

**PLANNING AND ZONING COMMISSION
NOVEMBER 18, 2015
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Marisela Marin
Carlos Lopez
Diana Yzaguirre

P&Z ABSENT

Mario Garza
Julio Cerda

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Susana De Luna
Luis Contreras
Eddie Latin

GUESTS PRESENT

Nereo Garza
Carlos Del Angel
Minerva Paz
Elizabeth Vasquez
Brice Chandler
Jose Treviño Jr.
Casey Belly

Raymundo Garcia
Alejandro Alvarez
Larry D. Reyna
Jesus E. Garcia
Maria Dalia Ancer
Kelly Lange
Elizabeth Crumpler Dukquits

Ariel P. King
Krysti Buckley Davis
Jorge Ancer
Luis A. Martinez
Jose Treviño
Melissa Lopez

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 14, 2015

Chairman Sheats asked if there were any corrections to the minutes for October 14, 2015. Mr. Carlos Lopez moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:07 p.m.

Item #1.1

Rezoning:

**A tract of land containing 0.913 acres
of land out of Lot 234, John H. Shary Subdivision,
and Lot 105, Shary Palms Unit 3
R-1 to C-1
Jose Angel Treviño**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Shary Road between Village Drive and Mulberry Street.

SURROUNDING ZONES:

| | | |
|----|------|-----------------------------|
| N: | R-1 | -Single Family Residential |
| E: | AO-I | - Agricultural Open Interim |
| W: | R-1 | - Single Family Residential |
| S: | R-1 | - Single Family Residential |

EXISTING LAND USES:

| | |
|-------|---------------------------|
| N: | Single Family Residential |
| E: | Bannworth Park |
| W: | Single Family Residential |
| S: | Single Family Residential |
| Site: | Single Family Residential |

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Office Building (C-1) is the least congested commercial zoning we have and appears to be the better land use right now. Although the Future Land Use Map reflects a Low Density Residential (LD) land use, the commercial zoning proposal is an expected transition zone with frontage to a 5-lane major street.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose Treviño stated that he was representing his dad Mr. Jose Treviño who was asking for a rezoning of his property from R-1 to C-1. He added that they had a 5 lane road in the front of their property which has heavy traffic and that was why they were asking to rezone the property to C-1.

Chairman Sheats asked if he was aware that C-1 was the most restrictive zone.

Mr. Treviño replied, "Yes".

Chairman Sheats stated that most of Shary Road would become commercial at some point in time and certainly office buildings would be the least intrusive to the surrounding residents.

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

Mr. Kelly Lange stated that he was not directly opposed but had a question. He mentioned that he lived two houses south of the proposed rezoning and wanted to know what type of office and signs were they proposing.

Chairman Sheats stated that whatever business or sign they proposed could have to be in compliance with the Sign Ordinance and the C-1 zone.

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

Started: 5:07 p.m.

Ended: 5:10 p.m.

Item #1.2

**Rezoning: A 0.088 acre tract out of Lot 171,
John H. Shary Subdivision
AO-I to R-1T
Jose Enrique Garcia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NW corner area of Laredo Blvd. and Dalobo Street. The lot measures 70' x 55' or 3,850 sq. ft.

SURROUNDING ZONES: N: R-4 - Mobile & Modular Home
E: R-1T - Townhouse Residential
W: R-1T - Townhouse Residential
S: R-1 - Townhouse Residential

EXISTING LAND USES: N: Mobile Home Residential
E: Townhouse Residential
W: Townhouse Residential
S: Townhouse Residential
Site: Vacant

FLUM: Moderate Density Residential (MD)

REVIEW COMMENTS: The surrounding land uses and zones, as well as the Future Land Use Map, are all consistent with the rezoning request.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose Enrique Garcia who resides at 38 E. Anacua Avenue in Roma 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. Carlos Lopez 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 2.00 acre tract of land out of the Unplatted
Commercial Reserve of Cimarron Country
Club Phase I, Section 1
AO-I to C-3
Quiricho LTD**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the south side of U.S. Expressway 83 Frontage 800' west of Shary Road.

SURROUNDING ZONES:

| | | |
|----|------|-----------------------------|
| N: | C-3 | - General Commercial |
| E: | C-3 | - General Commercial |
| W: | AO-I | - Agricultural Open Interim |
| S: | AO-I | - Agricultural Open Interim |

EXISTING LAND USES:

| | |
|-------|----------------------------|
| N: | Commercial |
| E: | Commercial |
| W: | Recreational (Golf Course) |
| S: | Recreational (Golf Course) |
| Site: | Vacant/Agricultural |

FLUM: General Commercial (GC)

REVIEW COMMENTS: The surrounding land uses and zones, and Future Land Use Map are directly consistent with the request.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Mr. Rey Garcia who representing Cimarron Country Club 1200 S. Shary Road stated that he was not in favor or against he just wanted more information like who had applied for the rezoning.

Chairman Sheats stated that Quiricho LTD has applied for the rezoning. There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:23 p.m.

Item #1.4

Rezoning:

**A 0.57 acre tract of land out of Lot 244,
John H. Shary Subdivision & Lots 1-3,
Boriquen Subdivision
C-1 to C-2
Maria Dalia Ancer**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Shary Road between Summer Breeze and 22nd Street.

SURROUNDING ZONES:

N: R-1 - Single Family Residential
E: AO-I - Agricultural Open Interim &
R-1T - Townhouse Residential
W: R-1 - Single Family Residential
S: R-1 - Single Family Residential

EXISTING LAND USES:

N: Single Family Residential
E: Single Family Residential
W: Single Family Residential
S: Single Family Residential
Site: Residential/Vacant

FLUM: Low Density Residential (LD) – (Neighborhood Commercial is proposed)

REVIEW COMMENTS: Neighborhood Commercial (C-2) is one of the least congested and more restrictive commercial zonings we have and appears to be the better land use at this time. Although the Future Land Use Map has not been amended, the proposed designation is neighborhood commercial based on the existing C-1 zoning of this site.

RECOMMENDATION: Approval.

Mr. Acevedo mentioned that staff had received one letter against this request.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Jorge Ancer who resides at 2609 E. 28th Street was present to address any questions from the Board.

Chairman Sheats stated that he recalled seeing this property not too long ago for a C-1. Mr. Daniel Tijerina stated that it was from AO-I to C-1, which was approved and then we had the three homes which are in the Boriquen Subdivision they were rezoned from R-1 to C-1 and that was approved as well. Mr. Tijerina added that Mrs. Ancer had bought all the properties and was seeking a C-2 zone.

Chairman Sheats asked Mr. Ancer when they were planning to come back and ask for a C-3 zone.

Mr. Ancer stated that he didn't believe they would rezone to a C-3 they didn't wanted to limit their options just to offices. He added that with a C-2 zone they would have a little more options.

Chairman Sheats stated that he feels this property should remain C-1.

Mr. Ancer stated that they were just across the street from a heavier commercial than what they were asking for.

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

Mr. Kelly Lange stated that he was outside the 200' radius but he was in opposition. He added that he agreed with Chairman Sheats in that a C-2 would be a little too much for this area.

Mrs. Marisela Marin asked Mr. Tijerina if staff had only received one letter in opposition.

Mr. Tijerina replied, "Yes".

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion was 3-2 denying the request.

Started: 5:23 p.m.

Ended: 5:27 p.m.

Item #1.5

Rezoning:

**Lot 43, Ala Blanca Subdivision Unit No. 2
R-1 to R-2
Francisco Paz**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Frontage Road between US Expressway 83 and Business Expressway 83.

SURROUNDING ZONES:

N: R-1 - Single Family Residential
E: C-3 - General Commercial
W: R-1 - Single Family Residential
S: R-1 - Single Family Residential

EXISTING LAND USES:

N: Single Family Residential
E: Commercial
W: Single Family Residential
S: Single Family Residential

Site: Single Family Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Mr. Paz is requesting that his 50' x 160' Single Family Residential (R-1) lot be rezoned to Duplex –Fourplex Residential (R-2). The predominant land use is long standing Single Family (R-1) residences. The Future Land Use Map reflects Low Density (LD) Residential as well.

RECOMMENDATION: Denial.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Minerva Paz stated that she just wanted to make some apartments if the rezoning is approved.

Chairman Sheats asked how many apartments are they proposing.

Mrs. Paz replied, "4 apartments".

Mr. Tijerina mentioned that they could not build no more than 4 apartments.

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

Mrs. Melissa Lopez stated that she was the applicant's next door neighbor and did not think this would be a good idea. She added that the lot was very narrow and currently they had issues with the traffic and this would only create more traffic if it was allowed. Mrs. Lopez stated that she didn't think they would have a place to park. She added that she would not like apartments because she had four small children and would not know what type of people would be moving into the apartments.

Ms. Diana Izaguirre asked if staff had a site plan for this proposal.

Mr. Tijerina replied, "No".

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to deny the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:27 p.m.

Ended: 5:37 p.m.

Item #1.6

Rezoning:

**Lot 2A, Tangerine Subdivision No. 1
R-2 to R-3
Juan C. Del Angel**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Highland Park Avenue between 12th Street and Bryce Drive.

SURROUNDING ZONES:

| | | |
|----|-----|-------------------------------|
| N: | R-2 | - Duplex-Fourplex Residential |
| E: | R-1 | - Single Family Residential |
| W: | R-3 | - Multi-Family Residential |
| S: | R-2 | - Duplex-Fourplex Residential |

EXISTING LAND USES:

| | |
|-------|-----------------------------|
| N: | Duplex-Fourplex Residential |
| E: | Single Family Residential |
| W: | Multi-Family Residential |
| S: | Duplex-Fourplex Residential |
| Site: | Multi Family Residential |

FLUM: Moderate Density Residential (MD)

REVIEW COMMENTS: Although the property is zone R-2, this subject site has long been higher density multi-family residential or R-3. The Future Land Use Map reflects a Moderate Density Residential (MD) land use which will be amended to reflect High Density Residential.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Carlos Del Angel was present to address any questions from the Board.

Chairman Sheats asked if they were fixing up the place.

Mr. Del Angel stated that want to remodel the existing apartments that were built in the mid 70's and construct 4 more units in the back of the property.

Chairman Sheats asked if there would be an increase in the size.

Mr. Del Angel stated that they were proposing to add a new building in the back so there would be an increase in the size.

Chairman Sheats asked Mr. Tijerina what was the limit of apartments in an R-3.

Mr. Acevedo stated that it was based on the square footage of the lot.

Mr. Tijerina stated that Mr. Del Angel had produced a site plan and staff was still looking at it. He added that what he was already doing was improving the site and in compliance with the R-3 code. Mr. Tijerina stated that the second phase that he is talking about staff is still looking at it and we will guide him and give him some direction on that.

Chairman Sheats asked Mr. Del Angel if he was trying to improve the area.

Mr. Del Angel replied, "Absolutely". He added that their biggest thing would be parking because they are trying to put 2 bedroom units, which require 2 parking spaces per unit, but if that does not work out because of the drainage issues and green areas required they can always go down to 1 bedroom units on the back building.

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: 5:37 p.m.

Ended: 5:47 p.m.

Item #1.7

**Conditional Use Permit: Bryan Events Center and a Bed & Breakfast
1321 E. 2 Mile Road
A 1.01 acre tract of land out of Lot 29-10,
West Addition to Sharyland Subdivision
AO-I
Ariel P. King**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located in the NW corner of Bryan Road and 2 Mile Road. The applicant recently purchased the Historic William Jennings Bryan House built in 1909 and is in the process of restoring the residence. Mr. and Mrs. King are seeking a CUP for an events center and a bed and breakfast. The events center will host smaller scale outdoor special events such as weddings, quinceañeras, anniversaries, etc. The property will also be available for rental as a bed and breakfast.

- **Hours of operation:** will vary depending on when the property is rented but is available every day of the week.
- **Staff:** the applicant will be the only employee managing this location.
- **Parking:** There are two paved driveways one off 2 Mile Road and another along Bryan Road for on-site parking. Combined these two driveways can accommodate up to 10 vehicles.
- **Additional Parking:** According to the applicant, they have worked out a parking lot agreement with the church just south of the site on 2 Mile line. Crossing a major thoroughfare to the parking area at the church at such a busy intersection is extremely dangerous to pedestrians.

RECOMMENDATION: Staff does not object to the proposed Bed & Breakfast. However, staff does object to an event center because of the lack of parking and the dangerous conditions that parking at the church south of the site poses to pedestrians.

Mr. Jaime Acevedo stated that staff received one letter in support of both the Bryan Events Center and the Bed & Breakfast.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ariel P. King was present to address any questions from the Board

Chairman Sheats stated that the situation that they have with the parking being across the street seems to be a big issue with staff. Is the concept of your business valid without the event center.

Mrs. King stated that she didn't believe so. She added that she would do okay but with the amount of restoration that has taken place she would need to have both. Mrs. King stated that if she would be allowed to have small events nothing big then it would be a good balance. She mentioned that there is a cross walk in the corner and she was proposing to put an arbor an opening a gate at the cross walk and any event that would be held would need to have valet parking. She mentioned that she has talked to her attorney's and they have worked on this the best that they can with a contract with all the rules and regulations that would be imposed, which she provided to staff.

Mr. Tijerina stated that staff did have a copy of the contract.

Mrs. King stated that she would like to do things that would be community oriented with this house because she would not feel right in closing this house off to the public completely. Mrs. King stated that this was a very special opportunity for the City and the Community. She added that she had already worked with NABA on hosting a tour for the bird visitors during the Butterfly festival, the Mission Historical Museum to host heritage tours, and the Texas Citrus Fiesta about maybe doing some type of market that would help simplify the history of Mission and the importance of citrus in our history. She added that if her request was not allowed they she would just have to rent out the house to a family and then she would not be able to secure the integrity of the home. Mrs. King stated that she had extended an invitation to the City Council Commissioners so that they could see all the work that has been done and what this house is going to mean in the future of Mission.

Chairman Sheats asked if she had worked with the neighbors on the north to see if she could get some type of parking up there.

Mrs. King stated that one of the benefits of this beautiful property is the thickness of the native growth so she would like to promote this as an eco-tourist and keep this property intact.

Chairman Sheats stated that she has done a beautiful job with this place.

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

There was no response.

Mr. John Guerra asked how big would the event center be or how would it work.

Mrs. King stated that it would be just around the house because there are times that people want to have outdoor events. She added that this would be for tiny events this would not be for large events if they wanted a large event Alyssa's acres was just down the street. Mrs. King stated that she knows people that would have small Christmas parties, private dinners, and business meetings, which she didn't believe these types of events would be overwhelming to her neighbors and she also added those stipulations in her rules and regulations. She stated that also because she wanted to take care of her investment and should it not work it could be revoked.

Chairman Sheats asked if she would be agreeable to having no outside amplified music/noise.

Mrs. King stated that she would have no problem with that. She stated that she would not have live bands.

Chairman Sheats stated that he was sure she would be in compliance with staff's recommendations on the amount of people allowed whether they approve the Bed & Breakfast only or both. He added that the only issue he had was with staff in regards to the dangerous intersection. He actually went out there and it's a four way controlled lighting full signal system it has ADA compliance ramp on all sides and it is exactly the same as the intersection down the road that has school children walking across.

Mrs. King stated that in fact the high school children run across that intersection every day.

Chairman Sheats stated that the point he was trying to make was that the City of Mission has people who live here which are capable of crossing that intersection without getting killed.

Once again, Chairman Sheats asked for public opposition.

Mr. Casey Belly stated that he was the leader of the local congregation who attends the church. He added that what Mrs. King has done to the property is great, beautiful, and has beautified the surroundings. Mr. Belly stated that they want to be good neighbors and they are not opposed to the request or to the people parking in the church's parking lot this under a permanent basis is under review by our legal team so we cannot give an acceptance of that immediately but for a short term basis it would be okay.

Chairman Sheats stated that what he was saying was that he was for it but unfortunately could not put it in writing.

Mr. Belly replied, "Exactly".

Mrs. Kristi Buckley Davis stated that she owns all the land that surrounds Mrs. King's property and she was in favor of her request. She added that Mrs. King's vision of this property was very important to her and she was totally in agreement which whatever she wants to do.

Mrs. Elizabeth Dukquits stated that she was the person who sent the letter in favor of the request. She mentioned that she lived next to the church at 1104 E. 2 Mile Road. Mrs. Dukquits stated that she has had the opportunity to tour the house and it is beautiful. She added that Mrs. King has tried to keep the integrity of the home and she appreciates that. She added that she noticed that the City of Mission website keeps famous people and Williams Jennings Bryan is there and that is what Mrs. King is trying to do so she was totally in support of the request.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to a 1 year approval; there is a limitation on amplified music and occupancy. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m.

Ended: 5:52 p.m.

Item #1.8

**Conditional Use Permit: Sale & On-Site Consumption of Alcoholic
Beverages – La Dueña Restaurant
2005 W. Mile 3 Road, Suites 1600 & 1700
Lot 7, Block 4, Taurus Estates #9 Subdivision, Ph. I
C-3
Luis & Marcela Martinez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 150' east of Magdalena Street along the south side of Mile 3 (F.M. 1924).

EVALUATION: The applicant has leased two commercial suites within the commercial plaza for a Mexican restaurant. Previously, this location had been granted a similar CUP on December 12, 2012 for the sale and on-site consumption of alcohol. The proposal is to offer the sale and on-site consumption of alcohol with the sale of Mexican food.

- **Hours of operation:** Monday through Sunday from 7 am to 12 am.
- **Staff:** A total of 8 employees will run this operation.
- **Parking:** There is one paved driveway off 3 Mile Road, another along Magdalena, and a third along Crisantema that lead traffic to the restaurant. Parking is held in common between the tenants located with the plaza.

In reviewing the location map, there are single family residences located within 300' to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300' from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The Planning and Zoning Commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300' requirement on a temporary or permanent bases to the City Council who shall have the ultimate decision on the matter.

Sixteen (16) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval of the CUP subject to: 1) Compliance with all Health and Fire Department requirements, 2) Compliance with Texas Alcoholic Beverage Commission (TABC) requirements, 3) wet zone the property, 4) recommend waiver of the 300' separation requirement to City Council, 5) the acquisition of a business license, and 6) 1 year re-evaluation.

Chairman Sheats asked if the applicant or representative were present.

Mr. Luis Martinez who resides at 1310 Kansas Street in Palmhurst 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.

Chairman Sheats asked if this was a new owner.

Mr. Martinez replied, "Yes".

Mr. Tijerina stated that this used to be called 806 Wings & Bar but that business has closed so Mr. Martinez was the new applicant.

Chairman Sheats asked if there were any incidents reported.

Mr. Tijerina replied, "No".

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

Started: 5:52 p.m.

Ended: 6:11 p.m.

ITEM #1.9

**Conditional Use Permit Renewal: Home Occupation – Notary Services & Preparation of Income Tax Forms
1115 Reynosa Street
Lot 2, Block 1, Browning Subdivision
R-1
Larry D. Reyna**

Mr. Jaime Acevedo went over the write-up stating that the subject site is at the NW corner of Highland and Reynosa Street. The applicant has his residence on the property and has an 11.8' x 11.9' area that he uses as his notary and tax preparation office.

- Hours of Operation: Monday – Friday from 7 a.m. to 7 p.m.
- Hours of Operation: Monday – Saturday from 9 a.m. to 8 p.m. during tax season and by appointment only during the off season.
- Staff: Mr. Reyna is the only employee running this home occupation.

REVIEW COMMENTS: This CUP was most recently approved on December 12, 2012 for a period of 3 years. Mr. Reyna has been in operating this home occupation since November 28, 2007 with no reported incidents. Staff sent notices to the surrounding neighbors. We have received one complaint against this CUP request.

This home occupation has existed for 8 years now. Staff has received direction that these types of CUP's are for startup purposes not for long term time periods. Furthermore, home occupations take business away from others that carry out their activities in commercial/brick and mortar buildings wherein utilities, rent/mortgage payments, and commercial taxes are paid. Commercial business must comply with paving, landscaping, sidewalks, commercial building codes, and many other stricter requirements versus the lower operating costs that home occupations operate under.

RECOMMENDATION: Staff recommends denial of this CUP.

Chairman Sheats asked if the applicant or representative were present.

Mr. Larry D. Reyna who resides at 1115 Reynosa stated that he used to have his home occupation on 1st Street from 1995 to 2007 and then he constructed a new home in 2007 and since then he has had his business. He added that he was never told that the conditional use permits were just meant for startup businesses. He mentioned that he was not looking for that and he would not be able to move to a commercial location because he didn't make enough money to pay the rent. Mr. Reynosa stated that he would be a couch

potato if he didn't have this business because he didn't have any other source of income. He also stated that the one opposition staff received was his neighbor and it was not related to the CUP it was personal because he had parked on the sidewalk. He added that the most he has made was \$1000 year and he had about 50 to 60 clients in a tax season.

Chairman Sheats suggested that they table the item so that staff can get a more clarification from the Council as far as if they could make exception on conditional uses.

Mrs. Marin stated that they didn't have to table the item they could just act on it and let the council decide.

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

Mrs. Elizabeth Vasquez stated that she was not against the conditional use permit but she had an issue with the parking. She added that the customer's park on the street because he always has his driveway partially closed. She added that she was the most affected because she lived in front of his property. She also added that sometimes she has her grandchildren and they play in the street and this would be dangerous for them.

Chairman Sheats asked Mr. Reyna how many customers he had at one time.

Mr. Reyna stated that he had 1 to 3 customers a week.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit renewal subject to a 1 year approval and that the parking issues are addressed. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Jaime Acevedo asked Chairman Sheats if they could go to item #4.0 since Mrs. Marisela Marin had to leave and Ms. Izaguirre could not act on this item.

Mrs. Diana Izaguirre step down from the Board.

Started: 6:13 p.m.

Ended: 6:19 p.m.

Item #4.0

Preliminary & Final Plat Approval: Eduardo's Subdivision No. 13

A 20.00 acre tract of land being the North 10

Acres of Lot 35-5, & the South 10 acres of

Lot 36-5, West Addition to Sharyland Subdivision

Suburban ETJ

Developer: Aniceto Izaguirre

Engineer: Quintanilla, Headley & Associates

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located approximately 800' south of Mile 4 North Road along the east side of Trospen Road. The developer is proposing 72 Single Family Residential lots, all exceeding area requirements, and a detention area.

WATER: The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 8" line located along the east side of Trospen Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction or funds escrowed pending approval of SWSC water line access agreement.

SEWER: In regards to sewer, the developer is proposing to extend a 10" sewer line along the south side of the subdivision and through an easement along the adjacent subdivision and connect to a 24" line along Conway Ave. The \$750.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. 72 lots X \$750.00/Lot = \$54,000.00. There will also be a \$260 sewer tap fee and \$58.50 Sewer Permit Fee imposed per lot x 72 lots = \$22,932.00.

STREETS & STORM DRAINAGE: The subdivision has frontage to Trospen Road, which is a future 80' ROW 57' B/B street. There is a currently 40' ROW which complies with the MPO Thoroughfare Plan requirement of 40' from centerline. The street widening cost for Trospen will be \$55.90 per linear feet or \$55.90 x 660 lf = \$36,894. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. No residential access will be allowed from Lots 1, 40, 41, and 72 onto Trospen Road. Drainage for the subdivision is proposed through the use of 24" H.D.P.E. lines located within the proposed street that will flow into a detention pond located to the easternmost area of the subdivision-see HCDD #1 approved drainage report.

RECOMMENDATION: Staff recommends approval subject to: 1) Must meet the Model Subdivision Rules; 2) Comply with the street alignment policy; 3) Must pay the capital sewer recovery fees; 4) Must pay street widening fee; 5) Comply with comments from the County Planning Department; and 6) Must get approval from Texas Gas regarding the gas line traversing the SE corner of the acreage.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Marisela Marin asked if the gas line issue was going to be recorded on the plat.

Mr. Acevedo stated that he was not sure but the engineer was present to answer any questions.

Mr. Lalo Ramirez from Quintanilla, Headley & Associates asked what is the question.

Mrs. Marisela Marin asked if there was going to be a plat note referring to the gas line issue.

Mr. Ramirez replied, "No, but if you want we will put a note making reference to the gas line".

Chairman Sheats asked how big the gas line is.

Mr. Acevedo stated that they were told it was a high pressure 8" line.

Chairman Sheats asked if there should be note stating that there nothing built on those lots.

Mr. Acevedo stated that they should be nothing built on it but because it is in the county there some lots like 26 where they can move in a mobile home.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the subdivision plat as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion was approved unanimously.

Mrs. Marisela Marin had to leave at 6:19 p.m.

At this time Mrs. Diana Izaguirre rejoined the Board.

Started: 6:19 p.m.

Ended: 6:24 p.m.

ITEM #2.0

**Conditional Use Permit Renewal: Manufacturing and Re-packaging of Chicharrones, Mexican Candies, etc. in a C-3 Zone
3013 N. Inspiration Road, Ste. C
Lot C-3, Taurus Estates #3 Subdivision
C-3
Alejandro Morales**

Mr. Jaime Acevedo went over the write-up stating that the site is located within an existing commercial plaza approximately 800' south of Mile 2 along the west side of Inspiration Road. The applicant is proposing to manufacture, process, and package chicharrones (fried flour snacks) and re-package Mexican candies within the existing C-3 plaza.

The Zoning Code requires the "manufacturing ... processing, packaging of food products" to be done within an I-1 (Light Industrial Zoning). However, any I-1 permitted use may be permitted within a C-3 with a CUP (Zoning Code, Art. VIII, Sect. 1.43 (3)(i).

The applicant is proposing the use of 1 frying machine for the chicharrones and 1 machine for sealing the packages. Once the product are packaged, the chicharrones will be stored and sold wholesale to suppliers that will then sell to stores, etc.

- **Hours of Operation:** Monday – Saturday from 8 a.m. to 6 p.m.
- **Staff:** There are 4-6 employees operating the business.

- **Parking:** The suite requires 7 parking spaces. It is noted that the parking area is held in common (132 existing parking spaces) with other suites. Employees utilize the rear parking to allow for the maximum amount of parking for the customers of the entire plaza.

REVIEW COMMENTS: This CUP was approved by P&Z on August 27, 2014 for a period of 1 year. Since the startup of this operation, Staff has not received any complaints nor have any issues arisen from this CUP. Over the past years the P&Z has reviewed and approved other similar requests for the manufacturing, processing, and re-packaging of food products and similar to the other CUP requests none of which have had issues. As of this write-up, Staff has not received any comments for or against the renewal of this proposal.

RECOMMENDATION: Staff recommends approval for 3 years.

Chairman Sheats asked how long was the previous conditional use permit approved for.

Mr. Acevedo replied, "3 years". He added that although they manufacture and re-package the products there the business is not really open to the public.

Chairman Sheats asked if the applicant or representative were present.

Mr. Acevedo mentioned that Mr. Alejandro Morales was unable to attend the meeting since we was out of town.

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

There was no response.

Chairman Sheats stated that he didn't believe this type of conditional use permit would have too much of an impact on the neighborhood so he would not mind approving it for life of use.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit for life of use. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:24 p.m.

Ended: 6:27 p.m.

ITEM #3.0

Homestead Exemption Variance:

**A 0.088 acre tract out of Lot 171,
John H. Shary Subdivision
AO-I (R-1T Proposed)
Jesus Enrique Garcia**

Mr. Jaime Acevedo went over the write-up stating that this tract is located along the east side of Laredo Blvd. between Santa Rosa and Dalobo Street. The lot measures 55' x 70' which equals to 3,850 sq. ft. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

Water: The water CCN belongs to Mission water. The developer is proposing to connect to an existing 4" water line located along the north side of the subject site within a utility easement east of Laredo Blvd. to provide water service to the lot.

Sewer: The developer is proposing to connect to existing 8" sanitary sewer line located along the north side of the subject site within a utility easement east of Laredo Blvd. The capital sewer recovery fee is waived via the HVE.

Streets & Storm Drainage: The subdivision abuts Laredo Blvd., which has a 65' ROW with a 65' B/B paved street. No additional ROW will be required.

Other Comments:

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The street light requirement is also waived via the HEV.
- The park fees are also waived

RECOMMENDATION: Staff recommends approval subject to compliance with all homestead exemption variance requirement (i.e., affidavit, etc.).

Chairman Sheats asked if the applicant or representative were present.

Mr. Jesus Enrique Garcia was present to address any questions from the Board.

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

Started: 6:27 p.m.

Ended: 6:36 p.m.

Item #5.0

**Preliminary & Final Plat Approval: Sommerset Court Estates Subdivision
A 9.21 acre tract of land out of La Grange
Tract of Lot 282, John H. Shary Subdivision
R-1A
Developer: San Mateo Investments, LLC
Engineer: Quintanilla, Headley & Associates**

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located on the west side of Glasscock Road approximately 300' south of 2 Mile 2. The applicant is proposing 22 residential lots. The applicant is also requesting two variances as follows:

VARIANCE 1: Minimum Lot Depth. The subdivision is zoned R1-A which requires to have a lot depth of 120'. The applicant is requesting a lot depth of 115' to be allowed. Since all but one of the lots will meet the lot area requirements of Large Lot Single Family (R1-A) lots, staff does not object and recommends in favor of this variance.

VARIANCE 2: Minimum Lot Area. The subdivision is zoned R1-A which requires lot to have a minimum area of 8,500 square feet. Lot 15 is being proposed with an area of 8,447.18 square feet. Since all but one of the lots will meet the area requirements of Large Lot Single Family (R1-A) lots, staff does not object and recommends in favor of this variance.

WATER: The developer is proposing water service with a new internal 8" waterline network that will connect to an existing 12" water line located along the west side of Glasscock Rd. and will provide a secondary loop to the system by connecting to an existing 8" line located along the western perimeter of the subdivision to Summerset Subdivision. Fire hydrants will be installed pursuant to the direction of the Fire Marshal's office.

SEWER: An 8" sewer line network will be installed within the subdivision which will then connect into an existing 8" sewer line located along the west side of Glasscock Rd. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$4,400 (\$200.00 X 22 Lots).

STREETS & STORM DRAINAGE: The subdivision abuts Glasscock road, which is a future 80' ROW, 57' B/B paved street as required by the MPO and the City's Standards Manual. The developer must provide the escrow for the widening of Glasscock Rd., which equates to \$22,360.00 (400' X \$55.90/l.f.). Storm drainage will flow southward into a set of inlets diverting flow into a 24" storm network between Lots 14 and 15 and then west through public alley ROW behind Sommerset Subdivision storm drainage will then deposit into an open ditch west of Sommerset which outfalls into the Mission Lateral.

RECOMMENDATION: Staff recommends approval subject to: 1) Must comply with Model Subdivision Rules; 2) Approval of Variance 1 & 2; 3) Park Fees = \$300.00/Lot = \$6,600.00; 4) Sewer Capital Recover Fees = \$200.00/Lot = \$4,400.00; 5) Street Widening Escrow = \$55.90/linear foot = \$22,360.000; 6) Must dedicate water rights; and 7) Must provide a street lighting plan for review and install/escrow street lighting if needed.

Chairman Sheats asked if the applicant or representative were present.

Mr. Lalo Ramirez from Quintanilla, Headley & Associates was present to address any questions from the Board.

Ms. Izaguirre asked if for Lot 15 is that the only way they could design it.

Mr. Ramirez stated that they could try to redesign it but that was the most square footage they could get out of it.

Chairman Sheats asked if staff had an opportunity to get answer to his question.

Mr. Tijerina stated that Mr. Sheats concern was in regards to the flow of the sewer.

Chairman Sheats stated that basically the Mission Lateral flows from west to east and they are flowing the drainage from east to west so how are they doing to connect. He asked how it was going to flow over hill.

Ms. Izaguirre stated that what Mr. Sheats was trying to say was that the land goes up hill but the storm drain does not necessary follow the same path. She added that it would have to have a slope.

Chairman Sheats stated that if they could improve the drainage in that area he would greatly appreciate it.

Mr. Ramirez stated that they would be working in that area and might even have to cut the pavement so if the City would be willing to help out they could certainly consider it.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion was approved unanimously.

**ITEM #6.0
OTHER BUSINESS**

**ITEM #7.0
ADJOURNMENT**

There being no further items for discussion, Mr. John Guerra moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:36 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission