

**PLANNING AND ZONING COMMISSION
OCTOBER 26, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Marisela Marin
Mario Garza
Carlos Lopez
Julio Cerda
Diana Izaguirre

P&Z ABSENT

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Jaime Tijerina
Jesus Gonzalez

GUESTS PRESENTS

Wayne & Linda Baer
Manna B. Dyer
Perri Ann Huntley
Leonor Frias
Victor Treviño
Dennis Jorgenson
Jean Ruppel
Don Neva
Richard T. Paddock
Gerry Dreyer
Jose Rodriguez
Diana Mckenna
Mario Rodriguez
Michael Burleson

Olague & Loris Bauza
Mark Adams
John Young
Carlos Ibarra
Romeo Deleon
Loris Jorgenson
Maggie Barreiro
Patricia West
Greg Long
Kelley Heller-Vela
Saulo Mora
Marcia L. Miller
Marco Lopez

Russ Winters
Janice Sneen
Adam Cully
Daphne Stewart
Tony Resendez
Jim Krohn
Martin Barreiro
Irene H
Sam Gary
Jose R. Garcia
Terry McKenna
Ariana C. Canin
Lisa Helle

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR OCTOBER 12, 2016

Chairman Sheats asked if there were any corrections to the minutes for October 12, 2016. Mr. Mario Garza moved to approve the minutes as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:06 p.m.

Item #1.1

Rezoning:

**Lots 19, 20, & 21,
Bryan Pointe Subdivision Phase I
C-1 to C-3
Romeo Deleon**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the NE corner of Bryan Road and E. 1st Street. The irregular lots total 127,630.80 sq. ft. or 2.93 acres.

SURROUNDING ZONES: N: C-3 – General Commercial
E: C-1 – Office Building
W: C-1 – Office Building
S: C-1 & C-3 – Office Building and General Business

EXISTING LAND USES: N: Vacant Commercial
E: Vacant Commercial
W: Vacant Commercial
S: Commercial
Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation.

RECOMMENDATION: Approval.

Chairman Sheats asked if the aerial was current.

Mr. Acevedo stated that the aerial was outdated because there has been new development toward the frontage of Bryan Road.

Chairman Sheats asked if the applicant or representative were present.

Representing Mr. Romeo Deleon, Mr. Saulo Mora who resides at 3911 N. 10th Street, Suite H in McAllen stated that the owner was proposing to build an automotive shop to give maintenance to the vehicles.

Chairman Sheats stated that a C-3 allowed a mechanic shop.

Mr. Acevedo stated that staff had seen some renderings of what they were proposing to do in that area. He added that the applicant has a business in McAllen Three Star Muffler and it's a nice plaza, not your typical muffler shop.

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

There was no response.

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

Started: 5:06 p.m.

Ended: 5:10 p.m.

Item #1.2

Rezoning:

**A 0.521 acre tract of land out of the North
4.0 acres of Lot 172, John H. Shary Subdivision
200 S. Glasscock Road
R-1 to C-3
Mario A. Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. The entire site measures 142.82' X 159' (22,708 total sq.ft.)

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: AO-P – Agricultural Open Permanent
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Residential
E: Vacant Residential
W: Agricultural
S: Vacant Residential
Site: Vacant /Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Jose Rodriguez who is the Engineer for this project stated Mr. Rodriguez was proposing to develop this property into townhouses and the ½ acre tract along Glasscock to commercial.

Chairman Sheats asked what type of commercial and the only reason he was asking was because this property would be abutting townhomes.

Mr. Rodriguez stated that he wanted to make it like a general commercial plaza.

Chairman Sheats stated that as long as he understands that needs to accommodate sound blending and buffering between the commercial and residential properties.

Mr. Acevedo stated that whenever you have residential next to commercial, staff requires that you put a solid buffer whether it be a block wall or a cedar fence.

Mr. Rodriguez replied, "Okay".

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

There was no response.

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

Started: 5:10 p.m.

Ended: 5:14 p.m.

Item #1.3

Rezoning:

**A 0.233 acre tract of land out of the North
4.0 acres of Lot 172, John H. Shary Subdivision
200 S. Glasscock Road
R-1 to R-1T
Mario A. Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. The entire site measures 142.82' X 71' (10,140 total sq.ft.)

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: AO-P – Agricultural Open Permanent
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Residential
E: Vacant Residential
W: Agricultural
S: Vacant Residential
Site: Vacant /Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use. Although the FLUM shows a General Commercial (GC) designation, staff notes the FLUM can be amended to reflect the R1-T use. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has only received one inquiry but it was more of a concern on the condition of Glasscock Road.

RECOMMENDATION: Approval.

Chairman Sheats asked what's the projected entrance to the townhomes from the commercial would it be through an alley.

Mr. Acevedo stated that they have not seen a site plan yet but the engineer was present to answer questions.

Mr. Rodriguez presented the board with a rendering of the proposed development but he added that it would be through Glasscock Road.

Chairman Sheats stated that his item was not approved or denied based on the rendering but it would certainly help the board get an idea of how the development would look like once completed.

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

There was no response.

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

Started: 5:10 p.m.

Ended: 5:14 p.m.

Item #1.4

Rezoning:

**A 3.18 acre tract of land out of the North
4.0 acres of Lot 172, John H. Sharyland Subdivision
200 S. Glasscock Road
AO-P to R-1T
Mario A. Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. The site measures 142.82' X 1,220' (141,392 total sq.ft.)

SURROUNDING ZONES: N: R-1 – Single Family Residential

E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Residential
E: Vacant Residential
W: Residential
S: Vacant Residential
Site: Vacant /Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use. Although the FLUM shows a General Commercial (GC) designation, staff notes the FLUM can be amended to reflect the R1-T use. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has only received one inquiry but it was more of a concern on the condition of Glasscock Road.

RECOMMENDATION: Approval.

Chairman Sheats asked what's the projected entrance to the townhomes from the commercial would it be through an alley.

Mr. Acevedo stated that they have not seen a site plan yet but the engineer was present to answer questions.

Mr. Rodriguez presented the board with a rendering of the proposed development but he added that it would be through Glasscock Road.

Chairman Sheats stated that his item was not approved or denied based on the rendering but it would certainly help the board get an idea of how the development would look like once completed.

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

There was no response.

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

Started: 5:14 p.m.

Ended: 5:27 p.m.

Item #1.5

Rezoning:

A 6.658 acre tract of land out of Lot 16-2,

**West Addition to Sharyland Subdivision
PUD (C-2) to PUD (R-3)
Eduardo Gamba**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the south side of Mile One South between Scenic Way and Los Ebanos Road. The site has 1,245' of frontage by a lot depth of 200' or 249,000 sq. ft.

SURROUNDING ZONES: N: P & AO-I – Public and Agricultural Open Interim
E: R-1 – Single Family Residential
W: PUD (AO-P) – Planned Unit Development (Agricultural Open)
S: PUD (AO-P) – Planned Unit Development (Agricultural Open)

EXISTING LAND USES: N: Public and Agricultural
E: Residential
W: Golf Course
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing the site's 200' depth and the existing R-3's in the nearby area of One Mile South and Inspiration, PUD (R-3) appears to be consistent and a better land use than the current PUD (C-2) zoning.

RECOMMENDATION: Approval.

Mr. Acevedo stated that this item had been previously seen and approved by P&Z in June and was given an R-3 zoning; however it has not been taken to City Council because the correct thing to do is to leave it as PUD. He added that now it is presented as PUD but in parenthesis R-3 as the zoning designation.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Isauro Trevino who resides at 2029 Lakeview Drive was present to address any questions from the board.

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

Mrs. Loris Bauza stated that her husband and her were the new owners of Meadow Creek and the only request that they have is for them to install a fence to protect the area.

Chairman Sheats stated that her request would have to be worked between the applicant and themselves because currently there is no buffer requirement between agricultural and multifamily.

Mr. Acevedo stated that no conditions could be imposed on rezonings although he did see a rendering and it includes buffering along the south side.

Mr. Richards Paddock who resides at 704 Lakeview Drive stated that there was school across the street and it generates a lot of traffic. Mr. Paddock stated that without knowing what is doing in there it is very difficult to know if it is going to be safe for the people and kids. He suggested that before they consider approving the rezoning they should look into what is being proposed for that area.

Mr. Acevedo mentioned that the City Manager had the same concern the first time this item was presented back in June or July. He added that the applicant of the proposed apartment complex has been working with the Mission School District and will be on the School Districts agenda November 9th. Mr. Acevedo stated that the applicant is proposing to alleviate some traffic concerns on one mile south by providing some on-site maneuvering lanes so that the traffic that is picking up the kids stays off the city streets, and channeled through the school district's property.

Mr. Trevino stated that they already went through the facilities committee at the school district and they already gave the green light to Mr. Javier Hinojosa who is the engineer for this project to go ahead and start working on that rendering and once that is completed it is going to go before the school board for their approval.

Mr. Thomas Morgan who resides at 602 Lakeview Drive stated that he was one of the two lots abutting the property that they were trying to rezone. He asked if the property was on Scenic Way.

Chairman Sheats stated that this property was on one mile south.

Mr. Morgan apologized for getting ahead of himself.

Mr. Mark Adams who resides at 1900 Crystal Drive stated that they should not discount the traffic on the kids every day every morning there is a lot of traffic and one of these days one of this kids will be hit by a car and he would like for one of them to stand up and be held accountable.

Chairman Sheats replied, "okay".

Mr. Adams stated that in the previous planning meeting the sale of this property was briefly discussed and the City Manager questioned the transaction of how this property got sold and we never got an answer for that. Mr. Adams asked once again that before they continue with the request the Board should consider looking into the sale of the property whether if it was done correctly rather than coming again in the near future and questioning that.

Chairman Sheats stated that it was part of a procedure.

Mr. Adams stated that then why the City Manager questioned it so hard.

Chairman Sheats stated that the property owner do not come to the city for permission to sell the land. The property owner has the right to sell his property because it's privately owned the City is not involved in the transaction. Mr. Sheats asked Mr. Acevedo if the City Manager had review and approved the application for this rezoning.

Mr. Acevedo replied, "Yes". He added that if the property owner presents a deed of the property to the city he meets the rezoning requirement, the city cannot question the legality of the ownership.

Mr. Daniel Tijerina stated that one of the requirements before we accept any rezoning application is that we have proof of ownership. He added that this information is on file and is public information and the property was purchased in accordance with the law. He added that they are following due process which is the first meeting today and the second meeting will be on November 14 before the City Council.

Chairman Sheats stated that what this board does is to make sure that the applicant makes this area as safe as possible for the surrounding residents and in this case the applicant is trying to make this area as safe as possible by working with the school district and providing different alternatives it won't be completely safe but as long as we have cooperation from the applicant and the school board that's what counts.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:27 p.m.

Ended: 5:42 p.m.

Item #1.6

Rezoning:

**A 0.531 acre tract of land out of Meadow
Creek Country Club Phase I-A Subdivision
PUD (AO-P) to PUD (R1-T)
Olaguer Bauza**

Mr. Acevedo stated that the Board will be seen a total of 8 rezoning all for the Meadow Creek Area and before going through those items he gave a brief history as to what staff did to bring this items before the Planning and Zoning Commission. Mr. Acevedo presented the board with different slides the first shows a map of the Meadow Creek Development which shows the different types of zonings the second slide is directly from the covenants, conditions and restrictions of the Meadow Creek although he was told before the meeting that there might be a more recent edition, this was the last edition that was provided to the City from the president of the homeowners association back in the summer. He added that the next slide shows the

areas that are inside the HOA and they area shaded in green although there are two areas that are outside the HOA which one is on the corner of Inspiration and One Mile South and the second one is at the very far end that is also not part of the HOA. Mr. Acevedo added that of the properties that will be seen tonight 6 of them are within the HOA. Mr. Acevedo stated that each of these items will be seen and approved individually.

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the Southeast corner for J.C. Parkway and Lake View Drive. The irregular lot measures a total of 23,010 sq. ft.

SURROUNDING ZONES: N: PUD (R-5) – Planned Unit Development (HD Manufactured)
E: PUD (AO-P) – Planned Unit Development (Agricultural Open)
W: PUD – Planned Unit Development
S: PUD (AO-P) – Planned Unit Development (Agricultural Open)

EXISTING LAND USES: N: Residential
E: Golf Course
W: Vacant
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing townhouse residential zone to the south, PUD (R1-T) appears to be consistent and a better land use than the current PUD (AO-P) zoning.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Olaguer Bauza and his engineer Mr. Victor Trevino whose address is 810 S. Taylor Road were present to address any questions from the Board.

Chairman Sheats asked how many townhouses they were proposing for this property.

Mr. Trevino stated that they were proposing to fit 11 lots in that property that are going to be 2,000 sq. ft.

Chairman Sheats asked if they are going to be 1 or 2 story buildings.

Mr. Trevino stated that they were going to be 2 story buildings.

Mrs. Marisela Marin asked if they were any other townhomes.

Mr. Acevedo stated that they were other townhouse in the area and staff is just trying to be consistent and in harmony with the surrounding neighbors.

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

Mr. Wayne Berry who resides at 716 Lakeview Drive stated that there is a golf path that is running in the middle of the proposed development.

Mr. Acevedo stated that the golf course path will be relocated.

Mr. Berry asked where the parking would be.

Chairman Sheats stated that the parking will be on-site.

Mr. Berry stated that he used to belong to this golf course but he sign up to Cimarron on Monday because of this new development.

Chairman Sheats stated that the changes the property owner has brought to the city were just trying to make a better place for Mission residents. He added that they wanted to restore this area to make it a better place to live.

Mr. Trevino stated that he just wanted to make clear that they were proposing to make townhouses not apartments.

Mr. Richard Paddock who resides at 704 Lakeview stated that he goes often to this golf course and he could understands that they want to make improvements because it needs the improvement but not when they want to take away part of the golf course. He added that what would happen with the fairway and they said that it was going to be relocated but even if it is relocate that area would be very narrow. Mr. Paddock mentioned that he bought his property back in 1998 and he has a map of the area which does not show the proposed development. He added that if they were proposing to do these changes to the development they should have at least asked for input from the neighbors.

Chairman Sheats stated that the Board really had nothing to do with how the golf course was being reconstructed. He added that they were only there to allow or disallow certain types of property to have certain types of construction built on them.

Mr. Tom Morgan stated that they had a square footage amount of land designated for that area and if the city has restrictions on what size buildings could be built on those areas.

Chairman Sheats replied, "Yes".

Mr. Morgan also asked if there were restrictions on what kind of parking is allowed in that area.

Chairman Sheats replied, "Yes".

Mr. Morgan asked if this was something designated as ready or would that come after the approval of the rezoning.

Chairman Sheats stated that this would come way after this meeting. He added that all is Board knows is that they have been designated as R1-T, which is for townhouses. He mentioned that this meant that they could have 2,000 square foot lots and they could be homes that have common walls and they must have parking on premises as far as how they fit them on there as long as they comply with all city ordinances the board can't say "No".

Mr. Morgan asked if they needed to be 2,000 square feet.

Chairman Sheats stated that's what the applicant has designated most of the lots in that area.

Mr. Morgan asked how many vehicles the required parking would accommodate.

Chairman Sheats stated that they would accommodate 2 vehicles.

Mr. Morgan thanked Chairman Sheats for explaining the requirements to him.

Chairman Sheats stated that he hoped that everyone was listening because most of the upcoming rezoning has the same designation.

Mr. Acevedo stated that he would like to clarify that what is represented in red in the aerials was not to scale and was just a representation so that could see what areas they are talking about.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 5:48 p.m.

Item #1.7

Rezoning:

**A 0.427 acre tract of land out of Meadow
Creek Country Club Phase I-A Subdivision
PUD (AO-P) to PUD (R-1)
Olague Bauza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located between Debby Lane and River Bend along the south side of Circle Drive. The irregular lot measures a total of 18,578 sq. ft.

SURROUNDING ZONES: N: PUD (Common) – Planned Unit Development (Common Area)
E: PUD (R-1) – Planned Unit Development (Residential)
W: PUD (R-1) – Planned Unit Development (Residential)
S: PUD (AO-P) – Planned Unit Development (Agricultural Open)

EXISTING LAND USES: N: Club House
E: Residential
W: Residential
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. PUD (R-1) is consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Mr. Acevedo added that they were proposing 2 lots out of this 18,000 square foot piece of property so that would be more than ample that what is currently out there. He added that they would be 2 rather large big lots.

Chairman Sheats asked if the applicant or representative were present.

Mr. Trevino was present to address any questions from the Board.

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

Mr. Martin Barreiro who resides at 1500 Debbie Lane stated that he was just west of the empty property. He just wanted to remind the Board that this area was zoned as permanent empty space and that was a big selling point and a buying point for them when his wife and he bought this property 9 years ago. He recalled that the previous owners had gone through the same process and have come before this board about 7 years ago with the same types of request and they were denied.

Chairman Sheats stated that if he owned a piece of property abutting the vacant property he probably would have the same concern as he does. He added that the property owner who purchased this property has the right to develop and he know is he is sounding like a commercial which he doesn't intent to but this board has to consider the overall well-being of the area and the City of Mission. He mentioned that as much as they would like to they cannot consider everyone's absolute exact needs. Chairman Sheats stated that they are proposing two homes which fit the current surroundings.

Mr. Barreiro stated that he would like to point out that it would block his view.

Chairman Sheats stated that he believes the Board would be hearing this quite a few times as they go over all the rezonings the issue here is that they cannot do anything about it because those were commitments that were made to them by the original PUD through the HOA

unfortunately this Board is not in that business what they could do is say is what by City's ordinances and what is okay to be put there.

Mr. Barreiro stated that all he was asking was that the board consider keeping this area as permanent open space because that what he was told when he purchase his property.

Chairman Sheats stated that unfortunately his issue was with the person that sold him the property. He added that he was very frank and was not going to lie to anybody this property was a mess and has been transferred so many times that nobody knows who promised what. The only thing the Board could do is to do the best we can with this proposed developments.

There being no further discussion, Chairman Sheats 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.

Mr. Acevedo stated that in regards to the properties that are designated AO-P (Open Spaces) there is something in the PUD that staffed reviewed that left these spaces open to future change as the need develops.

Mr. Tijerina stated that the section he was going to read was Area V (AO-P) Permanent Open – Space District in the PUD Ordinance. Area V is denoted by the color green on the map and consists of approximately 130 acres, which was exactly what Mr. Bauza purchased. He continued by saying that this area includes the golf course, landscaped areas, area set aside for drainage and areas that may be utilized later for residences (at the time residential lots are to be formed, the owner of record must comply with the appropriate Subdivision and Zoning Ordinances and return to the Planning and Zoning with a plat of the additional lots). This area will also serves as common area, greenbelts, and recreational areas required by the City of Mission for certain high density districts. Mr. Tijerina mentioned that in essence this is part of the ordinance that was adopted by the City of Mission for Meadow Creek and it clearly states that it can be brought back like it is being done for consideration by the Planning Commission as long as it is consistent with the surrounding land uses and zones and complies with the City of Mission zoning and subdivision ordinances.

Started: 5:48 p.m.

Ended: 6:02 p.m.

Item #1.8

Rezoning:

**A 0.710 acre tract of land out of Meadow
Creek Country Club Phase II-A Subdivision
PUD (AO-P) to PUD (C-2)
Olaguer Bauza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SE corner of 1 Mile South Road and Inspiration Road. The irregular corner lot has a total square footage of 24,976 sq. ft.

SURROUNDING ZONES: N: R-3 – Multi Family Residential

E: PUD (AO-P) – Planned Unit Development (Agricultural Open)
W: PUD – Planned Unit Development
S: PUD (R-5) – Planned Unit Development (High Density
Manufactured Residential)

EXISTING LAND USES: N: Multi-Family Residential
E: Golf Course
W: Vacant PUD
S: Residential
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing the corner lot's location at One Mile South and Inspiration, PUD (C-2) is consistent with commercial zoning designations along such intersections.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino stated that the applicant is going to provide a safety net for what he was proposing to construct.

Chairman Sheats stated that he realizes it is going to be C-2 which would not be as intense as a C-3 business allowed there would be more like local neighborhood stores.

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

Mr. John Young who resides at 600 Lakeview Drive which is lot 61 and Mr. Morgan who lives right next door to him on lot 60.

Chairman Sheats stated that he understands the concern they might have because they are allowing a C-2 right next to your residential property but the City has ample ordinances to help protect them from light, sound, and other problems that may arise.

Mr. Tijerina stated that they could build office spaces and neighborhood commercial uses such as a laundromat, a shop for Zumba classes, etc.

Mr. Young stated that he represents practically everybody that live on #7 Fairway, which a show of hands indicated 28 residents. He added that all of them are retired from lots 41 to 61. He added that they bought these properties and paid extra for them because they were in the golf course. Mr. Young stated that they had a certain amount of security with a chain link fence from the main entrance to Inspiration Road and south to the houses. He stated they also have an electric gate to get into Lakeview Drive with this construction they would certainly lose that

plus with the 10' to 20' setback from their homes they could have a parking lot with cars coming in and out all day and possibly into night. Mr. Young mentioned that depending on what is being built there they could have dumpsters 10' to 20' from their backyard patios with trash trucks coming in at 4 or 5 in the morning dumping their trash. He added that they could also have the back of a building in back of their property blocking the view to the golf course. Mr. Young stated that he fully understands that the new owner wants to generate revenue but would be devaluating the property of all of them along #7 Fairway, which is all the people that help support their golf course is not a good thing to do. Mr. Young stated that the covenants Section 9.3 of Amendments states that the declarant shall have the right to amend this restriction of the Meadow Creek Country Club for Phase II-A for 3 years from the date hereof except as to right of the assessment or the amount of thereof which such terms may not be amended by the descendent without at least written consent of 2/3 of the lot owners provided that such amended be recorded in the deed records of the Hidalgo County.

Chairman Sheats stated that unfortunately the HOA have to live under the City of Mission ordinances and the City does not have to listen to the HOA. He added that the owner has the right to develop his property under the ordinances of the City of Mission. Chairman Sheats mentioned that there would be another meeting on November 14 with the City Council and they might over rule P&Z recommendation but he suggested for them to get with the new owners and try to work something out before the meeting. He added that he was on their side because he would never want to see any type of security lessen.

Mr. Young stated that with not knowing what they are going build out there the possibility of selling their homes was null.

Chairman Sheats stated that he couldn't do very much about that but except talk to the property owners to consider developing on the northern eastern side of the property.

Mr. Young stated that he didn't know what they were proposing to built.

Chairman Sheats stated that he didn't know either all that was being considered was the zoning of the property.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:02 p.m.

Ended: 6:13 p.m.

Item #1.9

Rezoning:

**A 0.850 acre tract of land out of Meadow
Creek Country Club Phase I-A Subdivision
PUD (AO-P) to PUD (R1-T)
Olague Bauza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located between J.C. Parkway and Lake Front Drive along the east side of Lake View Drive. The rectangular lot measures 616.78' x 80' in depth or 42,342 sq. ft. total.

SURROUNDING ZONES: N: PUD (AO-P) – Planned Unit Development (Agricultural Open)
E: PUD (AO-P) – Planned Unit Development (Agricultural Open)
W: PUD – Planned Unit Development
S: PUD (AO-P) – Planned Unit Development (Agricultural Open)

EXISTING LAND USES: N: Golf Course
E: Golf Course
W: Vacant PUD
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing townhouse residential zone to the south, PUD (R-1T) is consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino stated that these lots were 80' deep and they would not get into the car pad going north and south even though the aerial might show it. He mentioned that they would be relocating the other car pad to the north side.

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

Mr. Jim Knohr who resides at 718 Lakeview Drive stated that he farms in Michigan and was semi-retired and had bought two houses in Meadow Creek and if had known this was coming he would have never bought. He added that his farm was in Michigan but if he turned his property into commercial he would have to pay back taxes would they have to do the same here?

Chairman Sheats stated that no not that he is aware off. He added that this property was considered agricultural open interim which means that anything can be done with it and as far as he knows there is no pay back taxes but he could be corrected if he was wrong.

Mr. Tijerina stated that based on the PUD ordinance it stated that this agricultural open permanent areas which were used for golf course, landscape and drainage areas could be used at a later date for residences at which time residential lots shall be formed and the owner on record must comply with the appropriate subdivision and zoning ordinances and return to the P&Z Board with a plat of the additional lot.

Chairman Sheats asked if the City was losing or gaining any money for tax purposes, which he didn't believe so.

Mr. Tijerina agreed with Chairman Sheats on the no pay back taxes.

Mr. Krohr stated that they all bought there thinking it would always be a golf course if they would have known this was going to change in the future they would have not bought anything.

Mr. Paddock who lives at 704 Lakeview asked if they could explain where the tee boxes were going to go.

Chairman Sheats stated that currently they were not engineering the golf course.

Mrs. Lenny Frias who owns the house at 1905 Circle Creek Drive asked what were they proposing to build.

Chairman Sheats stated that they were proposing to build 18 townhouses.

Mrs. Frias thanked Chairman Sheats for letting her know that way she could start selling her home because all of the area would be depreciated and she didn't see how this would work for her.

Chairman Sheats stated that unfortunately when you live in the City when somebody develops a piece of property it may affect somebody else's.

Mrs. Frias stated that just like anybody else they bought because it was the golf course.

Chairman Sheats stated that if promises were made to her that it would be kept as a golf course.

Mrs. Frias stated that no promises were made to her but it just made common sense which is something that was going out of style.

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

Started: 6:13 p.m.

Ended: 6:27 p.m.

Item #2.0

Rezoning:

**A 0.304 acre out of all of Lot C-3, Meadow
Creek Country Club Phase I-B Subdivision
PUD (Common Area) to PUD (R-1)
Olague Bauza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the Lake View Drive and Lake Front Drive intersection along the west side of Lake View Drive. The irregular lot measures a total of 13,249 sq. ft.

SURROUNDING ZONES: N: PUD (AO-P) – Planned Unit Development (Agricultural Open)
E: PUD (AO-P) – Planned Unit Development (Agricultural Open)
W: PUD – Planned Unit Development
S: PUD (R1-T) – Planned Unit Development (Townhouse)

EXISTING LAND USES: N: Golf Course
E: Golf Course
W: Vacant PUD
S: Residential
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. Although this property was designated as a common area, it has never been used as such. The proposed PUD (R-1) zone is directly consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Trevino stated that for this property they were proposing 2 lots which would be 7,100 sq. ft. for 1 lot and 6,100 sq. ft. for the other lot.

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

Mrs. Ariana Cantu who resides at 1905 Lakeview Drive stated that when she bought her property back in 2011 she was assured by the realtor that the vacant property was community property and that nobody would be allowed to build there and that was the main reason for the purchase. She added that she enjoyed looking out through her kitchen window. Mrs. Cantu mentioned that the new owner of the property was not very nice as per what she has been told by her husband because they wanted to construct a fence through the middle of a palm tree.

Mr. Cesar Wilson mentioned that their yard, the way it is right now, is going to have about a 1' away from the property line because of the way it was built. He added that they purchased their home as is, so the back patio is actually about a 1' from property line and then we are going to have a big wall so they won't be able to access their property thru the rear. Mr. Wilson stated that when he approached the owner to advise him that he wouldn't have access to the rear of the property so how would he be able to maintain the lot and his response was to take the lawn mower through his home. He mentioned that he also asked for the property to be sold to him since he was already maintaining it.

Mrs. Cantu stated that before the new owners purchased the property she would pay out of pocket to maintain that property so that her home could look good.

Chairman Sheats stated that unfortunately a lot of people are told many things about a piece of property that may not be true as per what Mr. Tijerina has read twice regarding the PUD this property was never intended to be kept as is. He added that in this particular case can the applicant create an unsafe condition where they can't move outside their house and construct a lot that makes an existing house and that particular lot unsafe.

Mr. Wilson mentioned that the traffic if that area is very bad the cars go very fast. He added that sometimes the vehicles almost hit him when he is trying to back out of his property.

Chairman Sheats asked staff to look into it because it seems like if there are encroaching onto the setback.

Mr. Acevedo stated that they might have not obtained a permit for the construction of the patio because it is encroaching onto the setback.

Mr. Wilson stated that they bought the property as is and if they obtained a permit the city would have had to approve it or seen it.

Chairman Sheats stated that they might not like what he has to say because it really doesn't make any difference how you bought the property and based on the building setbacks this is a illegal addition that is violating a setback and it might have to go because the new owner has the opportunity to keep his 6' from the property line.

Mr. Wilson stated that he though the applicant would have a good heart to do something right but he understands and sometimes he had to clean Mr. Bauza's land.

Mrs. Marin stated that it's his land and he had the right to develop it.

Chairman Sheats asked how they built houses when the zoning was for townhomes.

Mr. Acevedo stated that usually the plan would have to get approved by the homeowners association prior to being submitted to the city.

Mr. Acevedo asked Mr. Cantu what does his lot measures.

Mr. Wilson replied, "35' to 40".

Chairman Sheats suggested that this item be placed on the table so that staff can look into it.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to table the rezoning. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:27 p.m.

Ended: 6:34 p.m.

Item #2.1

Rezoning:

**A 0.577 acre tract of land out of Meadow
Creek Country Club Phase I-B Subdivision
PUD (AO-I) to PUD (R-1)
Olague Bauza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the Lake View Drive and Meadow Way Drive intersection along the north side of Meadow Way Drive. The irregular tract measures a total of 24,519 sq. ft.

SURROUNDING ZONES: N: PUD (AO-P) – Planned Unit Development (Agricultural Open)
E: PUD (R1-T) – Planned Unit Development (Townhouse)
W: PUD (R1-T) – Planned Unit Development (Townhouse)
S: PUD (R1-T) – Planned Unit Development (Townhouse)

EXISTING LAND USES: N: Golf Course
E: Residential
W: Residential
S: Residential
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. The proposed PUD (R-1) zoning is consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino was present to address any questions from the Board.

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

Mrs. Jeanne Ruppel who resides at 718 Lakeview Drive stated that what is being said here does not really matter because the Board is just rezoning the land the way the applicant wants it.

Chairman Sheats stated that they are rezoning this area according to the City of Mission ordinances.

Mrs. Ruppel stated that they were instructed to try to talk to the people who bought the property to see if they work with them and they have tried but they said they were going to keep it as a

golf course and it really doesn't seem to matter because they are going to keep on doing what they want and the Board doesn't seem to care either so what would be the next step for them to be considered.

Chairman Sheats stated that if they didn't care they could have bundle all the rezonings and just act on them all at once but since they want to give the residents the opportunity to raise their concerns each item is being seen individually. He added that they still have to go before the City Council on November 14 for their approval they could certainly attend that meeting to address their concerns.

Mrs. Ruppel asked how you could bundle a PUD and a commercial together.

Chairman Sheats stated that they do all the time a PUD is just the designation each development has its own zoning legend for each particular area. He added that promises that have been made to the people for over 30 years of how the development would remain cannot granted.

Mrs. Ruppel stated that this promises was made to them last spring.

Chairman Sheats stated that they are now coming for permission and now causing all kind of problems. He added that there were actions done by homeowners such as construction of homes on areas designated as townhouses the PUD knew it and still continued.

Mrs. Ruppel stated that they needed to get permits to build those houses.

Chairman Sheats replied, "yes". He added that they should have gone first through the PUD for approval and that is the step that was not done and that is what he has been trying to explain all along.

Mrs. Ruppel stated that even though they had their covenants they really don't mean anything.

Chairman Sheats stated that the City does not have to enforce the covenants although staff tries their best to work with everyone.

Mrs. Ruppel stated so then anybody can buy the golf course and they decide to shorten all this holes and build townhouses and make part of it commercial.

Chairman Sheats replied, "Yes as long as it in compliance with City ordinances".

There being no further discussion, Chairman Sheats 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: 6:34 p.m.

Ended: 6:36 p.m.

Item #2.2

Rezoning:

A 0.193 acre tract of land out of Lot C-2, Meadow Creek Country Club Phase I-B Subdivision PUD (Common Area) to PUD (R-1) Olaguer Bauza

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the Meadow Way Drive and River Bend Drive intersection along the east side of River Bend Drive. The irregular lot has a total square footage of 8,402 sq. ft.

SURROUNDING ZONES: N: PUD (R1-T) – Planned Unit Development (Townhouse)
E: Not Zoned (Outside City Limits)
W: PUD (R1-T) – Planned Unit Development (Townhouse)
S: PUD (R-1) – Planned Unit Development (Residential)

EXISTING LAND USES: N: Residential
E: Canal (Outside City Limits)
W: Residential
S: Residential
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. The proposed PUD (R-1) zoning is consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino was present to address any questions from the Board.

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

There was no response.

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

Started: 6:36 p.m.

Ended: 6:38 p.m.

Item #2.3

Rezoning:

**A 0.138 acre tract of land out of Lot 15-2,
West Addition to Sharyland Subdivision
PUD (AO-P) to PUD (R-1)
Olague Bauza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 700' east of Circle Drive along the south side of Meadow View Drive. The rectangular lot measures 74.02' x 81.06' in depth or 6,000 sq. ft. total.

SURROUNDING ZONES: N: PUD (R-1) – Planned Unit Development (Residential)
E: PUD (R-1) – Planned Unit Development (Residential)
W: PUD (R-1) – Planned Unit Development (Residential)
S: PUD (AO-P) – Planned Unit Development (Agricultural Open)

EXISTING LAND USES: N: Residential
E: Residential
W: Residential
S: Golf Course
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. The proposed PUD (R-1) zoning is consistent with the surrounding land uses and zones.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino was present to address any questions from the Board.

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

There was no response.

There being no further discussion, Chairman Sheats 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: 6:38 p.m.

Ended: 6:38 p.m.

Item #2.4

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Tinseltown Mission
2516 E. Expressway 83
Lot 1, Tinseltown Subdivision
C-3
CNMK Texas Properties, LLC
/dba Tinseltown Mission**

Mr. Daniel Tijerina asked that no action be taken on this item since the legal department was reviewing Tinseltown's alcoholic contract.

Started: 6:38 p.m.

Ended: 6:44 p.m.

Item #3.0

Site Plan Approval:

**Construction of 112 Senior Living Apartments
Taylor Senior Village Subdivision (Unrecorded)
A 10.285 acre tract of land consisting of 0.394 of
one acre out of an abandoned canal R.O.W. adjacent
to the West of Lot 246, John H. Shary Subdivision,
& Lot 1, Whitney-Ross Subdivision
R-3
Brownstone Ventures, LLC**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Taylor Road between Summer Breeze Ave. and East 20th Street. The applicant is proposing a new multifamily 55 year and over senior community. Site Plan approval is required prior to permit issuance for multi-unit complexes of five or more.

Viewing the site plan, the one lot subdivision will have a series of single story and two-story buildings through the development to be used as a multi-family apartment complex. This development will consist of 84 one bedroom units and 28 two bedroom units or 112 total units. The buildings must comply with all fire code requirements for a multi-family single and two story buildings.

The minimum required setbacks for the site are: 30' front setback; rear setbacks of 15'; and 6' side setbacks. It is noted that all setbacks are in compliance.

As seen, one 26' driveway off Taylor will lead the traffic into and out of the facility. There are no interior streets but a drive will circulate traffic all around the perimeter of this development.

With regards to parking, the site plan shows 164 regular parking spaces. For a multi-family building of this size the City Code requires 224 parking spaces. It is noted that on October 19, 2016 the applicant was granted a variance by the Zoning Board of Adjustments to have 164

parking spaces where 224 are required. A series of enclosed trash bins are proposed throughout the development.

This development will consist of 5' sidewalks along all the perimeters. Ten percent landscaping will be required with a combination of trees, plants, and shrubs. Parking lights will be required between every 10 parking spaces. Staff has reviewed preliminary plans for this development and all of these requirements are being exceeded.

This plat is in the process of being recorded, it is noted that all park, sewer capital recovery, and other required fees will be collected prior to construction permit issuance.

RECOMMENDATION: Staff recommends approval subject to:

- 1) the submittal of grading and detention plan to our City Engineer;
- 2) compliance with landscaping and parking light pole requirements as noted above;
- 3) compliance with all building and fire codes.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Lisa Heller stated that they have complied with all of the City's requirements and are ready to start their project all they need to get is the approval of the site plan.

Mrs. Marin asked if the variance obtained was for the parking spaces.

Mrs. Heller stated that the variance for the parking spaces was because the planned called for 149 city parking spaces which were more than any other senior project in any other adjacent city. But after Mr. Sheats and the Zoning Board reviewed the plans we agreed to add more spaces like the Board wanted in order to comply.

Mrs. Marin stated that if this was because it's a senior facility that they expect them to only have 1 car?

Mrs. Heller replied, "That's correct". She added that the majority of these units are 1 bedroom anyway. She mentioned that concern with the parking variance committee was that we have plenty of parking to accommodate holidays and visitors so they increased the number of parking spaces to accommodate that by giving up more additional green space and medians in the parking lot. Mrs. Heller stated that this was the last blessing that they needed after working in this project for a year with the cooperation of the City, State legislature, and the State. She mentioned that they were very proud of their 55 and older development that they are going to be able to offer to the community.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendations. Mr. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:44 p.m.

Ended: 6:44 p.m.

Item #4.0

Pre-Final Plat Approval:

Montecristo Subdivision

A 9.522 acre tract of land being a portion of
Lot 12, Goodwin Tract No. 3 Subdivision

R-1

Developer: Daniel Acevedo

Engineer: Halff Associates, Inc.

Mr. Daniel Tijerina asked that no action be taken on this item since there were some items still pending like the lift station and some fees that needed to be paid prior to considering the subdivision.

ITEM #5.0

OTHER BUSINESS

ITEM #6.0

ADJOURNMENT

There being no further items for discussion, Mr. John Guerra moved to adjourn the meeting. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:45 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission