. 1.56-1 of the Zoning Ordinance to include a sign no larger than 2' x 2', and **3)** acquiring a business license.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Sylvia Hornbuckle who resides at 508 N. Los Ebanos was present to address any questions that the Board might have.

Chairman Rene Flores asked Mrs. Sylvia Hornbuckle if she had understood staff's recommendations.

Mrs. Hornbuckle replied, "Yes".

Chairman Rene Flores asked Mrs. Sylvia Hornbuckle how long has she been a hairstylist.

Mrs. Hornbuckle replied, "Since 1971".

Chairman Rene Flores asked Mrs. Sylvia Hornbuckle if she was willing to comply with the sign code regulations.

Mrs. Sylvia Hornbuckle replied, "Yes".

Chairman Rene Flores asked Mr. Sergio Zavala if staff was requiring the 1' x 1' or the 2' x 2'.

Mr. Sergio Zavala stated that staff would allow a 2' x 2'. He mentioned that what happened was that she used to have an old house, which was set further back from the street, which was removed and constructed a new one closer to the street. He added that she had a conditional use permit for this location since 1986 but since it's a new house she needs to re-apply.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:29 p.m.

Ended: 5:34 p.m.

ITEM # 1.7

Conditional Use Permit:

**Taxidermy Services from an AO-I Zone
3802 Cando Munguia
Lots 17 & 18, Block 7, Madero Subdivision
AO-I
Pablo Munguia**

Mr. Sergio Zavala went over the write up stating that the site is located on the NW corner of Main Street and Cando Munguia. The applicant is proposing to utilize an existing 744 sq. ft. SF residence as a taxidermy business. The structure does not have a paved 2-car driveway, thus one must be provided.

- **Hours of Operation:** Monday – Friday from 8:30 a.m. to 5:30 p.m., and weekend drop-off's by appointment only
- **Staff:** Mr. Pablo Munguia will be the only person operating the taxidermy business.
- Mr. Pablo Munguia has obtained certification from the Central Texas School of Taxidermy. The applicant only uses soap, borax, water and other non-toxic, water-soluble chemicals. No toxic chemicals or acids are used. Since Mr. Pablo Munguia is dealing with just animal hides, skulls, and antlers, there will be little to no waste products. Mr. Pablo Munguia stated that the process poses no health issues to him, his family, or the surrounding neighbors. No permits are required by TCEQ.
- **Signage:** Mr. Pablo Munguia will place the maximum 1' x 1' sign attached to the structure.
- Must comply with Fire, Health, and Building Codes prior to obtaining a business license.
- Mission approved a taxidermy service along Stewart Road and did not have any issues with this type of business near residential uses once it was activated. There were fears and concerns expressed at that time, but none of those came to pass. In reality, a 1-man taxidermy service is a silent neighbor.

We anticipate the same for this proposal. Mr. Pablo Munguia has a petition from his neighbors supporting the proposed use, and no calls against it were received by staff as of 12/9/11.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new business, **2)** installation of a 2 car driveway within 6 months, **3)** acquisition of a business license, and **4)** random visits by City (Health) Officials.

Chairman Rene Flores asked Mr. Sergio Zavala what were the fears and concerns of the citizens.

Mr. Sergio Zavala stated that the fears and concerns that were expressed by the citizens who lived on Stewart Road were that flies would be all over the place, hides would be hanging from trees, un-sanitary conditions may exist and things of that sort but none of that ever occurred as was assured by Mr. Tyler Welch.

Chairman Rene Flores asked if the installation of driveway would be placed back on the agenda in 6 months or would that be something that staff would take care off.

Mr. Sergio Zavala stated that staff would monitor it internally.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Pablo Munguia was present to address any questions that the Board might have.

Chairman Rene Flores asked Mr. Munguia if he was receptive to staff's recommendations.

Mr. Pablo Munguia replied, "Yes".

Chairman Rene Flores asked Mr. Pablo Munguia how long has he been in the taxidermy business.

Mr. Pablo Munguia stated that he had gone to school in September and has slowly been buying his supplies and now all he needed was to secure the permit from the city.

Chairman Rene Flores mentioned that he imagined that his business's season has just passed.

Mr. Pablo Munguia replied, "Yes". He added that there were still a lot of people that do exotic hunts so he was hoping those would come in for now.

Mr. Abiel Flores stated that he could attest that he was one of those citizens' that lived on Stewart Road concerned for the taxidermy business right behind his house and it's like Mr. Sergio Zavala mentioned if it is done right there is nothing to worry about.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Abiel Flores moved to approve the conditional use permit subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:40 p.m.

ITEM # 1.8

Conditional Use Permit:

Home Occupation – To Re-package Dips

3502 Santa Inez

Lot 110, Los Nogales, Phase III

PUD

Maria Del Pilar Gonzalez

Mr. Sergio Zavala went over the write up stating that the subject site is located 70' south of San Roman, along the west side of Santa Inez. The applicant is proposing to receive 2 – 4 gal. buckets per month of pre-manufactured dips/sauces in which she would open and add her own ingredients to the dip and re-package them to sell to businesses at the business's site. No sales will occur at her home, nor will there be any customers going to the home. The applicant has a room within her garage where she has a large working area, a 3-compartment sink, and a large blender. In review of our permit records, there is no 'remodeling' permit; thus, a condition of any approval must include a remodeling permit with ARC approval. The home has a driveway capable of accommodating 2 vehicles as required for residential areas. There will be no advertising on the premises and walk-ins are not welcome.

- **Hours of Operation:** Saturdays from 8:00 a.m. to 3:00 p.m.
- **Staff:** Only the applicant will be operating the business.
- **Signage:** No signage is desired.
- Must comply with Health and Fire Codes prior to obtaining a business license.

In Staff's assessment, the proposed service will not increase traffic, and there will be no signage indicating that the site is anything else other than a residence. We do not object to an initial 6-month approved tenure in order to keep vigilance on the health and sanitary conditions of this food-linked proposal.

Staff recommended approval subject to: **1)** 6-month re-evaluation to assess this new operation, **2)** comply with Sect. 1.56-1 of the Zoning Ordinance, **3)** secure ARC approval for the remodeling and acquire a City remodeling permit, and **4)** acquiring a business license and any health cards that may be required.

Chairman Rene Flores asked if the applicant had to obtain a remodeling permit for the construction first before she could operate the business.

Mr. Sergio Zavala stated that to his understanding the remodeling has already occurred but she didn't secure the proper permits. He added that it might of been something she was not aware off but staff could not move forward until she applies for the remodeling permit. Mr. Sergio Zavala stated that if she does not obtain a permit then staff could not issue a conditional use permit.

Mrs. Marisela Marin asked if that permit comes from the subdivision.

Mr. Sergio Zavala stated that there is a board at Hunt Valley Development that reviews their homes additions and remodelings for permits. He added that staff usually has a good relationship with the different home owners associations like Hunt Valley, Cimarron Country Club, and Meadow Creek in which they have their people to review and approve the permit first and then submit the form giving the consent to the city as part of our packet.

Mrs. Marisela Marin asked if she had enclosed the garage.

Mr. Sergio Zavala replied, "Yes".

Chairman Rene Flores asked staff if they had taken any pictures from the inside.

Mr. Sergio Zavala replied, "No".

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Maria Del Pilar Gonzalez stated that basically what she does is re-package some dips and make them different flavors such as olives, cilantro, piquin, chipotle, jalapeno and that is about it.

Chairman Rene Flores asked if the dips were homemade.

Mrs. Maria Del Pilar Gonzalez stated that she usually buys the base and she adds the flavor.

Mrs. Marisela Marin asked Mrs. Maria Del Pilar Gonzalez if she had understood staff's requirements in order for her to obtain the conditional use permit.

Mrs. Maria Del Pilar Gonzalez replied, "Yes and she was also receptive to the recommendations".

There being no further comments, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit subject to staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:45 p.m.

ITEM # 1.9

Conditional Use Permit:

**Institutional Use – New Charter School
Luz Para Las Naciones Church
915 W. Expressway 83
Lot 1, Nido De Aguila Subdivision
R-1
J. Guadalupe Reyes**

Mr. Sergio Zavala went over the write up stating that the site is located on the SW corner of South Olmo Street and the Expressway. The site includes new worship facilities for the 'Luz Para Las Naciones' Church. The pastor wishes to open a charter school (Pre-K to 3rd Grade) in the eastern portion of the old church offices and assembly area. The charter school will not have a full service cafeteria, i.e., they will have the food delivered daily to the school. There is a dining/auditorium and a total of 6 classrooms, which allows for 21 students per classroom. Access to the facility is available from Expressway 83 and South Olmo Street. The student drop-off area will be along the north side of the building.

- **Hours of Operation:** Monday – Friday from 8:00 a.m. to 4:00 p.m. The church is used only on Wednesdays from 7:00 p.m. to 10:00 p.m., and Sunday from 10:30 a.m. to 1:30 p.m., thus NO conflict is evident with parking during school hours.
- **Parking and Landscaping:** There are 171 parking spaces existing at the site sufficient to provide for the charter school's required 9 parking spaces. The perimeter sidewalk on South Olmo Street is not fully completed; this new charter school should induce the completion of the sidewalk improvements within the next 60 days.
- Must meet Building, Fire and Health Codes prior to occupancy.

Staff recommended approval subject to: **1)** 1 year re-evaluation after school opens, **2)** must complete the sidewalks within 60 days; and **3)** must comply with Fire and Health Code, plus meet all typical building codes, prior to occupancy.

Note: FYI, the church facility is missing 151 parking spaces for the required # previously imposed via their original building permit; staff is handling this separately with them as a typical follow-up item; regardless, the proposed charter school will have more than enough parking for its needs.

Chairman Rene Flores asked that if in order to become a charter school if they already when through the process or was this their first step.

Mr. Sergio Zavala stated that he believed it was already an existing charter school and if it is not approved they will not remodel their old assembly area.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Representing the church, Mr. Eledir Garza who resides at 420 Briarway was present to address any questions that the Board might have.

Chairman Rene Flores asked if he was receptive to staff's recommendations.

Mr. Eledir Garza replied, "Yes".

There being no comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:50 p.m.

ITEM # 2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Kalos Salon De Eventos
1516 E. Expressway 83, Ste. 5K
Lots 5, 5J, 5K, 5L, Stewart Plaza Subd.
C-3
Oscar L. Cardenas**

Mr. Sergio Zavala went over the write up stating that the subject site is located 400' south of U.S. Expressway 83 along the west side of Stewart Road within a commercial plaza. A 9,240 sq. ft. social events center is being built for activities such as weddings, reunions, birthday parties, seminars, etc. There is a total of 5,842 sq. ft. of the total area proposed for seating and kitchen areas.

- **Parking:** There are currently 180 existing parking spaces however the new construction is removing 10 spaces to allow for a drop-off area for wedding parties, etc. Parking reflects a need of 58 parking spaces (5,842 sq.ft./1 space per 100 sq.ft. =58.4). There are now a total of 170 parking spaces held in common at this development. Since most activities are held at later hours and on weekends when most businesses at this development are closed, staff does not anticipate having any parking issues. This business would also be sharing with the other existing events center, The Corinthian, which requires 70 parking spaces, thus requiring a minimum of 128 spaces for the two businesses.
- **Hours of Operation:** For the most part, these events typically take place during evening hours from approximately 6:00 p.m. to 2:00 a.m., primarily on Fridays and Saturdays.
- Such uses need to be 300' from residential and institutional (church) areas. There is a residential subdivision within this radius (Legends at Cimarron); thus a waiver of the separation requirement needs consideration.
- Must comply with Fire and Health Codes prior to obtaining a business license.

Staff recommended approval subject to: **1)** a 1 year re-evaluation after activation to assess this new business, **2)** no objection to a waiver of the 300' separation requirement from the residential neighborhood (Legends at Cimarron has a masonry wall), and **3)** must acquire a business license which includes wet zoning the site.

Chairman Rene Flores stated that there was a lot of construction going on in that area.

Mr. Sergio Zavala stated that there was construction of some suites along the expressway, which was a good thing for the City.

Mrs. Marisela Marin asked if the area where they were constructing the ballroom was full or almost nearly full.

Mr. Sergio Zavala stated that he believed there was just one area that was vacant.

Mrs. Marisela Marin asked Mr. Sergio Zavala what was the radius of the Corinthian to the residential neighborhood.

Mr. Sergio Zavala stated it was over 500' away from the residential neighborhood. He added that this proposal was nearer to Stewart Road that was the reason for the waiver.

Chairman Rene Flores asked if staff knew what they were proposing to build in front of the ballroom.

Mr. Sergio Zavala stated that it was a shell building with a series of suites but he didn't believe there was an anchor proposed at this time but it was a good thing to have in the City.

Mrs. Marisela Marin asked if the ballroom would be sharing the same parking lot as the suites that were being constructed.

Mr. Sergio Zavala replied, "No".

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Oscar Cardenas who resides at 903 Keystone Drive was present to address any questions that the Board might have.

Chairman Rene Flores asked if he was receptive to staff's recommendations.

Mr. Oscar Cardenas replied, "Yes".

Chairman Rene Flores asked Mr. Oscar Cardenas if the new ballroom was going to be the same size as the Corinthian.

Mr. Oscar Cardenas stated that the proposed building was smaller than the Corinthian.

Mrs. Marisela Marin asked if staff was requiring a wall for the noise or was the City just going to waive that requirement.

Mr. Sergio Zavala stated that the Legends at Cimarron had a masonry wall already therefore staff was not requiring a wall.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's

recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m.

Ended: 5:54 p.m.

ITEM # 2.1

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages – “La Parrilla” Taco & Grill
523 N. Conway Ave.
Lot 12, Block 92, M.O.T.
C-3
Rene Benavidez / Gerardo Gonzalez**

Mr. Bobby Salinas went over the write up stating that the 1,414’ sq.ft. restaurant site is located at the SW corner of Conway Avenue and 6th Street. This site previously had a CUP for the Sale and On-Site Consumption of Alcohol for “Cocina Del Caribe” which was approved on 1/25/10. However, since the CUP was not transferable to others and a new operator is evident, a CUP needs to be considered once again. The intent is to establish a small family-oriented Mexican restaurant where alcoholic beverages would be available to customers.

- **Hours of Operation:** Tuesday – Thursday from 11:00 a.m. to 10:00 p.m., Friday and Saturday from 11:00 a.m. to 12:00 a.m., and Sunday from 11:00 a.m. to 8:00 p.m., Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 4 employees
- **Parking:** In reviewing the floor plan, the 1,414’ sq.ft. site has a total of 5 tables that seat 4 and 12 booths that can accommodate 4 people each for a grand total of 68 seating spaces in the dining area. A 10-space parking lot is available for additional parking. We note that there is a City parking lot with 44 parking spaces available at the NW corner of Conway Avenue and 6th Street. Staff did not receive any complaints regarding parking from the previous CUP operator.
- **Sec. 6-4:** This request is compliant to Sec. 6-4, which requires that no alcoholic beverages be sold within 300’ to a church, public school, private school or public hospital (measured door to door for church or hospital).

Staff recommended approval subject to a 1-year re-evaluation to assess this new operation.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Gerardo Gonzalez who resides at 1005 Denise Court was present to address any questions that the Board might have.

Mrs. Marisela Marin asked if the balcony was used for dining.

Mr. Gerardo Gonzalez replied, "No".

Chairman Rene Flores asked Mr. Gerardo Gonzalez if he was receptive to staff's recommendations.

Mr. Gerardo Gonzalez replied, "Yes".

There being no further comments, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:54 p.m.

Ended: 5:59 p.m.

ITEM # 2.2

Conditional Use Permit:

**Sale & On-Site Consumption of
Beer & Wine – Wing Stop Restaurant
1801 N. Conway Avenue, Suite F
Lot 1, Enrique Mery Subdivision
C-3
Wing Stop**

Mr. Bobby Salinas went over the write up stating that the proposed restaurant site is located within a commercial plaza in the NW area of 18th Street and Conway. The applicant will be relocating the Wing Stop Restaurant from its current location on 301 W. Griffin Parkway to this new location.

- **Hours of Operation:** Everyday from 11:00 a.m. to 12:00 a.m. Alcoholic Beverages will only be served during allowable State selling hours.
- **Staff:** 13 – 17 employees
- **Parking:** There are 50 total seating spaces, which require 17 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It is noted that the parking area is held in common (66 existing parking spaces) with other smaller suites.
- **Landscaping:** There is some existing landscaping along Conway Avenue, however the applicant recently purchased the entire plaza area and specified that he was looking to improve the area with some additional landscaping.

Staff recommends a minimum of 3 shade trees similar to those along Conway located to the north of this site. Some additional shrubs/hedges would also help improve the aesthetics in this area.

- Must comply with the City Sign Ordinance and buffer requirements, if applicable.
- Must comply with Fire and Health Dept. requirements prior to business license issuance.

Wing Stop is a family-oriented restaurant that successfully acclimates well to its commercial location – this site will hopefully induce some commercial activity to the vacant lots to the north. Staff recommended approval subject to: 1) a 1 year re-evaluation to assess this new business establishment; 2) provide landscaping; 3) wet zone the property; 4) comply with sign code and buffer requirements, if applicable; and 5) acquisition of a business license.

Chairman Rene Flores asked where was the Wing Stop located.

Mr. Bobby Salinas stated that it was currently on a plaza on FM 495 west of Long John Silvers.

Chairman Rene Flores asked if they were doing anything to update the property.

Mr. Bobby Salinas stated that Mr. Ortiz had purchased the property and part of that was going to be used for the restaurant. He added that they were in the processed of remodeling the building.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Brian Dyer who resides at 301 Lorenaly in Brownsville, Texas stated that the current project was to relocate the Wing Stop. He added that they had just purchased the entire plaza to be able to have a bigger facility, more parking, and less congestion to where they are. Mr. Brian Dyer stated that the building is being completely remodeled to look very modern. He mentioned that they haven't decided whether the remaining part of the building would be leased out or if they were going to utilize it.

Chairman Rene Flores asked Mr. Brian Dyer what position he currently holds.

Mr. Brian Dyer stated that he was the Chief Operating Officer/District Manager for the Wing Stop.

Chairman Rene Flores asked if he would oversee all the Wing Stops in the area.

Mr. Brian Dyer replied, "Yes".

Chairman Rene Flores asked how was the business at the current location.

Mr. Brian Dyer stated that business was good in that location it was their #1 store but their lease was coming up and they wanted more area for parking. He added that they wanted to invest in a building that would be theirs instead of leasing and paying someone else for rent.

Chairman Rene Flores stated that he was glad they decided to invest in the City. He asked Mr. Brian Dyer if he was receptive to staff's recommendations.

Mr. Brian Dyer replied that he was willing to comply with the requirements.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit subject to staff's recommendations. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:02 p.m.

ITEM # 2.3

**Conditional Use Permit Renewal: Home Occupation – Licensed Child
Care Home
4203 San Roman
Lot 104, Paseo Lindo Ph. II Subdivision
PUD
Nora Arguelles**

Mr. Bobby Salinas went over the write up stating that this conditional use was approved by P&Z last year on 11-17-10. The subject site is located between Santa Laura and Santa Teresa, along the north side of San Roman. The home has a two-car driveway off of San Roman capable of accommodating the safe drop off and pick up of children. There are also existing 4' sidewalks for pedestrian traffic. There is a six-foot opaque fence surrounding the rear of the residence to maximize protection of the children. She primarily uses her living room to care for the children.

- **Hours of Operation:** Monday – Friday from 8:00 a.m. to 3:00 p.m.
- **Staff:** Herself and 1 other adult run the registered home.
- DHS certification has been obtained as previously required.

- Must continue to comply with Sec. 1.56-1, Zoning Code (home occupations regs.)
- Staff has never received any complaints from the neighborhood. Since this is in a PUD though, continual 1-year re-evaluations should be the norm.

Staff recommended approval subject to a 1-year re-evaluation to keep monitoring the childcare facility.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Nora Arguelles who resides at 4203 San Roman was present to address any questions that the Board might have.

Chairman Rene Flores asked how many kids she currently took care off.

Mrs. Nora Arguelles replied, "12 kids".

Chairman Rene Flores asked Mrs. Nora Arguelles if she was receptive to staff's recommendations.

Mrs. Nora Arguelles replied, "Yes".

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:02 p.m.

Ended: 6:04 p.m.

ITEM # 2.4

**Conditional Use Permit Renewal: Home Occupation – Registered Home
Daycare
1806 Gladiola Street
Lot 201, Southern Oaks Ph. III Subd.
R-1
Reyna Lopez**

Mr. Bobby Salinas went over the write up stating that this CUP was first approved by P&Z on 11/18/09 and then on 11/17/10. The subject site is located 70' east of Jacob Street along the north side of Gladiola Street. The home has a two-car driveway off

of Gladiola Street capable of accommodating the safe drop off and pick up of children. There is also an existing 4' sidewalk for pedestrian traffic. There is a six-foot opaque buffer fence along the rear of the home and a 6' chain link fence along the front to maximize protection of the children. She primarily uses her living room to care for the children.

- **Hours of Operation:** Monday – Friday from 7:30 a.m. to 5:00 p.m.
- **Staff:** Mrs. Lopez is the only person running the registered home.
- DHS certification has been obtained as previously required.
- Must continue to comply with Sec. 1.56-1, Zoning Code (home occupations regs.)
- Planning has never received any comments in opposition to this service.

Staff recommended approval subject to a 3-year re-evaluation to keep monitoring the childcare facility.

Chairman Rene Flores asked if the reason staff was recommending to re-evaluate in 3 years was because she has been in business longer.

Mr. Bobby Salinas replied, "That's correct."

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Reyna Lopez who resides at 1806 Gladiola Street was present to address any questions that the Board might have.

Chairman Rene Flores asked Mrs. Reyna Lopez for how long has she had her business.

Mrs. Reyna Lopez replied, "Since 2006."

Chairman Rene Flores asked how many kids she currently took care off.

Mrs. Reyna Lopez replied, "12 kids".

Chairman Rene Flores asked if 12 kids was the limit in order to be able to have a business from their house.

Mrs. Reyna Lopez replied, "Yes."

Chairman Rene Flores asked Mrs. Reyna Lopez if she was receptive to staff's recommendations.

Mrs. Reyna Lopez replied, "Yes".

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:04 p.m.

Ended: 6:08 p.m.

ITEM # 2.5

**Conditional Use Permit Renewal: Residential Structure for Office Use
in an R-1A Zone
3503 N. Taylor Road.
Lot 1-A, Summers Estates Subdivision
R-1A
Mark V. Richards**

Mr. Bobby Salinas went over the write up stating that the subject site is located 1,000' north of 2 Mile Road along the west side of Taylor Road. Mr. Richards desires to renew his CUP to have his office within a residential structure where no one will reside. The office is utilized for a small oil and gas management company; however, the structure continues to appear residential with no signage on the premises.

P&Z first approved this request on 9/23/09 with the condition that he would not allow heavy equipment, acquire a business license and have a 1-year re-evaluation of the site. This CUP was most recently approved on 9/22/10.

- **Hours of Operation:** Monday – Friday from 8:00 a.m. to 5:00 p.m.
- **Number of Employees:** 4
- We received a letter of 'No Objection' from the owner of 11 lots (Gerald Gabbert)
- With such a low-key operation that has less traffic than a typical residence with a 4-member family and the fact that staff has not received any complaints from any of the adjoining properties, staff does not object to the continuation of the CUP.

Staff recommended approval subject to a 1-year re-evaluation.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Mark Richards who resides at 3502 N. Taylor Road was present to address any questions that the Board might have.

Chairman Rene Flores stated it seemed there have been no problems and he even had the support of his neighbors.

Mr. Mark Richards stated that they actually enjoyed it because there was nobody living in the house in the evenings and there was no loud noise.

Mrs. Marisela Marin asked if he only had 4 employees.

Mr. Mark Richards stated that he had 4 employees including himself.

Mrs. Marisela Marin mentioned that business should be growing.

Mr. Mark Richards stated that this was the administrative side of the business and unfortunately the business had invested in natural gas which was a currently under \$3.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:08 p.m.

Ended: 6:13 p.m.

ITEM # 2.6

**Conditional Use Permit Renewal: Little Patriots Day Care
300 E. 2 Mile Road
1.17 Acres of Lot 28-7,
West Addition to Sharyland Subdivision
R-1
Reymundo Ramirez Jr.**

Mr. Bobby Salinas went over the write up stating that the subject site is located at the SW corner of Francisco and 2 Mile Road. This CUP was last approved by P&Z on 10/13/10 and is now up for renewal. In 9/9/09, Mr. Ramirez took over this operation from Mr. Joel and Hermilia Ochoa, who had the operation since April 2004. Since its introduction in 2004, the Ochoa's and the applicant have complied with the requests of the P&Z which included: compliance with the Subdivision Code, DHS

certification, compliance with sign codes, acquisition of a business license, and the installation of a fence buffer.

- **Parking:** The 2,248 sq.ft. daycare requires 9 spaces ($2,248 - 400/400 + 4 = 8.62$ spaces). There were 4 parking spaces located on the west side of the site. However, 2 Mile Road's widening deleted 1 parking space leaving 3 spaces. There is also a circular driveway that is used by parents dropping off or picking up their kids. This 1-way circular drive can hold two vehicles and is used so cars can safely enter the facility from 2 Mile and exit facing 2 Mile's traffic. During the last approval, P&Z had required the applicant to add 2 parking spaces that would leave 2 spaces lacking. It was also stated that full compliance of the parking would be required in 2011's approval. As of 12/9/11, the 2 additional spaces have not been installed. (Note: Charges have been filed in court for non-compliance to CUP requirements; in processing this, the parking has been deferred until Feb. 2012 to resolve).
- During the 10/13/10 approval, it was also mentioned that C-2 rezoning could be sought, thus no more CUPs would be warranted thereafter. However, parking compliance should be evident first prior to any C-2 consideration.
- **Hours of Operation:** Monday – Friday from 7:00 a.m. to 6:00 p.m.
- **Staff:** 4 employees
- DHS certification is evident and will continue to be mandated.

Staff recommended approval subject to: **1)** 1 year re-evaluation, and **2)** fully comply with the parking requirements, i.e. add 4 parking spaces.

Chairman Rene Flores asked how aggressive has the City being in making the applicant comply with the parking requirements.

Mr. Bobby Salinas stated that to the point of sending him to Municipal Court. He added that staff had him actually on the docket but the case got deferred until February. Mr. Bobby Salinas stated that they were actually to the point where he would need to comply or the judge would be setting a fine per day until he complies.

Chairman Rene Flores stated that he would be jeopardizing his business if he doesn't comply.

Mr. Abiel Flores mentioned that he had understood that if the applicant didn't comply the City could actually refuse to approve the conditional use permit.

Mr. Bobby Salinas stated that there was a process in which staff needs to notify the applicant that he needs to comply or else the City would have a public hearing to consider revoking the conditional use permit.

Mrs. Marisela Marin asked if the applicant was present.

There was no response.

Mrs. Marisela Marin asked why staff was still recommending approving for 1 year if he had not complied with all of the requirements.

Mr. Sergio Zavala stated that in the past it has worked that once they get an ultimatum from the judge and notice that they're at risk of losing their conditional use permit, they usually comply.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:13 p.m.

Ended: 6:18 p.m.

ITEM # 2.7

**Conditional Use Permit Renewal: The Complimentary Offering of Alcohol Beverages for On-Site Consumption for a Social and/or Cultural Event
921 E. 12th Street
Lot 1, Mission Library Subdivision
R-2
Upper Valley Art League**

Mr. Bobby Salinas went over the write up stating that an aerial of the site reflects the common parking spaces that serve the facility. Ord. # 3436 permits civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event.

On 11/17/10, P&Z voted to approve a request by UVAL for the offering of alcoholic beverages for 1 year. UVAL is now requesting a renewal for another year that would allow the serving of **complimentary** alcoholic beverages during Art events for 2012. (Please see the calendar of events for 2012). All events are scheduled from 7:00 p.m. to 9:00 p.m.

It appears that the 2011 social events occurred with no incidents. UVAL firmly attests that they are very watchful of how much the patrons are responsibly served, and intend to have continued vigilance at their social exhibit events in 2012.

Staff recommended approval subject to compliance with Ordinance #3436.

Chairman Rene Flores asked if this was a one-time event.

Mr. Bobby Salinas stated that it was for all the events during the year.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Maxilou Link stated that she was the president for the Upper Valley Art League. She added that they had an event the second Saturday of every month for the whole year in which they offer complimentary drinks.

Chairman Rene Flores asked if these events were held at the Speer Memorial Library.

Mrs. Maxilou Link stated that they were held at the Kika De La Garza Building located next to the library.

Chairman Rene Flores mentioned that he recalled seeing an item before P&Z regarding the expansion of this building.

Mrs. Maxilou Link stated that the bid had just been approved by the City Council on the January 9th meeting to expand to the east side which would have classrooms and on the back part of the building they would be teaching welding and pottery classes.

Chairman Rene Flores suggested that they be careful with the welding and drinking because those two would not mix too well.

Mrs. Maxilou Link stated that they didn't have welding on Saturdays. She added that this was all through membership.

Chairman Rene Flores asked how many members the Upper Valley Art League had.

Mrs. Maxilou Link stated that they had started with 48 and now they had over 200.

Ms. Izaguirre asked if this was privately owned or if it was owned by the City of Mission.

Mrs. Maxilou Link stated that this was a non-profit organization.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:18 p.m.

Ended: 6:18 p.m.

ITEM# 2.8

**Conditional Use Permit Renewal: To Keep a 12' x 16' Portable Building for Use as a Sales Office
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza
C-4
Patricia Garcia**

Mr. Bobby Salinas stated that no action needed to be taken since it seems that they have closed down.

Started: 5:03 p.m.

Ended: 5:08 p.m.

ITEM # 3.0

**Site Plan Approval: Construction of a New Kitchen Addition For K. White Junior High School
Lot 24-3, West Addition to Sharyland Subd.
R-1
Mission CISD**

Mr. Sergio Zavala went over the write up stating that the site is located on the SW corner of Gold Avenue and Griffin Parkway. The proposed addition is located on the SW area of the school.

PROPOSAL: MCISD wishes to expand the existing kitchen at K. White Jr. High by approximately 3,000 sq.ft. and do some interior remodeling. The minimum setbacks are: Front: 40', Rear: 10', Sides: 6'. The proposal is exceeding all setback requirements, thus compliant to code.

UTILITIES: MCISD will also be installing a new 8" water line that will finally connect to O'Grady's existing 8" network, thus looping the water system. Via the Fire

Marshal's directive, they will also be installing two additional fire hydrants along the south side of the school. The installation will be inspected by the Public Works Dept.

PARKING: This project also entails a reconfiguration of the parking lot, which will actually increase the number of existing parking spaces by 4 spaces (Existing spaces – 15, new spaces – 19).

Staff recommended approval subject to: **1)** obtaining a pre-construction conference for the utility work, **2)** recording utility easements for the waterlines (looping/hydrants), and **3)** obtaining a building permit for the kitchen expansion.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Eduardo Vela stated that he was the Architect and Mr. Javier Hinojosa was the engineer for this project. He added that they were proposing a kitchen addition similar to what they did at Mims & O'Grady Schools. Mr. Vela stated that aside from the addition they were also improving the dining area by adding a fire sprinkler system.

Chairman Rene Flores asked if the need for this bigger kitchen was because of the growing number of students.

Mr. Eduardo Vela stated that he was correct and also to modernize because the kitchen was 20+ years old.

Mrs. Marisela Marin asked what the timeline for this project was.

Mr. Eduardo Vela stated that they had just bid the project out and the school had a certain criteria of ranking and then approval so he estimated that it would start construction next month and finish in 12 months.

Mr. Rene Flores asked if this construction would interfere with any of the other kitchen activities.

Mr. Eduardo Vela stated that it does interfere to a certain point with the central kitchen department and food service department once they start with the remodeling but they provide sack lunches or individual serving lines in the classrooms.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the site plan approval subject to staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:18 p.m.

Ended: 6:23 p.m.

ITEM # 3.1

Site Plan Approval:

**Construction of 6 Apartments
Lot 11, Block 16, Fairway Oaks Subdivision
PUD
Adiel & Ismena Garcia**

Mr. Bobby Salinas went over the write up stating that the site is located 700' east of River Bend Drive along the north side of Oasis Drive.

Proposal: To build a 1 single story complex containing 4 two bedroom apartments and 2 three bedroom apartments for a total area of 5,019 sq.ft. all divided by 1 hr. rated firewalls.

Setbacks: The minimum required setbacks based on the subdivision area: Front: 6', Rear: 15', Sides: 6'. All setbacks are being met.

Parking: The 6 units are calculated to require 12 parking spaces based on the 2:1 parking ratio. The lot is part of an existing private development, which shares 164 existing parking stalls. There have never been any issues with parking on this development.

Landscaping: Ten percent landscaping is being proposed with a combination of trees, plants, and shrubs. A minimum of 7 – 3" caliper shade trees are required to be planted within the landscape areas along the rear area of the lot.

Other comments:

- Payment of Capital Sewer Recovery Fee in the amount of \$760 (4 two bedroom apartments x \$120 = \$480 and 2 three bedroom apartments x \$140 = \$280).
- Payment of Park Fees in the amount of \$1,800 (\$300/apartment)
- Parking needs to be re-stripped.

Staff recommended approval subject to: **1)** pay capital sewer recovery fee and park fee, **2)** provide 7 – 3" caliper shade trees, and **3)** re-stripped parking lot (frontage).

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Ismena Garcia resides at 1905 Oasis Drive was present to address any questions that the Board might have.

Chairman Rene Flores asked if she was receptive to staff's recommendations.

Mrs. Ismena Garcia replied, "Yes". She added that they currently owned several apartments and was familiar with the fees and process.

Mrs. Marisela Marin asked which apartments she owned.

Mrs. Ismena Garcia stated that they owned the first two and the last one in the same area where they were proposing the new construction.

Chairman Rene Flores asked if they were using the same plans.

Mrs. Ismena Garcia replied, "Yes".

Mrs. Marisela Marin asked if all the apartments were rented.

Mrs. Ismena Garcia replied, "Yes".

Mrs. Marisela Marin asked if they only had a one way street.

Mr. Sergio Zavala stated that the way it was approved it was like an L-shape or hammer head were they needed to go to the end and then come back to exit out.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the site plan approval subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:23 p.m.

Ended: 6:24 p.m.

ITEM # 3.2

Site Plan Approval:

**Construction of a canopy over an existing
Playground at Romulo D. Martinez
Elementary School
Lot 196, John H. Shary Subdivision
R-1
Sharyland ISD**

Mr. Bobby Salinas went over the write up stating that the Zoning Ordinance mandates that any expansion to existing institutional uses (such as a school), secure the approval of the P&Z Commission. The site is located on the NW corner of 4th and Taylor Road. Sharyland ISD wishes to construct a new 3,600 sq.ft. canopy over an existing asphalt playground located in the NW area of the Romulo D. Martinez Elementary School site. The minimum setbacks are: Taylor: 40', Front: 20', Rear: 10', Sides: 6'. The proposal is exceeding all setback requirements, thus compliant to code. There will be no need to install new utilities or additional parking with this project. Staff recommended approval.

Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the site plan approval subject to staff's recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:24 p.m.

Ended: 6:32 p.m.

ITEM #4.0

Single Lot Variance:

**A 2.87 acre tract of land out of
Lot 304, John H. Shary Subdivision
AO-I
Felix Pena**

Mr. Bobby Salinas went over the write-up stating that this property, once a part of a landscaping nursery business, is almost at the 2-½ mile juncture of Shary Road (west side). The site measures 332.62' along Shary Road, 400' along the south side, 241.73' on the west side, and 419.43' on the north side. If approved, the owner will demolish most of the buildings on the subject property.

Water: The City of Mission installed a fairly new 10" waterline along Shary prior to it's widening. In this regard, the owner will reimburse the City for ½ the cost of an 8" waterline in the amount of \$2,328.34 (\$7/l.f. x 332.62'). Any development will have additional hydrants considered as part of the building permits approval (as to location, etc.).

Sewer: There is an existing 8" sewer line along the east side of Shary Road that was funded by EDAP. However, the City paid for a bored service line to serve the subject property, thus the owner will reimburse the City for this cost. Pursuant to prevailing codes, prior to any occupancy, the old septic tank system will be de-activated and connection to the City's sewer system will be mandated. Also, the capital sewer recovery fee will be imposed via policy, i.e., if '*residential*' = \$200; or if '*ag. commercial*' = \$750/acre.

Streets: The property fronts Shary Road, a future 120' ROW/81' B-B paved street. The MPO Thoroughfare Plan requires a minimum of 60' ROW from the centerline of the street. Additional ROW is needed in order to meet mandatory MPO requirements. One streetlight is required to be borne by the owner in conformance to subdivision policies.

Other Comments: Escrow 5' sidewalks - \$12/l.f. x 308.62' (332.62' - 24' driveway) = \$3,703.44.

Staff recommended approval subject to: 1) dedication of additional street ROW to be compliant to MPO requirements, 2) escrow the 5' sidewalks, 3) pay capital sewer recovery fee; de-activate septic tanks & connect to sewer during building permit process, 4) ½ cost of 8" water line & cost of sewer service line, and 5) provide proof of water district exclusion.

Chairman Rene Flores asked if this was the old Shary Acres.

Mr. Bobby Salinas replied, "Yes".

Mrs. Marisela Marin asked if when the applicant decides to subdivide all the drainage and sewer improvements would take place at that time.

Mr. Sergio Zavala stated that he would need to extend public access, comply with the water, sewer, etc.

Chairman Rene Flores asked if the applicant or representative were present.

Representing the applicant, Mr. Nacho Pecina of 2408 Brock Street was present to address any questions that the Board might have.

Chairman Rene Flores asked if he was receptive to staff's recommendations.

Mr. Nacho Pecina replied, "Yes".

Chairman Rene Flores asked if he knew what the applicant wanted to do with this property.

Mr. Nacho Pecina stated that was going to buy all the orchards in the back in two different transactions and all he wanted to do was clean it up because most of the buildings were in pretty bad shape.

Chairman Rene Flores asked if he was going to remodel or fix the old warehouse that was towards the back of the property.

Mr. Nacho Pecina stated that most of the buildings had already been removed the only building that was currently there was towards the front of the property the metal building in which back then you would go buy pottery and soil. He added that everything else is there but just as cement slabs.

Chairman Rene Flores asked if the house was still there.

Mr. Nacho Pecina stated that the house was still there but it was going to be demolished. He added that there were some new metal buildings to the west of the property and that was the only thing that the applicant wanted to keep. Mr. Nacho Pecina stated that he was proposing to connect to the sewer, puts some outside bathrooms and fence all the property. He mentioned that eventually it would be a family compound.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the single lot variance subject to staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

OTHER BUSINESS

ITEM # 4.0 ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:32 p.m.

Rene Flores, Chairman
Planning and Zoning Commission