

**PLANNING AND ZONING COMMISSION
FEBRUARY 22, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Marisela Marin
Carlos Lopez
Diana Izaguirre
Jaime Gutierrez
Julio Cerda

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Joel Chapa
Gilbert Sanchez

GUESTS PRESENT

Cornelio Salinas	Jose F. Salinas
Mark Arguelles	Clemente Gonzalez, Jr.
Juan Jose Chapa	Xavier Guerra
Alex Espinosa	Manuel Soberon
Jose Rodriguez	Carlos & Rosita Juvera
Leticia Fombon	Florestella Martinez
Luis Valencia	Marlene Sandoval
Hector Segura	Joe Luis Marquez
Ismael Morin	

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 8, 2017

Chairman Sheats asked if there were any corrections to the minutes for February 8, 2017. Mr. Jaime Gutierrez moved to approve the minutes as corrected. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Diana Izaguirre stepped down from the Board.

Started: 5:02 p.m.

Ended: 5:09 p.m.

Item #1.1

Rezoning:

**The East 100' of Lot 10, and all of
Lots 11 & 12, save and except the West
50' thereof, Block 205, Mission
Original Townsite Subdivision
R-1 to R-2
Aniceto Izaguirre**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SW corner of Cummings and West 13th Street. The three lots measure a combined 150' X 150' for a total of 22,500 sq.ft.

SURROUNDING ZONES: N: C-2 – Neighborhood Commercial
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Commercial
E: Abandoned Railroad ROW
W: Single Family Residential
S: Vacant

Site: Vacant

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

REVIEW COMMENTS: The FLUM designation Low Density Residential (LD). On October 23, 2006, there was a City initiative to rezone this property from C-4 to R-1. Mr. Izaguirre is requesting an R-2 zoning to have construct duplex/fourplex apartments. It is noted that on July 25, 2016 the PNZ approved an R-2 rezoning for a fitness/gym facility directly north of the subject site. However, that site was not vacant and had existing commercial buildings, the subject site is vacant. Being that The Future Land Use Map reflects Low Density (LD) Residential and the City Council initiated a R-1 zoning of this area only reflects that R-1 remains the best compatible use for the neighborhood.

Staff recommended denial.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Mr. Acevedo mentioned that staff would be receptive to commercial based on recent rezoning across the street.

Mrs. Marin asked why would staff consider commercial and not the R-2 which would be a lesser density.

Mr. Acevedo stated that it was based on the City Council direction during the mass rezonings for this area and it would set precedence.

Mr. Cerda mentioned that it was more logical to go from R-1 to R-2 to C-2, like a stair step.

Mr. Acevedo stated that the Board could make their own recommendation.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:23 p.m.

Item #1.2

**Rezoning: 18.73 acre tract of land out of Lot 20-4,
West Addition to Sharyland Subdivision
R-1 & C-2 to R-2
Frut Mich, Inc.
c/o Luis Valencia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the SW corner of Holland and Business Highway 83. The irregular site has access to Holland, Perez Street, and Walsh Street.

SURROUNDING ZONES: N: C-3 – General Commercial
E: C-3 – General Commercial &
I-1 – Light Industrial
W: I-1 – Light Industrial
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Commercial & Institutional
E: Vacant Industrial
W: Vacant Single Family Residential
S: Residential

Site: Vacant

FLUM: Moderate Density Residential (MD)
& Heavy Commercial (HC)

REVIEW COMMENTS: The predominant land use is long standing Single Family (R-1) residences. Everything south of Perez is Single Family Residential (R-1). However, the surrounding land uses do reflect a mixture of uses including a Commercial and Light Industrial. Staff feels that a lower density townhouse designation would be a better fit with the abutting R-1 neighborhood. R-1T is a single family residential designation in which each townhouse has its own lot and individual ownership. Thus the R-1T zoning does not appear to have a detrimental devaluation to the surrounding Single Family neighborhood and is a zoning designation that Staff would support.

Staff recommended Denial of R-2.

Ms. Diana Izaguirre walked in at 5:11 p.m.

Chairman Sheats asked if there were any comments for or against the request.

Mr. Luis Valencia, owner of the property was present to address any questions.

Mrs. Rosita Juvera from Courtesy Custom Homes stated that the property was under contract with the condition that it would be rezoned to R-2. Otherwise, as developers this property would not be of use for them. Mrs. Juvera mentioned that they had factored costs of land, costs of development, income they would collect from rents. She added that they had met with staff and they had been advised that an R-1T (Townhouse Residential) would be more suitable for this area. Mrs. Juvera mentioned that they wanted to do a gated subdivision for apartments with one or two entrances. She added that they would manage the apartments and they would not be for purchase so it would be one owner.

Chairman Sheats stated that he would suggest a combination of R-1T and R-2.

Ms. Izaguirre asked if they would consider a buffer to divide the R-1T's from the R-2.

Mrs. Carlos Juvera who is partner with his sister asked how far in depth did they want the R-1T's.

Chairman Sheats stated that would be up to them.

Mr. Acevedo mentioned that if the proposed buyers wouldn't accept P&Z's suggestion to rezone R-1T and R-2 the owner of the property would be willing to accept staff's new suggestion.

Mr. Cerda stated there should be a line of demarcation based on previous experiences when presenting this type of items to the City Council.

Mr. Acevedo suggested that this item be 'tabled' so that they could figure the acreage that would be for R-1T's and for R-2's and maybe work on a site plan of how it would look.

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

Started: 5:23 p.m.

Ended: 5:26 p.m.

Item #1.3

Rezoning:

**A 1.00 acre tract of land, more or less, out of a 6.22 acre tract of land being out of Western portion of the South 13.49 acres of Lot 254, John H. Shary Subdivision
AO-I to C-3
Edna Ornelas**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 800' west of Shary Road along the north side of East Griffin Parkway. The site measures 132' X 330' which equates to 43,560 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: C-3 – General Commercial &
R-1 – Single Family Residential

EXISTING LAND USES: N: Commercial (Storage Units)
E: Vacant
W: Commercial (Storage Units)
S: Commercial & Residential

Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: Staff does not object to the proposed re-zone to C-3 due to the following:

- The proposed C-3 request is directly consistent with the FLUM;
- The C-3 request is consistent to the surrounding land uses and zones;
- The property has frontage along a widened Griffin Parkway (a 100’ ROW State Road) as its primary access making it very appealing for commercial use.

Staff recommended approval.

Chairman Sheats asked if there were any comments for or against the request.

There were no comments.

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

Started: 5:26 p.m.

Ended: 5:31 p.m.

Item #1.4

**Conditional Use Permit: Drive-Thru Service Window – Letdin Pharmacy
1512 E. Griffin Parkway, Ste. 1
Lot 1, Stewart Professional Center Subdivision
C-3
Letdin Pharmacy**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 100’ south of Griffin Parkway along the west side of Stewart Road. There is an existing commercial plaza with the existing Letdin Pharmacy which has a drive thru service window. There is a maximum stacking capability of 4 vehicles along east side of

the building. Access to the general site is from Stewart Road, Griffin Parkway, and cross-access easements from the Shah Eye Center complex. This CUP was most recently approved by P&Z on 8-14-13 for a period of 3 years.

- **Days / Hours of operation:** Monday-Friday: 8:30am-6pm; Sunday: Closed
- **Staff:**4
- **Parking:** The 2,400 pharmacy requires a total of 9 spaces. The pharmacy is located within an existing plaza that has 172 common parking spaces. There are no issues regarding parking.
- **Landscaping:** The plaza has existing landscaping and is in compliance with code.

REVIEW COMMENTS:

The pharmacy's service window allows for 4 vehicles to be easily stacked. There have been no complaints regarding the drive-thru service window. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request.

Staff recommended approval subject to a 3 year renewal and the CUP not being transferable to others.

Chairman Sheats asked if there were any comments for or against the request.

Mrs. Leticia Fombon was present to address any questions from the Board.

Chairman Sheats asked if there was a ramp for a wheelchair.

She mentioned that there was a ramp in front of the building but not on the driveway access.

Mrs. Marin suggested that this CUP be approved for life of use.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation but for life of use instead of the 3 year recommended by staff. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:34 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Window
– Casa de Cambio Reynosa
1522 E. Expressway 83, Ste. 118
Lot 4, Stewart Plaza Subdivision
C-3
Casa de Cambio Reynosa**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the SW corner of Stewart Rd. and Expressway 83. The Casa De Cambio is located within a commercial plaza on the site with a drive thru service window. This CUP was most recently approved by P&Z on 08-28-13 for a period of 3 years.

- **Days / Hours of operation:** Everyday from 8:00a.m. to 9:00p.m.
- **Staff:** 4
- **Parking:** In viewing the floor plan, the suite measures 1,084.54 sq.ft., which requires 6 parking spaces. It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- Must continue to comply with the City's Sign and Landscaping code.

REVIEW COMMENTS: This drive-thru has been in operation for over 4 years with no incidents reported to the City of Mission. Staff did send notices to the surrounding owners within 200' of the site and have not received any comments for or against this CUP.

Staff recommended approval subject to a 3 year approval to continue to assess the business and for the CUP not to be transferable to others.

Chairman Sheats asked if there were any comments for or against the request.

Mr. Xavier Guerra stated that they have been operating with no problems.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation but for life of use instead of the 3 years recommended by staff. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:39 p.m.

Item #1.6

Conditional Use Permit:

**Drive-Thru Service Window
- Panda Express Restaurant**

119 S. Shary Road

Lot 1-A, North Sharyland Commons Subdivision

C-3

Panda Express Restaurant

Mr. Jaime Acevedo went over the write-up stating that the property is located approximately 500' north of Victoria Ave. along the east side of Shary Road. The applicant is proposing to build a new 2,546 sq. ft. Panda Express Restaurant with a drive-thru service window. General access to the site will be provided from a shared 25' access driveway off of Shary Rd. that will lead into the site to a 12' drive-thru lane. The drive thru service lane will be located on the east side of the building, providing stacking for approximately 10 vehicles. This CUP was most recently approved by P&Z on 7-10-13 for a period of 1 year. However, Panda Express did not open its operation until one year later on 7-14-14.

- **Days / Hours of operation:** Monday-Sunday from 10:30a.m. to 10:30p.m.
- **Staff:** 6 employees (in shifts)
- **Parking:** In viewing the floor plan, the restaurant measures 2,546 sq. ft., which requires a minimum of 34 parking spaces. The restaurant is proposing a total of 53 spaces, exceeding code by 19 spaces.
- **Landscaping:** The development has existing landscaping and is in compliance with code.

REVIEW COMMENTS:

The restaurants service window has been in operation for several years now without any incidents or complaints regarding the drive-thru service window. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request.

Staff recommended approval for life of use.

Chairman Sheats asked if there were any comments for or against the request.

Representing Panda Express, Ms. Marlene Sandoval was present to address any questions from the Board.

There being no discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation including a speed bump to be placed prior to the sidewalk. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:39 p.m.

Ended: 5:54 p.m.

Item #1.7

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Buffalo Wings & Rings
907 S. Shary Road
Lot 2A, Colorado Subdivision
C-3
Alejandro Espinosa**

Mr. Jaime Acevedo went over the write-up stating that the 5,171 sq. ft. restaurant site is located on the NE corner of Shary Road and Colorado Street. This CUP was most recently approved by P&Z for a period of three years on 02-10-14. Access to the restaurant is from both Shary and Colorado Street.

Prior concerns have been on the number of incidents with Mission PD. Staff has requested from PD a report of the incidents in relation to the sale of alcohol which we should have by the meeting date.

- **Hours of Operation:** Sunday – Thursday from 11a.m. to 12a.m. and Friday & Saturday from 11a.m. to 2a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Parking & Landscaping:** The 5,171 sq.ft. restaurant requires 69 parking spaces. There are 94 existing spaces, exceeding code by 25. They are also in compliance with the landscaping code.
- **Sale of Alcohol:** This restaurant does have a bar component which requires that there be no churches, schools, or residences within 300' of the restaurant. There are no such uses within 300'. Staff has also requested a report from Mission P.D. in regards to any incidents which may have occurred in relation to the sale and on-site consumption of alcohol. We should have that report by the meeting date.

Staff recommended approval of this CUP for a period of now until October 22, 2017, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if there were any comments for or against the request.

Mr. Alejandro Espinosa was present to address any questions from the Board.

Chairman Sheats stated that staff had received a police report with quite a number of violations for this establishments ranging from public intoxication, disorderly conduct, assault, etc.

Mr. Espinosa stated that his staff was instructed to call the Mission Police Department prior to problems being escalated.

Mr. Acevedo stated that it was a pro-active approach; although it was hurting him because of the number of police reports.

Mr. Cerda stated that he has security in place; it is a family oriented business.

Dr. Guerra stated that he had a concern regarding his customers parking on the empty land along the fence next to his business and he needed to alert his customers that this is private property and they can't park there.

Mr. Acevedo stated that maybe Mission Police Department could help out by giving tickets to the people that park on the empty property that would stop them from parking at that location.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendation. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:54 p.m.

Ended: 5:59 p.m.

Item #1.8

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Wing Stop Restaurant
1801 N. Conway Avenue, Ste. F
Lot 1, Enrique Mery Subdivision
C-3
John Ortiz**

Mr. Jaime Acevedo went over the write-up stating that the existing restaurant site is located within a commercial plaza in the NW area of 18th Street and Conway. This CUP was most recently approved by P&Z on 08-14-13 for a period of 3 years.

- **Hours of Operation:** Everyday from 11:00a.m. to 12:00a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 13-17 employees
- **Parking:** There are 50 total seating spaces, which require 17 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It is noted that the parking area is held in common (66 existing parking spaces) with other smaller suites and staff has not received any complaints regarding the parking at this plaza.
- **Landscaping:** There is some existing landscaping along Conway Blvd. and the applicant had recently made significant improvements to the building and the overall site.
- **Sale of Alcohol:** Chapter 6 of the Mission Code of Ordinances states that alcohol cannot be sold within 300' of a church, school, or hospital. There are no such uses within 300' of the Wing Stop. Staff has asked Mission PD for a report of incidents in regards to the sale of alcohol.

REVIEW COMMENTS: Wing Stop is a family-oriented restaurant that successfully acclimates well to this commercial location and Staff has not received any complaints in regards to this business.

Staff recommended approval of this CUP for a period of now until November 29, 2017, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if there were any comments for or against the request.

Representing Wing Stop, Mr. Hector Segura was present to address any questions from the Board.

There being no discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:04 p.m.

Item #1.9

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Greens & Lemons Restaurant
2707 E. Griffin Parkway
Lots 11 & 12, Adams Crossing Subdivision
C-3
Nancy M. Benet**

Mr. Jaime Acevedo went over the write-up stating that the 1,065' sq. ft. restaurant site is located within a commercial plaza located in the NW area of Taylor Road and Griffin Parkway. This CUP was most recently approved on 12-11-13 for a period of 3 years.

- **Hours of Operation:** Monday through Saturday 9am to 10 pm closed on Sundays. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 11 employees
- **Parking:** Viewing the floor plan, there are 50 total seating spaces, which require 16 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It is noted that the parking area is held in common (101 existing parking spaces) and is shared with other businesses.
- **Alcoholic Beverages:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There are none of these land uses within the above radius.
- Planning asked PD for a report of incidents and P.D. has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

REVIEW COMMENTS: This business has been in operation for several years now and staff has not received any comments for or against this business.

Staff recommended approval of this CUP for a period of now until July 21, 2017, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

At 6:00 p.m. Mr. Julio Cerda excused himself because he had leave had a prior commitment in Austin.

Chairman Sheats asked if there were any comments for or against the request.

There were no comments.

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

Started: 6:04 p.m.

Ended: 6:08 p.m.

Item #2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Mariscos El 7 Mares
2301 E. Griffin Parkway, Ste. D
Lots 10-12, Big Orange Subdivision
C-3
Juan Jose Chapa**

Mr. Jaime Acevedo went over the write-up stating that the property is located Mariscos 7 Mares seafood restaurant is located within an existing commercial plaza located on the NW corner of Citrus Lane and Griffin Parkway. This CUP was previously approved on 08-14-13 by P&Z for a period of 3 years. There have been no reports of any accidents or incidents occurring at this location since the last CUP approval.

- **Hours of Operation:** Everyday from 7:00a.m. to 11:00p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 4 employees
- **Parking:** The applicant has 80 total seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It is noted that the parking area is held in common (67 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4. Staff asked Mission PD for a report of any incidents in relation to the sale of alcohol. We should have that report by the P&Z meeting date.

Staff recommended approval this CUP for a period of now until June 6, 2017, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if there were any comments for or against the request.

Mr. Juan Jose Chapa was present to address any questions from the Board.

Mr. Acevedo suggested that P&Z might consider wanting to approve the Drive-Thru Service Window for life of use since there has been no problems in the past as long as it is not transferable to others.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation for Drive-Thru Service Window to be life of use subject to not being transferable to others and Sale & On-Site Consumption to be approved until June 6, 2017. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:08 p.m.

Ended: 6:20 p.m.

Item #2.1

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Guera Pub
204 Melba Carter
Lots 35 & 36, Earnhard Subdivision
(aka Melba Carter Subdivision)
C-3
Joe Luis Marquez**

Mr. Jaime Acevedo went over the write-up stating that the property is located 450' east of S. Conway Avenue on South side of Melba Carter Road. There is an existing building which has 1920 sq. ft. as per appraisal district and was built in 1980. Access to the site is provided from a 38' driveway off Melba Carter Road.

- **Hours of Operation:** Monday – Saturday – 10:00 a.m. to 2:00a.m., and Sundays 12p.m. to 2 a.m.
- **Staff:** 2 employees
- **Parking:** In viewing the floor plan, the restaurant/bar has a total of 24 seats which requires a total of 8 parking spaces (24 seats/3 = 8 spaces). The site has 14 parking spaces which meets parking code.
- **Section 1.56.** Conditions of conditional use.
 3. Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclubs:
 - a. The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours (after 10:00 p.m. [12:00 noon]) must be at least 300 feet 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 not visible and cannot be heard from such structures 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-foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Staff recommended denial due some residential lots will be affected by the section 1.56 codes. The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours (after 10:00 p.m. [12:00 noon]) must be at least 300 feet from the nearest residence.

Chairman Sheats asked Mr. Acevedo what requirements they have for lighting.

Mr. Acevedo stated that the City of Mission had a lighting requirement of every 300' but this subdivision didn't have any lighting. He mentioned that the City has done several

improvements to this subdivision like installing some sidewalks but nothing in regards to lighting.

Chairman Sheats asked if there were any comments for or against the request.

Mr. Joe Luis Marquez whose address is 204 Melba Carter was present to address any question from the Board.

Chairman Sheats asked for how long has he owned this property.

Mr. Marquez stated that he just started this business as a rent to own and his intentions are to do a restaurant that would be family oriented. He added that as far as lighting he had installed a flood light that lights up the entire parking lot.

Chairman Sheats asked if this placed used to be a bar and grill.

Mr. Acevedo stated that it used to be restaurant/bar in the past with much more limited hours of operation.

Mrs. Marin asked if they had any problems in the past with the previous business.

Mr. Acevedo replied, "No".

Mrs. Marin stated that if it was working before and he was just taking over the business why would staff not consider it especially since there was no neighborhood opposition.

Mr. Acevedo stated that based on the menu that was provided to staff it seems more of a bar and he also had several building code violations that he needed to addressed.

Mr. Marquez stated that he plans to do an entire kitchen to add food to the establishment.

Chairman Sheats suggested that they 'Tabled' the item until he addresses all the pending issues regarding the kitchen and building codes.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to 'Table' the conditional use permit as recommended by staff until they comply with all of the building codes. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:20 p.m.

Ended: 6:24 p.m.

Item #2.2

Conditional Use Permit:

**U & I Drive-Thru Convenience Store
1705 W. Griffin Parkway
Lot 2, Barrera Subdivision & Lot 74,
Las Misiones Subdivision**

**C-3
Florestella Martinez**

Mr. Jaime Acevedo went over the write-up stating that the property is located on the SW corner of Kirk Avenue and Griffin Parkway. The subject site currently has an existing drive-thru convenience store with a building that measures 40' by 45' for a total of 1,800 square feet. This CUP was most recently approved on 12-11-13 for a period of 3 years.

- **Days / Hours of operation:** Monday – Friday from 10a.m. to 12a.m.; Saturday from 10a.m. to 1a.m. and Sunday from 12p.m. to 12a.m.
- **Staff:** 4 employees
- **Parking:** A total of 8 parking spaces have been provided and are in compliance to code.
- **Landscaping:** The new applicant had installed 3 new trees along Kirk Ave., as one of the requirements, and has been maintaining them.

REVIEW COMMENTS: This business has been in operation since 2010 and staff has not received any comments for or against this business. Staff does not object to extending this CUP for another 3 year period.

Staff recommended approval for 3 years to continue to assess the business and for the CUP not to be transferable to others.

Chairman Sheats asked if there were any comments for or against the request.

Mrs. Florestella Martinez was present to address any questions from the Board. She asked if she would be able to apply for the hot dog cart that she used to have in the business.

Mr. Acevedo replied, "No". In fact the city had a moratorium in place that didn't allow any applications for mobile food units and they were also working on an ordinance to remove them from the code entirely.

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

Started: 6:24 p.m.

Ended: 6:28 p.m.

Item #2.3

Conditional Use Permit:

**To Place a Portable Building for Office Use
1907 E. IH 2
A 1.52 acre tract of land out of
Lot 172, John H. Shary Subdivision
C-3
Austin Payne**

Mr. Jaime Acevedo went over the write-up stating that the property is located at the NW corner of Highway 83 Frontage and Glasscock Road. Payne Auto Group has purchased property at this location and is in the process of subdividing this area for an expansion of their dealership. The applicant desires to place a 60' x 66' portable building similar to those found at other auto dealers. All applicable building codes and setbacks will be complied with. The portable will be installed on the North side of the property. Access to this site is available through two driveway cuts along Highway 83 Frontage and one off of Glasscock.

- **Hours of Operation:** Monday – Saturday from 8 a.m. to 9:00 p.m.
- **Staff:** 4-6 employees
- **Parking:** The portable building for the sale of autos requires 5 parking spaces. There will be more than 5 parking spaces at this location for staff and customers thus exceeding code.
- Must comply with building and fire codes.
- Must acquire a business license

REVIEW COMMENTS: The applicant had advised staff that the portable building will only be during the startup of the business. Future plans at this location include the construction of a site built facility.

Staff recommended approval subject to: 1) A 1 year approval in order to assess the new business; 2) Must comply with all Building, Fire, and Health Codes; and 3) Must acquire a new Business License.

Chairman Sheats asked if there were any comments for or against the request.

Representing Austin Payne, Mr. Mark Arguelles stated that he was the builder for this project and they were proposing to place a 60' x 66' new portable building.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:28 p.m.

Ended: 6:29 p.m.

Item #3.0

Pre-Final Plat Approval:

Eduardo's Subdivision No. 17

**A 20 acre tract of land being the east 20 acres
of Lot 45-3, West Addition to Sharyland Subdivision
ETJ**

Developer: Aniceto Izaguirre

Engineer: Izaguirre Engineering Group, LLC

Mr. Jaime Acevedo stated went over the write-up stating that this plat was previously approved by the PNZ on February 8, 2017. However, when presented to City Council, no action was taken by the City Council until an Agreement on sewer is signed by the

developer. The developer has agreed to sign the agreement as requested by the City Council.

PLAT DATA

The proposed subdivision is located approximately 1,350' west of Mile 6 Road and Trospen Road intersection. The developer is proposing 74 Single Family Residential lots all exceeding area requirements.

WATER - The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 8" line located along the north side of Mile 6 Road to provide water service to each lot. There are no fire hydrants provided for this Rural ETJ subdivision.

SEWER – The sewer CCN belongs to Alton (McAllen), the developer is proposing to extend an 10" sewer line out along Mile 6 Road connecting to 10" a sewer line along Trospen Road. An agreement will be signed by the developer to disconnect from Alton (McAllen) sewer CCN once the City of Mission extends sewer to that area.

STREETS & STORM DRAINAGE

The subdivision has frontage to Mile 6 Road a paved county road with 100' of ROW. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. Drainage for the subdivision is proposed through the use of Type A inlets and 24" H.D.P.E. lines located within the proposed streets that will flow into the existing West Main III Outfall-see HCDD #1 approved drainage report.

Staff recommended approval subject to: 1) Developer signing Agreement with City of Mission to connect to Mission sewer when available; 2) Must meet the Model Subdivision Rules; 3) Comply with the street alignment policy; and 4) Comply with comments from the County Planning Department.

Chairman Sheats asked if there were any comments.

There were no comments.

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

Started: 6:29 p.m.

Ended: 6:36 p.m.

Item# 4.0

Pre-Final Plat Approval:

**Sunset Meadows Subdivision (Private Subdivision)
The North 4.0 acres of Lot 172,
John H. Shary Subdivision
R-1T & C-3
Developer: Mario Rodriguez**

Engineer: Delcon Logistics

Chairman Sheats entertained a motion to remove the items from the "Table". Mr. Carlos Lopez moved to remove the item from the "Table". Dr. Guerra seconded the motion, upon a vote the motion was unanimously approved.

Mr. Jaime Acevedo stated went over the write-up stating that the proposed subdivision is located 1/5 of a mile north of Interstate 2 Frontage Road along the west side of Glasscock Road. The proposed private subdivision consists of 32 townhouse residential lots and 1 commercial lot. Each lot ranges from 2,595.43' sq.ft. to 3,977.47' sq.ft.

VARIANCE #1 - **To allow the subdivision to be private and gated.** The subdivision code states that a "*Lot means an undivided tract or parcel of land having frontage on a public street...*" We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to this variance.

WATER

The developer is proposing water service with a new internal 8" waterline network that will connect to an existing 8" 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 east side of Quebec located along the west side of the proposed subdivision. The developer is also proposing 3 new fire hydrants located via 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 east side of Glasscock Rd. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$6,400.00 (\$200.00 X 32 Lots).

STREETS & STORM DRAINAGE

The subdivision has access to Glasscock Rd., a future 80' ROW, 57' B/B street. The developer will be dedicating an additional 20' of ROW along Glasscock Rd. to equate to the minimum 40' from centerline as required by the Hidalgo County Thoroughfare Plan. The subdivision consists of a 50' (ROW), 32' B/B paved street. The main entrance will be 40' B-B to allow for a gate entrance. We note that the gates will need to be approved by the Planning, Public Works, and the Fire Marshal's office. Storm drainage is accomplished through a series of 24"-36" storm lines and inlets which will connect into an existing 36" drainage system currently located on the east side of Glasscock.

OTHER COMMENTS

- Park Fees - \$300.00/Lot = \$9,600.00
- Escrow 5' sidewalk along Glasscock Rd. in the amount of \$1,712.16 (142.68' x \$12L.F.)
- Escrow street widening for Glasscock Rd. in the amount of \$7,975.81 (142.68' x \$55.90L.F.)
- 6' fence buffer required along the north side of the subdivision due to abutting residential subdivision.

- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Water District Exclusion
- Must comply with all other format findings

Staff recommended approval subject to: 1) No objection to variances, to meeting private street policy; 2) Must provide escrows for Glasscock Road widening and 5' sidewalks along Glasscock Road; 3) Must pay capital sewer recovery and park fees; 4) Provide water district exclusion; and 5) Comply with all other format findings.

Mr. Acevedo stated that the Board might recall that one of the concerns addressed during the last meeting was in regards to whether there was a need for a second hammerhead in line with Union Street and whether it needed to meet a certain minimum separation requirement from one another. After conferring with Interim Fire Chief, Gilbert Sanchez he determined that no second hammerhead was needed.

Mrs. Marin asked Mr. Sanchez if this is correct that a hammerhead is not needed.

Mr. Sanchez stated that it meets City of Mission requirements. He added that the depth of this subdivision was about 1200' and as per City ordinance 600' requires a turnaround but they do have a hammer head at the end and the dead end does not exceed 150' which their fire trucks can head west and reverse into the hammerhead and make the turnaround. Mr. Sanchez stated that if the developer would wish to add an additional hammerhead in between then it would exceed their minimum requirements.

Chairman Sheats asked Mr. Sanchez as a firemen responding to a call would he rather have a second hammerhead available or not.

Mr. Sanchez stated that it meets City requirements.

Mr. Acevedo stated that Ms. Izaguirre made it seem that there was a minimum requirement of 600' and there isn't.

Chairman Sheats asked what standards was it meeting City, County, or State.

Mr. Sanchez stated that it was City ordinance standards as well as the fire codes.

Dr. Guerra stated that another concern that they had been that if there was a fire on the entrance of the subdivision there would be no way to get out.

Mr. Sanchez stated that they have similar developments throughout the City of Mission with the same scenarios that have a hammerhead or cul-de-sac.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the subdivision plat as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #5.0
OTHER BUSINESS**

**ITEM #6.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:37 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission