

**PLANNING AND ZONING COMMISSION  
OCTOBER 9, 2013  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

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

**P&Z ABSENT**

Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Susana De Luna

**GUEST PRESENT**

Irene Garza  
Yolanda Garza  
Ida N. Garza  
Cita G. Jimenez  
Victor H. Garcia  
Juan Alonzo  
Armando Cantu  
Aaron Balli  
Narce Flores  
Flor Magallan  
Jovita Huerta  
Dr. Miguel Nevarez  
Raul Garcia

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

Chairman Rene Flores asked if there was any citizens' participation.

There was no response.

**APPROVAL OF MINUTES FOR SEPTEMBER 25, 2013**

Chairman Rene Flores asked if there were any corrections to the minutes for September 25, 2013. Mr. Mario Garza moved to approve the minutes as presented. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:07 p.m.**

**ITEM #1.1**

**Rezoning:**

**Mission Madero Park Subdivision  
AO-I to P  
City of Mission**

Mr. Bobby Salinas went over the write-up stating that the site is located at the NE corner of Mile 3 South (aka Los Indios Road) and Conway Blvd.

**Surrounding Zones:** PUD to the west and AO-I to all other directions.

**Existing Land Uses:** The surrounding land uses consist of single family homes to the south and open acreage in all other directions. The subject site is Madero Park.

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

**Review Comments:** On August 13, 2012, City Council created a new Zone which requires all public facilities such as City, County, Federal Buildings; Churches; and Schools to fall within this zone. The City of Mission is proposing to build a new 40' x 60' pavilion for Madero Park, thus the change of zone from AO-I to P is required.

The P zone proposal and the existing site use is directly consistent to the City's Future Land Use Map Public (P) designation. The existing park and any new construction is exactly what the P zone is intended to regulate. Staff recommended approval.

Chairman Rene Flores asked if the City had any plans in the future to invest money in our City Parks to help beautify and make more attractive for our citizens to use. He added that he would like to see a water or skate park in the City of Mission in the near future something similar to the other cities.

Mr. Salinas stated that in reality the Planning & Zoning Department did not handle the City Parks or its improvements that would be handled by the Parks & Recreation Department. He added that the Planning Department does handle the subdivisions and stated that all residential subdivisions require what is called a park fee. Those fees are \$300 per lot that is subdivided within the City and those monies go into a park fund which is divided into 5 different zones. He mentioned that whenever a subdivision is developed in that particular zone, the park fees from the subdivision go into that zone. Mr. Salinas stated that the Madero Park was located on the southeast zone so whatever development comes into this area they would get monies for this park. Mr. Salinas stated that the money used for the Pavilion would come from this fund not unless they budgeted for it. Mr. Salinas mentioned that the City of Mission does have hike & bike trails, and a skate park but any future improvements or new ideas would need to be taken to the Parks & Recreation Board.

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 discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the request as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:07 p.m.**  
**Ended: 5:11 p.m.**

**ITEM #1.2**

**Rezoning: A 4.04 acre tract of land out of the  
W. 4.79 acres of the E. 5.63 acres of  
Lot 24, New Caledonia Subdivision, Unit #1  
AO-I to C-3  
Armando Cantu**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately 400' West of Moorefield Road along the south side of Mile 3 Road.

**Surrounding Zones:** AO-I to the North, West, East and County to the South.

**Existing Land Uses:**

N:	Single Family Residential
E:	Open Acreage
W:	Open Acreage
S:	Open Acreage

**Site:** The site currently has a restaurant and the owner's home. There is also a future social events center along the rear of the property.

**FLUM:** The Future Land Use Map reflects a strip General Commercial (GC) designation along 3 Mile Road and an LD designation south of the GC for the remaining acreage.

**Review Comments:** These acres were part of the City's recent annexation area, which is the reason for the AO-I zone in all directions. This would be the second rezoning in the area to begin the transition along 3 Mile Road into commercial.

The acreage with frontage to 3 Mile Road is more compatible for non-residential uses as recognized by the City's FLUM designation of GC and a widened Mile 3 Road. Our FLUM shows the remaining acreage as LD, however the City recently approved an R-3 zone directly west of this property. We've seen C-3 zones work well next to R-3 zones. The subject site also has a pre-existing restaurant and a future social events center to be located along the south side of the site (permit purchased while in the County). There is also an existing canal located south of the acreage which would serve as a natural buffer from any future development to the south, be it single family residential or other. Since the C-3 and the R-3 to the west can work well together, staff does not object to the C-3 proposal along the entirety of the acreage in order to bring this site into compliance with the current uses. Staff recommended approval.

Mrs. Marisela Marin asked Mr. Salinas what would happen to the existing house.

Mr. Salinas stated that it would become an existing non-conforming use. Whenever the use stops then it would have to be converted into commercial.

Mrs. Marisela Marin asked Mr. Salinas if once they moved out of the house the existing non-conforming use would go away.

Mr. Salinas stated that if and when the home was not being used as a home or it was demolished then it would need to be converted to commercial.

Mrs. Marisela Marin asked if they could add to the home.

Mr. Salinas replied, “No, they could not expand it.”

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. Armando Cantu was present to address any questions from the Board.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the rezoning request as per staff’s recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:11 p.m.**

**Ended: 5:15 p.m.**

**ITEM #1.3**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Rancho Real Eventos y Taqueria  
2215 W. 3 Mile Road  
W. 4.79 ac. of the E. 5.63 ac. of Lot 24,  
New Caledonia Unit #1 Subdivision  
AO-I (Proposed C-3)  
Armando Cantu**

Mr. Bobby Salinas went over the write up stating that the site is located approximately 400’ west of Moorefield Road along the south side of Mile 3 Road. The site is currently going through a rezoning to C-3. It currently has an existing Taqueria and the owner’s home. There will also be a future pavilion for social events. The Taqueria has been in operation prior to being annexed into the City Limits. The owner wishes to offer alcoholic beverages with meals. There is no bar component within the restaurant. Section 6-4a of the Alcoholic Beverages code states: *“the sale of all alcoholic beverages within 300 feet of any church, public school, private school or public hospital, within the corporate limits of the city, is hereby prohibited”*. There are no such uses within 300’ of this area.

- **Hours of Operation:** The restaurant is currently open Sundays – Thursdays from 11a.m. to 12a.m. and Fridays and Saturdays from 11a.m. to 2a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 6 employees

- **Parking:** There are a total of 130 seating spaces, which requires 43 parking spaces (130 seats/3 = 43.3 parking spaces). There are 57 existing spaces, exceeding code by 14 spaces.
- Must comply with the Building, Fire, and Health codes
- Must obtain a business license, now that they are within the City Limits of Mission.

**Review Comments:** Since there are no public schools, churches, etc., and the sale of alcohol is not the primary intent of the restaurant, and they are already in operation in regards to the late hours, staff does not object to the CUP. Staff recommended approval subject to: 1) Approval for 1 year to assess this new operation; 2) Comply with the City's Building, Fire, and Health Codes; and 3) Must acquire a business license.

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. Armando Cantu was present to address any questions from the Board.

Chairman Rene Flores asked if he had met all the landscaping requirements.

Mr. Salinas stated that they would be imposed during the business license review and in previous issues where staff has seen existing business that come in during annexation, staff does not enforce the landscaping requirements on businesses that are in existence.

Chairman Rene Flores mentioned that on existing businesses he could understand that no landscaping requirements would be imposed but since this was a new business, the landscaping requirements could be imposed.

Mr. Salinas stated that this was a new conditional use permit but this business has been existence since it was in the county.

Chairman Rene Flores stated that he would like to see some landscaping.

Mr. Salinas stated that the Board could impose the landscaping requirement as a condition but staff tried to do that once before and at the Council level they did not look at it to favorably.

Mr. Ned Sheats stated that he was not sure if he would like to enforce it on this particular item but do think that the City Council and staff should look into this closely. He mentioned that they should have something in place to impose the same requirements as the businesses that are inside the City limits of Mission.

Mr. Salinas stated that they could add it as a requirement to the conditional use permit.

Mr. Ned Sheats stated that he would like to do that.

Chairman Rene Flores asked Mr. Cantu to please keep his business and as presentable as possible.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Bobby Salinas advised the audience that if anyone was present regarding item 5.0 regarding the rezoning for a 1 acre tract of land out of the N. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision (aka Lot 13, Melba Carter Subdivision) this item will remain on the 'Table' since there had been no change in the item because applicant had not provided the site plan that was required.

Chairman Rene Flores asked if they could act on the item.

Mr. Salinas replied, "Yes, if the Board wants too but nothing had changed from the previous meeting so staff was going to recommend that it be kept on the 'Table' for that reason." He just wanted to inform the people present so that they wouldn't have to wait until that item was seen.

Mr. Ned Sheats stated that he would like to know how many people were present regarding that particular item.

A show of hands indicated that there were 7 people present regarding that item.

Mr. Daniel Tijerina stated that this announcement was just to advise the residents that no action would be taken on this item but they were welcome to stay if they so desire to do so.

**Started: 5:20 p.m.**

**Ended: 5:29 p.m.**

**ITEM #1.4**

**Conditional Use Permit:**

**To Place a Portable Building for the  
Sale of Food at T-Rey's Convenience Store  
2502 W. Business Highway 83  
Lots 131 & 132, Ala Blanca #4 Subdivision  
C-3  
Jovita Huerta**

Mr. Bobby Salinas went over the write up stating that the site is located on the NW corner of Paisano St. and Business Highway 83. There is an existing Drive-thru Business and convenience store (T-Rey's). There was previously a CUP awarded for a portable building for the sale of food back on 12-17-03. That portable was removed when the previous applicant's business was no longer in operation. Ms. Huerta would now like the opportunity to install a new food stand at this location. The portable will be located along the SE corner of the store.

- **Hours of Operation:** Monday-Sunday from 6p.m. to 11p.m.
- **Staff:** 2 (The applicant and her spouse)
- **Parking:** A total of 23 parking spaces are needed for the convenience store/drive-thru and the Laundromat. There are currently 21 spaces on the T-Rey site and additional surplus parking on

the NE corner of Paisano St. and Business 83 for T-Rey. Staff does not foresee a problem with parking.

- Must comply with Fire and Health Codes.
- Must obtain a business license.

**Review Comments:** As previously mentioned, there are several businesses on this location, including the drive-thru, Laundromat, and the convenience store. Staff feels that the addition of another business would have a cluttered effect on the area and would not be aesthetically pleasing in the area. T-Rey's recently made big strides in improving the aesthetics of the site by installing additional landscaping and buffering the trash containment area. Staff feels that the addition of a portable building would detract from T-Rey's recently improved appearance. Staff recommends denial of the proposed portable building.

(NOTE: If P&Z is inclined to approve the CUP, we would ask for a 1 year approval subject to acquiring a business license.)

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.

Mrs. Jovita Huerta was present to address any questions from the Board.

Chairman Rene Flores stated that staff was recommending denial of the request and in his opinion he didn't believe this portable building would be in the best interest of the City but would like to give Mrs. Huerta an opportunity to talk on her behalf.

Mrs. Huerta asked if the Board would consider approving the portable building if she moved it further back because the owner had rented a space to her and he even gave her a letter giving her permission to place the portable building there since they used to have one there before.

Mrs. Marisela Marin asked when the previous portable building was approved.

Mr. Salinas replied, "2003".

Chairman Rene Flores stated that in his opinion this would not be a good location for the portable building because they currently other businesses there such as a convenience store, drive-thru, and a Laundromat. He added that the owner of T-Rey's recently made some improvements to the area to make it more aesthetically pleasing and the portable building would not be of any help to the area.

Mrs. Huerta stated that she was trying to put this business due to her having some issues with cancer and since she does not have any type of help with her medical expenses she just wanted to work to come up with that money she needs.

Mr. Mario Garza stated that currently they had several businesses in that location he suggested that she looks for a different location.

Mrs. Huerta asked if they would allow it anywhere else.

Chairman Rene Flores stated that currently they were only considering this location if she wanted to look for a different location she would need to go through the same process and at that time the new location would be considered.

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

**Started: 5:29 p.m.**

**Ended: 5:49 p.m.**

**ITEM #1.5**

**Conditional Use Permit:**

**To keep a 7' x 8' Portable Building for the  
Sale of Food at E-Z Mart Convenience Store  
1500 W. Business Highway 83  
Lot A, Mission Acres Subdivision  
C-3  
Juan & Eduardo Guerrero**

Mr. Daniel Tijerina went over the write up stating that the site is located on the NW corner of Los Ebanos and Business 83. There is an E-Z Mart convenience store with an existing 7' X 8' portable building located on the west side of the store. On 9-9-09, a previous applicant was granted the use of the portable building for a period of 3 years and the installation of vinyl slats on the garbage containment area. The previous applicant had complied by installing a wooden fence around the trash area however; the portable has since been closed. The new applicant wishes to re-open the portable building for the sale of food. Access to this site is from two driveway cuts along Los Ebanos, and two cuts Business 83.

- **Hours of Operation:** Sunday – Friday 6p.m. to 12a.m., Saturdays 6p.m. to 12:30a.m.
- **Staff:** 2
- **Parking:** The convenience store and the portable building require 15 spaces. There are a total of 24 parking spaces including the spaces under the canopies for the gas pumps, thus exceeding code.
- Must comply with building, fire, and health codes.
- Must acquire a business license

**Review Comments:** The portable building has been on the site for several years. Staff had not received any complaints regarding the operation of the stand when it was previously open. Staff does not object to the re-opening of the stand so long as they comply with all codes. Staff recommends approval subject to: 1) A 1 year approval in order to assess the new business; 2) Must comply with the Building, Fire, and Health Codes; and 3) Must acquire a new Business License.

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.

Chairman Rene Flores stated that he didn't really think portable buildings helped the City of Mission if anything, he believed that these types of structures would take away from the established businesses. He mentioned that if staff was inclined to approve these types of permits, then we should have some type of conformity to make these structures look better. Mr. Flores stated that in his opinion he was opposed to granting the conditional use permit.

Mr. Abiel Flores stated that the difference between the previous CUP and this one was because of the congested area and there was no specific place for the portable building.

Mr. Tijerina stated that he was correct.

Mr. Abiel Flores stated that in this case it was a little different because the applicant did have a specific place for the portable structure; the portable building itself was better looking than the previous one. He added that he agreed with the Chairman in that these types of structures do take away from establishments but each case is different.

Mr. Ned Sheats stated that he agreed with Mr. Flores in that this case would be different and was more acceptable than the previous one but also agreed with the Chairman in that they should review each case very carefully when adding new businesses such as this to the City of Mission.

Mr. Daniel Tijerina stated that they could get them to comply with some of the aesthetics during the business license process.

Mrs. Marisela Marin stated that in the past they have approved similar requests because there is no place to eat nearby or because they are selling something different but in this case it seems that they are offering the same items as the convenience store. She added that she was not sure if she wanted to approve this portable building because to her it was like duplicating the same business.

Mr. Salinas stated that one of the things that staff has seen is that usually the applicant makes a deal with the convenience store to not sell the same items as they are making to try to help each other out.

Chairman Rene Flores stated that if the Board is considering approving this type of request the City should have a higher standard for this type of structures.

Mr. Tijerina stated that he understood and would consider that.

Mr. Aaron Balli asked if these types of structures were required to have restrooms.

Mr. Tijerina replied, "Yes".

Mr. Balli asked what happens when the business closes down and there are no restrooms nearby.

Chairman Rene Flores stated that they usually have an agreement with the convenience store to have access to the restrooms at all times while the business is in operation. Mr. Flores asked if the Board was inclined to approving the request he would like to impose some restrictions or recommendations as to what has to be done aesthetically like fixing the portable structure, a new paint job, landscaping, re-striping, etc.

Chairman Rene Flores entertained a motion.

There was no response. The motion died.

Chairman Rene Flores asked Mr. Tijerina is they were required to have some landscaping.

Mr. Tijerina replied, "Yes". He mentioned that they could have some landscaping to the green area on the west and next to the slab if they are inclined to approving the request and if not he understood their concerns.

Mr. Mario Garza mentioned that he agreed with the Chairman but at the same time are we starting with this item or is it something to think about after this item. Mr. Garza stated that right now it was hard because we could deny the request or we could recommend approval but have him comply with staff's recommendations.

Mr. Ned Sheats mentioned that his concern was that if staff imposes this many requirements, the applicant would not actually make any or enough profit. He stated that he was not saying that the item be denied but did think that some requirements should be imposed to help improve the area and if in a year they don't comply well then it could be denied.

Mrs. Marisela Marin asked why not just approve it with the conditions or why not just deny it and move forward and have the City Council look at this. She mentioned that they needed to act now.

Chairman Rene Flores stated that they needed to start at one point.

Mr. Mario Garza stated that they need to start at the moment that they apply for the conditional use permit they should be told that the Board is not allowing any portable buildings anymore.

Mr. Salinas stated that the issue with that is that the code allows them in order to do that staff would need to amend the code.

Mr. Tijerina mentioned that they could amend the code to not permit portable structures in commercial areas.

Mr. Ned Sheats asked if the code currently allowed it.

Mr. Tijerina stated that currently someone could apply for a conditional use permit to place a portable structure in a commercial area.

Chairman Rene Flores stated that there are some portable structures that are really nice and do deserve to be given an opportunity because they have invested money in keeping it up to code.

Mr. Ned Sheats asked when the last portable building was approved for this location.

Mr. Tijerina stated that based on the minutes it was in December 12, 2003.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to deny the request. Mrs. Marisela Marin seconded the motion, with Mr. Abiel Flores, Carlos Lopez, and Mario Garza dissenting. Upon a vote, the motion to deny was 2-3. The motion died.

Chairman Rene Flores entertained a second motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendations including the painting, re-striping, landscaping and for a period of 6 months. Mr. Abiel Flores seconded the motion, with Mrs. Marisela Marin and Ned Sheats dissenting. Upon a vote, the motion passed 3-2.

**Started: 5:49 p.m.**

**Ended: 5:49 p.m.**

**ITEM #2.0**

**Site Plan Approval:**

**Construction of 12 Apartments  
Lot 11, Taurus Estates Subdivision No. 19  
R-3  
Roberto Garza**

No action was taken on the item.

**Started: 5:49 p.m.**

**Ended: 5:50 p.m.**

**ITEM #3.0**

**Single Lot Variance:**

**.187 acre out of Lot 8B,  
Plat of Lots 8A, 8B, & 8C, Stewart Village, Ph. I  
C-3  
Aaron Balli**

Mr. Bobby Salinas went over the write up stating that this property is located approximately 600' east of Stewart Road along the south side of Griffin Parkway.

**History:** This property was originally re-platted with an 11' X 82' leg along the south side of the lot. Dollar General was built to the north of the property taking in the 11' X 82' portion of 8B creating a .187 acre remnant. The SLV will bring the lot into compliance with the Subdivision Code. The SLV will be needed in order to obtain any proposed permits.

**Utilities, Streets, & Drainage:** Since the lot was previously subdivided, it was provided with all necessary water, sewer, drainage and paved access.

**Other Comments Included:** 1) Has already been excluded from the Water District, 2) Park fees are not required for commercial lots, and 3) Sewer Capital Recovery Fee will not be required since the lot was previously re-platted.

Staff recommended approval.

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

There was no response.

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

Mr. Aaron Balli was present to address any questions from the Board.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the single lot variance as per staff’s recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:50 p.m.**

**Ended: 6:14 p.m.**

**ITEM #4.0**

**Preliminary & Final Plat Approval:**

**Lucila Subdivision**

**A 1.41 acre tract of land being a portion of Lot 16-3, West Addition to Sharyland Subdivision R-1**

**Developer: Dr. Miguel Nevarez**

**Engineer: R.E. Garcia & Associates**

Mr. Daniel Tijerina went over the write up stating that the proposed subdivision is located on the SW corner of Donna Avenue and Mile 1 South.

**History:** Below is a list of events for the Un-recorded Dietz Subdivision:

- 2-4-85 – Mr. Sterling Dietz’s property was outside of the City limits of Mission.
- 2-4-85 – Mr. Dietz submitted a survey (he called it a plat) which showed several lots located on his 6.33 acre tract of land, aka Dietz Subdivision (un-recorded).
- 1-11-88 – The property is annexed into the City Limits of Mission
- 11-25-91 - A variance request to not subdivide the various properties known as Dietz Subdivision (Un-recorded) was reviewed by the City Council and approved with the following recommendations:
  - Erma & Donna to remain access/utility easements
  - Additional 10’ street and utility easement or 10’ of ROW, if ROW exists now along Los Ebanos Rd. and Mile 1 South
  - Have owners that fall within certain street light districts, pay their pro-rata share
  - Require sidewalks along Mile 1 South and Los Ebanos
  - Primary access on double frontage lots to be off of the minor residential street, i.e. Erma and Donna
  - Park fees required only for “new” homes; not replacement housing

- Owners abutting Los Ebanos Rd. are to agree to pay the paving costs for their pro-rata share

Staff explained the original approval to the developer and is now requesting 3 variances as follows:

**Variance 1:** The developer is requesting a variance not to dedicate the additional 10' of ROW along Mile 1 South. Since the original '91 approval indicates that the 10' shall be required, Staff recommends sustaining the wishes of the City Council.

**Variance 2:** The developer is requesting a variance in regards to some of the existing lots' widths, lengths, and square footages. Staff reviewed this request and since the lots have existed for almost 30 years, we did not object to this variance request.

**Variance 3:** The developer is also asking for a variance for the installation of sidewalks along Mile 1 South. Again, since the original '91 approval by the City Council required it, Staff recommends the 5' sidewalks be escrowed with the City.

**Water:** Water service is currently provided via existing 6" water lines located along the east side of Donna Ave. and along the east side of Erma. There are 2 existing fire hydrants that serve this proposed subdivision.

**Sewer:** Sewer service is provided through an existing 6" sewer network that runs north and south along the west side of both Donna and Erma. The Sewer Capital Recovery Fee (SCRF) will not be required for these existing homes/lots.

**Streets & Storm Drainage:** This subdivision abuts Mile 1 South which is a future 100' ROW, 65' B/B. As per the original approval of the variance we are only asking for an additional 10' of ROW, and not the MPO required 20'. The original variance did not require the owners to pay their portion of widening costs for Mile 1 South.

In regards to storm, the existing runoff is directed north to Mile 1 South through an existing concrete gutter in the center of the streets and discharges into Mile 1 South's storm sewer system. The proposed drainage report will be reviewed and approved by our Public Works Department.

**Other Comments included:** 1) Proof of Water District exclusion is required, 2) Park Fees will only be required for "new" homes; not replacement housing as per original approval, and 3) There are existing street lights within the subdivision.

Staff recommends approval subject to: 1) Denial of Variance 1 (Dedicate the additional 10' of ROW), Denial of Variance 3 (escrow the 5' sidewalks along Mile 1 South), and the approval of Variance 2 (approve existing lot sizes); 2) Escrow the 5' sidewalks along Mile 1 South; and 3) Provide exclusion from the Water District.

Mrs. Marisela Marin asked why are we following the 1991 required 10' right-of way instead of the MPO required 20' would there be a cost difference.

Mr. Tijerina mentioned that the probably the best person to answer her questions was the engineer. He stated that Dr. Nevarez wanted to clear the properties and get everything square away so that everyone could have a title. Mr. Tijerina mentioned that those were just staff's recommendations and they wanted to keep what was approved in 1991 but the Board could amend them if they wanted.

Mrs. Marisela Marin asked if the widening of Mile 1 was still in place with today costs.

Mr. Tijerina replied, "That's correct". He added that currently staff was just asking for the right-of-way. Mrs. Marisela Marin asked if staff was okay with not recuperating the difference of money for the widening.

Mr. Salinas replied, "That's correct because of the MPO amendment".

Mr. Tijerina stated that they have been working with the MPO and on reducing the right of way in that area.

Mrs. Marisela Marin asked if they didn't have the 1991 requirements in place then they would be requiring the 20' right-of-way required by the MPO.

Mr. Salinas replied, "That's correct". He added that 1991 variance kind of allow them the 10' because they have been in existence since the 80's so that is why they were not requiring that at that time. Mr. Salinas stated that what Dr. Nevarez is trying to do is give them their own warranty deed because legally he could have just gone to an attorney to print out some deeds, but he is trying to plat so that everyone could have their own boundaries.

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

There was no response.

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

Dr. Miguel Nevarez stated that his sister and him inherited this property from their mother and Mr. Dietz and they just wanted to make the things right by giving each property owner their own deed. He mentioned that he didn't want to burden the people anymore he just wanted to help them out. Dr. Nevarez stated that they were not doing the subdivision because they were going to sell the lots it was just to provide a warranty deed to each owner. He added that most of the people have lived there since the 1980's. Dr. Nevarez stated that they have agreed to everything else and they were only asking for a variance on the 10' of right-of-way on 1 Mile South and the requirement of the sidewalk.

Chairman Rene Flores stated that he understood that he wanted to help out the people by providing them with their deeds but at the same time the Board needs to consider the City's perspective and they have to account for the widening of the roads which was the case on the 10' on Mile 1 South but they were also requiring sidewalks. He asked why there were no sidewalks on this south side of the road if they were imposed on the opposite side of the roads.

Dr. Nevarez stated that there were no sidewalks on the south side that he could recall.

Mr. Salinas mentioned that the Dietz Subdivision runs from Los Ebanos Road to Donna Avenue he assumes that the people on the south side might have already escrowed the money for the sidewalks and they might just be waiting for a larger tract to be able to do sidewalks on the entire south side.

Mr. Ned Sheats asked Mr. Salinas if he understood correctly all the majority of the land on the south side already have sidewalk escrowed.

Mr. Salinas stated that anything to the east he was sure like the newer subdivisions that were inside city limits those escrows we have now if it was something that existed in the county then we might not have those.

Chairman Rene Flores suggested that the item be placed on the 'Table' so that staff could do the research to make sure that we have those monies escrow and at the same time it would give the Board a better perspective as to what to require.

Dr. Nevarez stated he would like the Board to take in mind that those people were there prior to being annexed to the City.

Mr. Ned Sheats stated that he lives in a subdivision that is north of the City and he still cannot walk in a sidewalk because of the bits and pieces of property that have not been developed. He mentioned that he agreed with the Chairman in that staff needs to research to make sure that those monies for sidewalks have been escrowed.

Dr. Nevarez asked if it was possible to have an easement instead of the right-of-way because he didn't know how long the City was going to take to widen the road now if it was an easement it could be used up until the widening of the road.

Mr. Tijerina stated that he didn't see any problem because an easement could be converted into a right-of-way pretty easy but as per staff's perspective they just want to go with the MPO requirements and get the right-of-way.

Dr. Nevarez stated that those lots were pretty narrow and small but if they could get an easement they could use the easement as part of the lot.

Chairman Rene Flores asked how many lots it would actually affect.

Dr. Nevarez replied, "Only on lots 1 & 2".

Chairman Rene Flores asked why we were imposing an easement on all the lots if only two lots would be affected.

Mr. Ned Sheats stated that actually only lot 2 was narrow.

Chairman Rene Flores stated that he was opposed to call it an easement instead of the right-of-way unless he hears anything different from staff.

Mr. Salinas stated that our City Attorney calls a right-of-way and easement interchangeable. He added that as long as it is written and approved as to form he has no problem.

Dr. Nevarez stated that he would make sure that in the deed it includes the easement. Chairman Rene Flores suggested that the item be ‘tabled’ so that staff could check on the money escrowed for the sidewalks and check if it’s okay with the City Attorney regarding the easement.

Mr. Raul Garcia, from R.E. Garcia Engineering asked if they could consider approving the preliminary plat with the conditions that if other sidewalks have been escrowed we will too and if not then we don’t have to escrow them that way when it is seen by the City Council this issue might have already been resolved.

Chairman Rene Flores stated that he didn’t have a problem with that.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the subdivision plat as per staff’s recommendations including the right-of-way to be called an access easement and that if Los Jardines & Bougainvillea Subdivision escrowed the money for the sidewalks then they should be imposed to this plat as well. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:14 p.m.**

**Ended: 6:14 p.m.**

**ITEM #5.0**

**Tabled Rezoning:**

**1 acre of land out of the  
N. ½ of Lots 15-7 & 15-8,  
West Addition to Sharyland Subdivision  
(AKA Lot 13, Melba Carter Subdivision)  
R-1 to P  
Jonas Olvera**

No action taken on this item.

**Started: 6:14 p.m.**

**Ended: 6:18 p.m.**

**ITEM #2.0**

**Tabled Pre-Final Plat Approval:**

**Tierra Linda Subdivision  
A 5.02 acre tract of land out of  
Lot 26-1, West Addition to Sharyland Subdivision  
R-2  
Developer: Francisco Ruiz  
Engineer: Vanguard Engineering**



Chairman Rene Flores entertained a motion to remove the item from the ‘Table’. Mr. Ned Sheats moved to remove the item from the ‘Table’. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Bobby Salinas went over the write-up stating that the proposed subdivision is located ¼ mile north of Griffin Parkway along the east side of Inspiration Road. This acreage is located just north of the Hidalgo Irrigation District (Edinburg Main Canal). The subdivision consists of 10 lots zoned R-2, Duplex-Fourplex Residential. Each lot may permit up to 4 apartments/condos. The developer is requesting two variances from our subdivision code.

**Variance #1:** The developer is requesting a 45’ ROW for the proposed street located along the south side of the subdivision. Our Subdivision code requires a minimum of 50’ of ROW for streets. The developer would still be constructing the City’s minimum 32’ B-B paved street, however we would have 5’ less of ROW along the south side of the street. Staff does not object to the variance since the street will primarily serve only the residents of Tierra Linda, the street pavement width will be meeting the City’s requirement of 32’ B-B, and there will be no other users to the south.

**Variance #2:** The developer is also requesting a variance to not dedicate public alleys in the rear of the apartment lots. Due to the limited depth of the property, the developer is proposing a 24’ maneuvering lane with 18’ parking stalls in the rear of each lot. The 24’ maneuvering lane will be within a roadway access and utility easement that will act as an alley in the rear of the property. Staff also does not object to the maneuvering lane in lieu of a dedicated alley, since this is a unique tract with the abutting canal to the south and the maneuvering lane is essentially an alley.

**Water:** New 8” water lines will be extended east from the existing 12” water line located along the east side of Inspiration Road, and then looped to the existing 8” line located on Gabriel Street. Hydrants are shown pursuant to the direction of the Fire Marshal.

**Sewer:** New 8” sewer lines will be extended from an existing 8” sewer line located on Gabriel Street to serve the entire subdivision. The Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. 40 apartments X \$140.00= \$5,600.

**Streets & Storm Drainage:** The subdivision abuts Inspiration Rd. which is a 100’ ROW, future 65’ B-B street according to the MPO Thoroughfare Plan. The widening costs for Inspiration will be required in the amount of \$12,871.67. The developer is also proposing to install a 45’ ROW, 32’ B-B street along the south side of the subdivision. The developer will also be installing the minimum 24’ maneuvering lane along the north side of the lots. The maneuvering lane will be the responsibility of each property owner. As for storm drainage, the developer is proposing to install 24” and 30” R.C.P. lines along the new street and maneuvering lane. The storm system will then connect into the existing Inspiration Road storm system.

**Other Comments Include:**

- \$300.00/Housing Unit Equivalent for park fees required in the amount of \$12,000
- Water District exclusion required.
- This property falls within Taurus Estates, No. 2’s reimbursement zone which requires \$698.63 for the 5.02 acre tract.

- A street light plan is required for the lighting along Inspiration Road and Thornwood Drive.

Staff recommended approval subject to: 1) No objection to the variances requested by the developer; 2) Payment of the sewer capital recovery, reimbursement & park fees; 3) Escrow the widening costs for Inspiration Road; 4) Provide the water district exclusion; and 5) Comply with any other format findings.

Mr. Salinas stated that in the previous meeting there were some concerns about the dumpsters and the installation of the fence. He added that the dumpsters would be individual and they would be located on the front of the property. He mentioned that in regards to the buffer there would not be one since it was not a requirement.

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

There was no response.

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

Mr. Victor Garcia from Vanguard Engineering stated that there was an existing hurricane fence and he was told by the developer if the fence was damaged during the construction they would fix it.

Chairman Rene Flores asked if they could consider installing slats.

Mr. Garcia stated that he didn't think the owners would have a problem with installing the slats.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the subdivision plat as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM#7.0**  
**OTHER BUSINESS**

Proclamation – Community Planning Month

**ITEM #8.0**  
**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 6:20 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission