

**PLANNING AND ZONING COMMISSION
OCTOBER 22, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene A. Flores
Ned Sheats
Mario Garza
Diana Izaguirre
Carlos Lopez
Marisela Marin

P&Z ABSENT

Abiel Flores

STAFF PRESENT

Bobby Salinas
Pat Martinez
Irasema Dimas

GUESTS PRESENT

Stephen Gano
Patricia Salazar Cuellar
Alberto Villarreal
Janie Garza
Rosalinda Cavazos
Juan Treviño
Lewis Olson
Juan Navarro Jr.
Alma Navarro
Gary & Ansi Leatherman
Rene & Genoveva Escatiola
Edna & Frank Flores
Luis A. Valencia
Sandra Zamora
Noelia Castillo Garza
Anabel Salazar
Evangelina G. Garza
Lucille Cavazos
Terry Harrison

CALL TO ORDER

Chairman Rene A. Flores called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Rene A. Flores asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR OCTOBER 8, 2014

Chairman Rene A. Flores asked if there were any corrections to the minutes for October 8, 2014. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:04 p.m.

ITEM #1.1

Rezoning:

**The North 5.75 acre of the South 9.75 acres
of the East 20 acres of Lot 22-10, West Addition**

**to Sharyland Subdivision & the East 80' of Lot B,
Cauthen Commercial Subdivision
(aka Central Administration Building)
C-1 to P
Mission CISD**

Mr. Bobby Salinas went over the write-up stating that the property is located on the NW corner of Bryan Road and Bryce Drive. MCISD currently has their Central Administration Offices and includes Lot B, which is the site of MCISD's Professional Development Center on this site.

SURROUNDING ZONES: N: C-1 (Office Building)
C-2 (Neighborhood Commercial)
E: C-3 (General Business District)
R-1 (Single Family Residential)
W: R-1 (Single Family Residential)
S: R-3 (Multi-Family)
C-1 (Office Building)
Site: C-1 (Office Building)

LAND USES: The surrounding land uses consist of doctor's offices to the north and open acreage, Open acreage and a single home to the east, single homes to the west, and apartments to the south. As mentioned before, the subject site is the location for MCISD's Central Administration Offices and Lot B is the site of MCISD's Professional Development Center.

FLUM: The Future Land Use Map reflects a Public (P) designation for the Central Administration Offices and GC for the Professional Development Center.

REVIEW COMMENTS: The Public zone was created for all public facilities such as City, County, Federal buildings; Churches; and Schools to fall within this zone. MCISD is proposing to demolish their existing Central Administration Offices in order to build a new Administration Office Building. They are proposing the rezoning in preparation of this new construction. Lot B was included to simply meet the Public Zoning requirement. There will be no work done to the Professional Development Center.

The P zone proposal and the existing use are consistent to the City's Future Land Use designation of Public (P). The existing use and any future construction/use is exactly what the P zone is intended to regulate.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

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

There was no response

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

Started: 5:04 p.m.

Ended: 5:24 p.m.

ITEM #1.2

Rezoning:

All of Blocks 226-228, & 246, Mission Original Townsite Subdivision, and all of Block 1, Blake Addition, including all of roadways and alleys located within these Boundaries (aka Mission Jr. High School) R-1 to P Mission CISD

Mr. Bobby Salinas went over the write-up stating that the property is located on the SE corner of Miller and Kika De La Garza Loop. MCISD currently has the Mission Junior High School on this site.

SURROUNDING ZONES: The current zones include R-2 (Duplex – Fourplex) to the west most area of the site and R-1 in all other directions. – see zoning map.

LAND USES: The surrounding land uses consist of a duplex to the west most area of the site and single family homes in all other directions. As mentioned before, the subject site is the location for Mission Junior High School and other accessory facilities.

FLUM: The Future Land Use Map reflects a Public (P) designation.

REVIEW COMMENTS: The Public zone was created for all public facilities such as City, County, Federal buildings; Churches; and Schools to fall within this zone. MCISD is in the process of adding open canopies within the school property, which triggered the need to re-zone the property in order to comply with the Public Zoning requirement – see building plans.

The P zone proposal and the existing use are directly consistent to the City's Future Land Use designation of Public (P). The existing school use and any future construction/use is exactly what the P zone is intended to regulate.

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores asked Mr. Bobby Salinas to please clarify the definition of a Public Zone.

Mr. Bobby Salinas once again mentioned the intent of the Public Zone and why it was adopted by the City Council.

Mr. Ned Sheats stated that he remembers seeing several of these types of rezoning's and would like to ask staff if they could gather all the schools that still need to be rezoned and place them all in one agenda instead of having them in different meetings.

Mr. Bobby Salinas replied that it couldn't be possible; it has to be done on a one by one basis.

Mr. Mario Garza asked if the rezoning would affect the surrounding properties.

Mr. Bobby Salinas replied that no change would be done to the adjacent properties everything is going to stay the same and the only reason why they are seeing this rezoning was because MCISD is proposing to install some walking canopies within the school.

Chairman Rene A. Flores asked if the property values would change for the neighboring properties.

Mr. Bobby Salinas replied that there wouldn't be a change in the property values.

Chairman Rene A. Flores asked the audience to show of hands how many people were in opposition to the rezoning request.

There were 7 hands raised.

Mr. Bobby Salinas explained the notice and the 200' radius to the citizens that were present.

Mr. Ned Sheats stated that they will alert staff to make the notices easier to understand and to clarify the 200' radius on the map or even remove it.

Chairman Rene A. Flores asked one more time for the people in opposition to raise their hands.

There were 3 hands raised, the second time around.

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

Mrs. Lucille Cavazos from 1522 E. Griffin Parkway stated that even though her address is on E. Griffin Parkway, she lives on the corner of 15th St. and Francisco. She mentioned that all this time the school has been zoned residential and they have been able to do remodeling to it without rezoning it, why wouldn't the city continue to issue special permits for them in order to do its remodeling without the need to rezone. She stated that once the school becomes public property what would happen to the property owners that have guns

at home, how this change would affect them; also what would happen if in the future the school district decides that they couldn't utilize the property anymore, what would happen with the public property.

Mr. Ned Sheats stated that it seems that there is confusion between public zone and public property. The school will not become public property it will only change its current zone to public.

After a brief discussion between Mr. Mario Garza and Mrs. Lucille Cavazos about public property and public zone, Chairman Rene A. Flores asked if there was any one else in opposition to the request.

Mrs. Alma Navarro from 1424 N. Francisco asked what where the intentions of the canopies.

Mr. Bobby Salinas replied that the proposed canopies were to be built within the school property and they were to cover some existing walk ways.

Mrs. Alma Navarro asked if once the property becomes public zone, will it mean that they could add more buildings to the property because in her opinion, Mission Junior High is overcrowded and they already have traffic problems along Francisco and 14th Street while parents go and pick up or drop off their children.

Chairman Rene A. Flores asked if there was any one else in opposition.

Mrs. Edna Flores mentioned that now she understands more what the notice was saying and that she apologized for creating concern among the citizens.

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

There was no response.

There being no discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:43 p.m.

ITEM #1.3

Rezoning:

**A 9.42 acre tract of land, more or less,
out of Lot 18-11, West Addition to Sharyland
AO-I to C-3
Stephen M. Gano, Trustee**

Mr. Bobby Salinas went over the write-up stating that the property is located 100' north of E. 1st Street along the east side of Bryan Road. The lot measures 340.10' x 1,276' with a portion of 1st Street ROW that bi-sects the property leaving a total of 410,335.2 sq.ft.

SURROUNDING ZONES: N: R-4 – Mobile and Modular Homes
E: R-1T – Townhouse Residential
W: C-3 – General Business District
C-2 – Neighborhood Commercial District
S: C-1 – Office Building

LAND USES: The surrounding land uses consist of a mobile home subdivision to the north (Wintergreen Estates), open acreage to the south, a townhouse subdivision (Southern Oasis) to the east, and a single family home to the west. The subject site is currently open acreage.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation for this entire site.

REVIEW COMMENTS: The proposed C-3 zoning is consistent to existing zonings along Bryan Rd., existing commercial uses, and is fully compliant to the FLUM's GC designation.

RECOMMENDATION: Staff recommends approval.

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

Mr. Gary Leatherman from 500 N. Bryan Road stated that he received the noticed for the proposed changed in zoning and that same day the owner started clearing up the property and he was wondering why the city is allowing that to happen. He also asked if they were proposing a 24 hr. business or a daytime business. He also mentioned that he would like for the contractor to be considerate to the abutting property owners during the construction stages and maintain the dirt from flying.

Mr. Terry Harrison from 115 Sagittarius asked what the difference between C-1 and C-3 was.

Mr. Bobby Salinas replied that the C-1 zone would only allow professional businesses, like doctors' offices, law offices, and others; while the C-3 zone would allow more types of businesses including retail, etc. He also mentioned that the aerial was wrong and that actually the property line was 80' south of where it was shown on the aerial.

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

Mr. Stephen M. Gano stated that the current property owners were the ones cleaning the property and mentioned that during the construction he will maintain the dirt from flying out to the neighboring properties. He also presented pictures of the proposal of the site (see Exhibit "A").

The exhibits were shown to the audience.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:45 p.m.

ITEM #1.4

Rezoning:

**A 20.67 acre tract of land out of
Lot 30-3, West Addition to Sharyland Subdivision
AO-I to R-1
TDB Properties, LTD
c/o Alfonso Quintanilla, P.E.**

Mr. Bobby Salinas went over the write-up stating that the property is located on the NE corner of Thompson and Los Ebanos Road.

SURROUNDING ZONES: R-1 (Single Family Residential) to the south and AO-I (Agricultural Open Interim) in all other directions.

LAND USES: Existing land uses include Single Family Homes, Open Acreage and Mobile homes to the west, Single family homes and open acreage to the north, a UID canal and open acreage to the east, and Mountain View Subdivision, Ph. I to the south.

FLUM: The FLUM shows a Low Density Residential (LD) designation.

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, area residential land uses, and the predominant R-1 zoning to the south.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

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

Representing the applicant, Mr. Alfonso Quintanilla from Quintanilla, Headley & Associates was present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:47 p.m.

ITEM #1.5

Rezoning:

**0.94 of 1 acre out of Lot 92,
Mission Acres Subdivision
AO-I to R-1
John Gaytan**

Mr. Bobby Salinas went over the write-up stating that the property is located on the NE corner of Blake Street and Washington Avenue. The site measures 50.07' x 825'.

SURROUNDING ZONES: The surrounding zones include AO-I to a portion of the east side and R-1 in all other directions.

LAND USES: The existing land uses consist of a church to the south, and a combination of single family residences and open acreage in all other directions.

FLUM: The Future Land Use Map reflects a Low Density Residential (LD) designation for the area.

REVIEW COMMENTS: The property is surrounded by existing single family residential lots to the north, east, and west. The future land use map also shows this land as LD, which is intended for future single family residential homes, i.e., the R-1 Zone.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

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

Representing the applicant, Mr. John Gaytan with Sunrise Builders was present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:52 p.m.

ITEM #1.6

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Rolie's Mexican Restaurant
2105 W. 3 Mile Road, Suite 8**

**Lot 3, Block 4, Taurus Estates No. 9 Subdivision Ph. I
C-3
Anabel Salazar**

Mr. Bobby Salinas went over the write-up stating that the property is located 370' east of Moorefield Road along the south side of Mile 3 Road. There is an existing commercial plaza located on the site, which had an existing seafood restaurant. On 9-26-12, the old applicant was approved to offer the sale and on-site consumption of alcohol through a CUP. That restaurant has since closed and now the new applicant wishes to open a new Mexican restaurant and also wishes to offer the sale and on-site consumption of alcohol. There is no 'bar' component in the restaurant. Access to the site is from an existing driveway off of 3 Mile Road. There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4 of the Mission Code of Ordinances.

- **Hours of Operation:** Monday – Friday from 8a.m. to 10p.m., Saturday from 8a.m. to 11p.m. and Sundays from 8a.m. to 5p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 3 employees
- **Parking:** In viewing the floor plan, the suite has 40 seats, which requires 13 parking spaces (40 seats/ 3 = 13.3 spaces). It is noted that the parking area is held in common and is shared with other businesses. Staff has not received any complaints regarding a lack of parking.

REVIEW COMMENTS: Since the family-oriented restaurant will not be open after 11p.m., and the sale of alcohol is not the primary item of purchase, staff does not object to this proposal. Additionally, notices were sent to property owners within a 200' radius of the site and no comments against this request have been forwarded to the Planning Department.

RECOMMENDATION: Staff recommends an approval for 1 yr. in order to assess the sale of alcohol at this location.

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

There was no response.

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

Mrs. Anabel Salazar was present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:52 p.m.

Ended: 6:08 p.m.

ITEM #2.0

Pre-Final Plat Approval:

Old Mission Subdivision

A 2.41 acre tract of land out of Lot 20-4,

West Addition to Sharyland

C-2

Developer: Fruit Mich, Inc.

Engineer: Quintanilla, Headley, & Associates

Mr. Bobby Salinas went over the write-up stating that the proposed subdivision is located in the NW area of Perez Street and Holland Avenue. The subdivision consists of 1 commercial lot. The lot measures 260' X 350.09' which equates to 91,051.98 sq.ft. This tract of land is part of an overall acreage owned by the developer which he intends to develop at a later phase. (NOTE: The developer will need to ask for a rezoning from R-1 to R-2 for the future phase). When this tract of land was seen at City Council for rezoning, a concern was brought to our attention in regards to an environmental study being done on the property, prior to any construction occurring on the lot. The applicant has submitted an environmental report that was done November 1, 2011 which states that "no further environmental assessment appears necessary" on the site.

WATER: Water will be provided by connecting into an existing 8" water line located along the north side of Perez Street. Additional Fire Hydrants may be required as per the direction of the Fire Marshal.

SEWER: A new sewer service will be provided by connecting into an existing 8 sewer line located in the middle of Perez St. This connection will require an open cut to the street. There are no other sewer lines that are accessible for a connection for this property. Once the open cut is completed and new overlay measuring 12' on each side of the cut (24' total) will be required as per City's street cut policy. The Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. \$750/acre X 2.41 acres= \$1,807.50.

STREETS & STORM DRAINAGE: The subdivision abuts Holland Ave. which is an 80' ROW, future 57' B-B street according to the MPO Thoroughfare Plan. The current width of the street pavement is 44'. The widening costs for Holland Ave. will be required for the remaining 6.5' to each side. The Project Engineer must submit a construction cost estimate for review by the City Engineer. In regards to storm drainage, the developer is proposing to retain (no outfall) the storm drainage on the rear of the lot. The City's drainage policy on subdivisions is to require all subdivisions to have an outfall, i.e. a storm water release point. The Project Engineer has submitted a letter stating that they will install an outfall when they develop the remaining property to the west. Staff is recommending the outfall at this time.

OTHER COMMENTS:

Park fees are not charged for commercial development.

- Water District exclusion will be required.
- A street light plan is required for the lighting along Holland Ave. if there are currently no street lights on this street.

RECOMMENDATION: Staff recommends approval subject to:

1. Approval of the open cut to Perez Street;
2. Requiring an outfall for the storm drainage;
3. Payment of the sewer capital recovery;
4. Escrow the widening costs for Holland Avenue;
5. Provide the water district exclusion;
6. Comply with any other format findings.

Chairman Rene A. Flores asked if there was any input from the Board.

There was no response.

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

Mr. Alfonso Quintanilla, from Quintanilla, Headley & Associates stated that he was requesting a variance to not install an outfall for storm drainage at this time since there wasn't any form of drainage in this part of town. He stated that he did have an approved drainage report for the record. He asked if he would be able to install a retention pond and ultimately runoff into Holland Ave. and goes into a detention pond that is located south of the proposed development. He stated that he would be installing the outfall during the 2nd phase of the development. He stated that if allowed he could have a bleeder line going into Holland Ave. and asked for the Board's consideration on this proposed variance.

Mr. Sheats asked if having a bleeder line out to Holland Ave. would be an option rather than installing a storm line.

Mr. Salinas stated that if the Board was willing to work with such an option, the developer could also be required to have more capacity in order to allow for faster percolation of the storm waters within the retention pond. Our policy when it comes to subdivisions is that we require an outfall and how they do it would have to be proposed by the engineer.

Ms. Izaguirre asked so you're ok with a bleeder?

Mr. Salinas stated that Holland doesn't have any curb inlets, so if P&Z wishes to entertain that option, they can.

Mr. Quintanilla stated that this area does not have an organized storm system and stated that he would be performing a drainage study of the area and stated that he would be asking the City to see if they would be willing to participate with Mr. Valencia in order to provide a better storm system that would not only take care of this development but also take care of the area to the south.

Chairman Flores stated that we welcome whatever help we can get with the storm design.

Mr. Sheats asked where the City would want the retention areas to drain at this time.

Mr. Salinas stated that there is an existing drainage line within the residential neighborhood to the south currently drains into the Pearson Elementary detention pond which currently does have an outfall.

Mr. Sheats asked if the ponds in the front would sheet flow to Holland.

Mr. Salinas stated that it was correct. He also stated that there is more property to the west where the storm water can be sent and would be able to percolate into the ground at a faster rate.

Ms. Izaguirre asked if Mr. Salinas was inclined to approve such a request.

Mr. Salinas stated that it would be an option for the P&Z Board to decide. He also stated that since the City's policy was to have a drainage outfall, he would not go against the City's policies.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendation and the approval of the variance to not have a drainage outfall until the second phase of Old Mission subdivision. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: p.m.

Ended: p.m.

ITEM #3.0

Revision to Subdivision Ordinance Regarding Homestead Properties

No action taken on this item.

Started: p.m.

Ended: p.m.

ITEM #4.0

Tabled:

Discuss Amending Section 1.56, Article X, Appendix A – Zoning of the Code of Ordinances to Include Conditions of Conditional Use for Telephone, Radio, Television, and/or other Communications Towers

No action was taken on this item.

ITEM #5.0

OTHER BUSINESS

There was no other business

ITEM #6.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:08 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission