

**PLANNING AND ZONING COMMISSION
MARCH 14, 2012
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene Flores
Ned Sheats
Marisela Marín
Mario Garza
Carlos López
Abiel Flores
Diana Izaguirre

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Sonia Marroquín
Susana De Luna

GUESTS PRESENT

Nora S. Gutierrez	Jose Luis Lopez
Bharat Gordhan	Norma & Saul Leal
Steve Schulz	Eduardo Castañeda
Lynn Gascon	Javier Fernandez
Elizabeth Perez	Jaime Gomez
Peter Shimondle	Rodrigo Guerrero
Abel Beltran	Joe Luna
Camilo Carmona	Imelda Sanchez

CALL TO ORDER

Vice-Chair Marisela Marin called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

Vice-Chair Marisela Marin asked if there was any citizens' participation. There was no response upon inquiry.

APPROVAL OF MINUTES FOR FEBRUARY 22, 2012

Vice-Chair Marisela Marin asked if there were any corrections to the minutes for February 22, 2012. There being no corrections, Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:18 p.m.

Item# 1.1

Rezoning:

**9.41 Acres, Lot 27-10,
West Addition to Sharyland Subdivision
2807 N. Bryan Road
R-1A to AO-I
Mario Treviño**

Mr. Sergio Zavala went over the write up stating that the subject site is located on the east side of Bryan Road and 28th Street. The site has: 1) the owner's single family home, 2) a former garage that has been converted into a second residence (with NO remodeling permits; this 2nd residence is a non-conforming use & violates the double occupancy on a R-1A lot...this violation will be handled via typical code enforcement processes), and 3) a servant's quarters structure which is the subject of a CUP on this same agenda...it was moved-in also without any permits.

The Surrounding Zoning District includes: Agricultural Open Interim (AO-I) to the north and south, Large Lot Single Family Residential (R-1A) to the east and Single Family Residential (R-1) to the west. The Surrounding Land Uses include: a vacant tract to the north, residential lots/residential uses to the east and west, and orchards (agricultural) to the south.

At the 2/22/12 P&Z hearing, there was consideration for a 'servant's quarters' CUP on this same property - it was tabled. Stemming from the hearing though, were complaints from the neighborhood of animal odor. Staff confirmed that there were animals (goats, chickens, etc.) on the property & thus forwarded a letter (dated 2/23/12) to the R-1A owner to have the animals removed within 10 days.

It seems that the only reason to rezone to AO-I is to be allowed to have livestock, chickens, etc., on the property but this has already produced an odor problem to the applicant's neighbors. If zoned AO-I, more livestock, chickens, etc., could be moved onto the property.

- *Retaining the R-1A would be better for the general area;
- *R-1A would continue to be compliant to the Future Land Use Map's designation of Lower Density Residential (LDA);
- *R-1A would continue to be compatible to the R-1A's to the east;
- *R-1A will continue to safeguard the property values to the R-1 neighborhood to the west, too.

Staff recommended denial - retain R-1A.

Mr. Abiel Flores walked in at 5:05.

Vice-Chair Marisela Marin asked if there was any public opposition to the request.

Mrs. Lynn Gascon who resides at 2802 Highland Park stated that she was against the animals being on the property. She added that this property was in the city not in a suburb area or a farming area and she didn't believe it would be a good thing for adjacent communities to have this change.

Mr. Abel Beltran who resides at 2800 Highland Park stated that he lives on Lot 21, Mayberry Manor Subdivision, which is at the SW corner of the proposed property. Mr. Beltran was glad the Planning Department recommended denial to the rezoning because there are animal ordinances that they would need to follow. He added that if this rezoning were approved he would like for the animals to be more than 300' away from his property at least 600' away for the adjacent neighborhoods. Mr. Beltran stated that he would like to hear from the owners the reason for the rezoning request. Mr. Beltran mentioned that currently they also had a big problem with dust control.

Vice-Chair Marisela Marin stated that she would need to discuss the issue with the rest of the Commission and then recommend what they need to do and what is good for the city.

Vice-Chair Marisela Marin asked if the applicant or representative were present.

Representing the applicant, Mr. Rodrigo Guerrero stated that they applied for the rezoning because they wanted to be able to have a pony for the grandchildren. Mr. Guerrero added that all the animals had already been removed from the property.

Vice-Chair Marisela Marin stated that the Commission would be considering his request and then decides what is best for the city.

Mr. Guerrero asked if they would only be considering both items at this time or just the rezoning.

Vice-Chair Marisela Marin stated that it was only for the rezoning, the conditional use permit would be seen later on this same agenda.

Mr. Sergio Zavala stated that the applicant's representative, Mr. Rodrigo Guerrero indicated that one of the reasons that the owner desired to propose the rezoning is to conserve what they currently have and they have removed the animals from the property and they do have a desire to bring in a pony because of the grandkids.

Mr. Beltran stated that as far as the removal of the animals, they still had chickens, several goats, and a pony on the property. He added that he didn't have a problem with having 1 pony on the 9.41 acres.

Vice-Chair Marisela Marin stated that they would ask staff to make sure that what Mr. Guerrero said does happen. She added that it was still up to this Board to decide whether they go with the rezoning or not and take staff's recommendation.

Mr. Ned Sheats stated that he would hate to deprive anybody the use of a small pony because of their location within the city, however this is reverse zoning and unfortunately the Planning and Zoning Commission does have a lot of work and don't get a change to get out to make sure how many goats or chickens are in a property at one time. He added that he didn't think the Board should make this exception at this point and to do so would open up many other smaller properties in the city for the same thing. Mr. Sheats stated that he support staff's recommendations.

Mr. Mario Garza asked if the applicant was there before the neighborhood moved in or did he start bringing the animals in after.

Mr. Sergio Zavala stated that Mayberry Manor Subdivision on the perimeter west was there first, then Mr. Peña built later. Mr. Peña was the former owner of the

home. Mr. Zavala stated that he didn't believe Mr. Peña had any animals on the property or at least staff did not get any calls with regards to odor, however once the property was conveyed, that's when the complaints started occurring. The conversion of the detached garage to a guest house without any permits, the installation of a servant's quarters without any permits, moving in several storage sheds without any permits all occurred after Mr. Trevino purchased the property. Mr. Zavala stated that he understands it's a lot of property but they need to secure the proper permits to avoid the Municipal Court.

Mr. Mario Garza asked if the rezoning was denied would he be allowed to have a pony and would the chicken and goats need to be removed.

Mr. Sergio Zavala stated that if the property is residentially zoned it would be forbidden to have livestock on the property.

Vice-Chair Marisela Marin asked if the owner knew that the property was zoned residential when he purchased the property.

Mr. Sergio Zavala stated that if he didn't know, he should have known.

There being no comments, Vice-Chair Marisela Marin entertained a motion. Mr. Mario Garza moved to deny the rezoning request as per staff's recommendations. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sergio Zavala asked the Vice-Chair Marisela Marin since he was at the opposite extreme of the agenda would it be okay to go to the tabled item so they could go home.

At this time Chairman Rene Flores walked in and took over the meeting. He apologized to his fellow Board Members, staff and audience for being late he had a meeting in municipal court in Palmview. He also welcomed Mr. Ned Sheats back to P&Z

Started: 5:29 p.m.

Ended: 5:33 p.m.

ITEM # 1.2

Rezoning:

**S. 100' of Lots 1, 2, & 3,
Melba Carter Subdivision
R-1 to C-3
Camilo Carmona**

Mr. Bobby Salinas went over the write up stating that the site is located on the NE corner of Melba Carter and Conway Blvd. The Surrounding Zones include: General Commercial (C-3) to the north, east and south, and Agricultural Open Permanent (AO-P) to the west, and Single Family Residential (R-1) to the south.

Land Uses: There is a dilapidated structure (El Matador Bar) on the south side, a Rail Road ROW to the west, an auto parts yard (Carmona's VW & Imports) to the east, and an auto body shop (Monrreal's Body Shop Service) to the north. The subject site has existing warehouse buildings.

FLUM: The Future Land Use Map shows this area as an Industrial (I) land use designation. The area currently has a mixture of uses ranging from industrial and commercial uses to residential homes.

The Melba Carter area is slowly transitioning from residential to commercial/industrial uses due to the aforementioned railroad and other industrial/commercial uses in the area. Since P&Z has approved other C-3 zones within the same area, C-3 does not appear to be an objectionable change and would help continue the transitioning process. Staff recommended approval.

Chairman Rene Flores asked if there was 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 asked if staff knew what they wanted to do with this property.

Mr. Zavala stated that he didn't recall a specific use being disclosed but he suspects they just want to convert all the area to commercial and actually that would be the highest and best use of the property. Mr. Zavala added that the property has never been residentially used. He mentioned that the R-1 zone is residual from the 1981 city wide rezoning's. Mr. Zavala stated that staff supports the C-3 rezoning since it's consistent to the area commercial buildings a family should not be living at this juncture.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the rezoning as recommended by staff. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:40 p.m.

ITEM# 1.3

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Social Events Center
3708 Plantation Grove Blvd.
Lot 3, & a 60' x 203.80' out of Lot 1,**

**Sharyland Plantation Grove
Hotel/Bungalow Subdivision
PUD
Leonel Moreno**

Mr. Bobby Salinas went over the write-up stating that this site is located on the SW corner of Plantation Grove Blvd. and Santa Lorena. There is a proposal to build a new 23,209 sq. ft. social events center for activities such as weddings, reunions, birthday parties, seminars, etc. There is a total of 13,828 sq. ft. proposed for seating areas.

- **Parking:** There are currently several existing parking spaces shared with the various businesses along Plantation Grove Blvd. The proposed events center requires 138 parking spaces. The applicant is proposing to utilize the majority of the parking spaces along Plantation Grove Blvd. (276 spaces) and is also installing an additional 55 spaces to the south of the property. Since most activities are held at later hours and on weekends when most businesses at this development area closed, staff does not anticipate having any parking issues.
- **Hours of Operation:** For the most part, these events typically take place during evening hours from approximately 6 p.m. to 2 a.m., primarily on Fridays and Saturdays.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some apartments within this radius (Las Misiones Apartments); thus a waiver of the separation requirement needs consideration.
- **Must comply with all Building, Fire and Health Codes** prior to obtaining a business license, inclusive of drainage requirements, fire sprinkler system, etc.
- There are various utility easements and utilities that will require relocating and re-recording. A PCC will be required for the relocation of utilities prior to obtaining a building permit; also, re-alignment of easements will be assessed at that time.

Staff recommended approval subject to: 1) A 13 month re-evaluation after activation to assess this new business; 2) No objection to a waiver of 300' separation requirement from the Las Misiones Apartments; 3) Must comply with all Building, Fire, and Health Codes, prior to obtaining a business license, inclusive of a buffer fence to the adjoining bungalows (unless otherwise negotiated with Hunt Valley); 4) A PCC is required for the relocation of utilities prior to obtaining a building permit; 5) Abandon old utility easements and dedicate new utility easements, inclusive of signed/sealed 'as-builts'; 6) Must acquire a business license which includes wet zoning the site; and 7) Hunt Valley's ARC approving the Building Permit inclusive of the common parking.

Chairman Rene Flores asked if the structure had already being built.

Mr. Salinas replied, "No".

Chairman Rene Flores stated that then they still needed to do a lot of work prior to even getting started.

Mr. Salinas stated that this property was considered for bungalows when the Dallas Cowboys were proposing to use the facility as a training center but since it didn't work out, Sharyland Plantation was trying to sell the land and Mr. Moreno is looking to build a social events center and staff is just letting him know the requirements needed for a social events center at this location.

Mr. Mario Garza asked is this land is owned by Mr. Moreno or by the Sharyland Association where parking would be an issue.

Mr. Salinas stated that the land was currently owned by the Sharyland Plantation.

Mr. Mario Garza stated that the write-up states that he would be utilizing the 276 parking spaces would there be an issue with the Association.

Mr. Salinas stated that the total number of parking spaces is 276 and they belong to the Sharyland Plantation Association which is shared with all the businesses in that area. Mr. Salinas added that he had gotten an e-mail from Hunt Valley pretty much stating that they had the right to use the parking spaces like any other business would.

Chairman Rene Flores asked if staff had sent notices to the residents that lived 200' away from the proposed site.

Mr. Salinas replied, "Yes".

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.

Mrs. Marisela Marin asked Mr. Zavala where the proposed church was located in regards to the social event center.

Mr. Zavala stated that the church was further south.

Chairman Rene Flores asked staff if they foresee any other apartments near this area.

Mr. Zavala replied, "No".

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:46 p.m.

ITEM # 1.4

Conditional Use Permit:

Institutional Expansion in AO-P Zone

New Pistol Range

1001 S. Conway Avenue

Lot 14-5, West Addition to Sharyland

AO-P

Mission Skeet & Trap Club

Mr. Sergio Zavala went over the write-up stating that the subject site is at 1001 S. Conway on property owned by the City but leased to the non-profit entity. The facility has been used for many years without incident. There is a desire by the leasing body to build a new structure to add a new amenity to those attending, including Mission Police Officers.

The Mission Skeet & Trap Club desire to construct a new pistol range, valued at \$24,000, where the structure will be enclosed except for one side thus being perpetually 'open'; this 'open' area is where the people will be shooting toward the enclosure. The applicant states that the design would exceed NRA guidelines for pistol range construction, and is modeled after the one in the Dallas/Fort Worth area (operating for the last 6 years). Of course, with such a wide area to build, the building setbacks will all be exceeded. Since this is a rustic setting, the parking can remain un-paved. Staff recommended approval subject to complying to prevailing building and fire codes, & for life of use. Staff noted that the City of Mission was the only owner within 200' of the site.

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. Steve Schulz who is the Director of the Gun Club stated that the range that they were proposing to put in was an exact copy of the one in Dallas, Texas. He added that they mediated all the stuff with the Bike and Trail riders in the valley and one of the deals was that since the Mission Police Department had closed there shooting range they were asked to come in with a structure that was at least NRA compliant or close to the regulations. Mr. Schulz added that he went to Dallas which has a

range half-ways between DSW and Love Field right in the middle of Dallas that actually exceeds NRA guidelines and copied them. He added that they are building the exact same structure and it far exceeds NRA guidelines. He mentioned that it would be made out of steel with rock barrier so that no bullets can penetrate or leave the premises. Mr. Schulz stated that he didn't really understand the purpose of a conditional use permit. He asked if it's something that they needed to continuously renew.

Chairman Rene Flores stated that was correct. He added that the purpose of the conditional use permit was so that staff can make sure they are in compliance with the city codes and regulations.

Mr. Zavala stated that in other recommendations staff indicates to renew permits for 6 months, 1 year re-evaluation, or life of use. He added that in our City because it is agriculturally zoned, any institutional use or expansion requires a conditional use permit whether it's an institutional school, institutional house of worship, or institutional non-profit. So, any new expansion or amenities and second phases would need to follow the same process.

Mr. Schulz asked if they were planning to put a storage shed or something like that, would they need to apply for a conditional use permit?

Mr. Zavala stated that he would first need to see the size of storage shed they are proposing to move in because if it is a 10' x 10' that is pretty much inherited in an R-1 zoning but if it is a 50' x 50' then it would be required.

Mr. Schulz stated that then the conditional use permit would be required depending on the size of the structure we would be proposing.

Mr. Zavala stated that he would first like to see the proposal before answering if a conditional use permit would be required.

Chairman Rene Flores stated that he will find that the Planning staff, Mr. Zavala and Mr. Salinas are very cooperative and try to get back to him as soon as possible. He asked if this range was for public use.

Mr. Schulz replied, "Yes".

Chairman Rene Flores asked if this range was only for pistols, or would rifles be permitted.

Mr. Schulz stated that it was only for pistols. He added that they went to the 25 yard distance so that the police department would be able to qualify for it. Mr. Schulz stated that Mission PD had 20 days use to qualify their police officers, otherwise they would have only built it at 15 yards, which is the conceal weapon carrying requirement.

Chairman Rene Flores asked Mr. Schulz asked what capacity did he serve on the Mission Skeet & Trap Club.

Mr. Schulz stated that he was on the Board of Directors.

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

Started: 5:46 p.m.

Ended: 5:55 p.m.

ITEM # 1.5

**Conditional Use Permit: Have a Portable Building for the Sale of Tacos, Hamburgers, Tortas, Hot dogs, Drinks (Restaurant use is also CUP in C-2 Zone)
4009 N. Inspiration Road
Lot 9, Block 5, Taurus Estates No. 9, Ph. I
C-2 Zone
Nora S. Gutierrez**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NW corner of Inspiration Road and Azalea Street. When this bakery was built, they exceeded parking, i.e., 12 spaces were required but they provided 24 parking spaces. With the proposed location to the north of the bakery of what seems to be an approximately 16' x 16' structure (though this # may be corrected during the meeting), at least 2 parking spaces would be eliminated thus rendering the parking as follows: 12 min for bakery + 4 min for portable = 16 min required - - 22 parking spaces would still be available.

The bakery structure is aesthetically attractive and having such a portable building at this same parking lot and at this corner juncture of Inspiration Road, seems to detract from the retail/fourplexes, and from the entire residential area. Allowing such a weathered portable building at this location away from the major intersections seems to be a step backward, and not toward improving the area. Staff recommended denial.

Staff notes that if P&Z is so inclined to 'approve' this item, it should be considered for a lower term of 6 months, with earth tone colors replacing the clashing blue and enhancement of landscaped shrubs would be in order; of course, all building and fire codes would need to be imposed.

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. Nora S. Gutierrez stated that the portable structure was in the process of being fixed to comply with all of the requirements. She mentioned that the picture of the portable structure that was on the presentation was when they first bought it but now it looks better. She showed the board a picture of the structure from her cell phone.

Chairman Rene Flores stated that obviously the photograph that was shown to the Board from the cell phone was definitely an improvement from the pictures on the presentation. He added that this type of structure can be unattractive to the public and he understood where staff was coming from because they are trying to keep the city as aesthetically clean as possible. Mr. Flores asked Mr. Zavala if based on the picture that had just been presented would staff still have the same recommendation.

Mr. Zavala stated that staff usually reviews what's provided with the application and if they would have mentioned that the portable was going to be fixed up probably staff's recommendation may have been different. Mr. Zavala stated that one of the factors that P&Z could consider is that there is no opposition which means that the people in the area don't have a problem with it at this time. He added that it is an improvement and if P&Z does desire to approve it he recommended that it be not more than 1 year. Mr. Zavala stated that if approved, the structure needed to be skirted and landscaped with some pots. In regards to parking, they are exceeding the requirements. He added that it may be helpful towards the residents in the back side and the apartments because apartments attract families and may be helpful for the neighborhood. Mr. Zavala amended staff's recommendation to approve no more than 1 year subject to the portable to be skirted, and that there be landscaping.

Chairman Rene Flores stated that he understands staff concerns in trying to keep the city growing in a positive way and this structure may set back to what the city is trying to do, but he also understood the expense that may incur. He mentioned that he would like to see the city get away from these types of structures being put up in different parking lots and have them operate as independent businesses as oppose to that matter in which they are being proposed to this Board. He added that he certainly was aware of people trying to make a living and trying to make some money so he has that balance to work with but would like the Board's input.

Mr. Mario Garza stated that he didn't mind approving the portable structure so they can start their business and hopefully once the business grows, they could move into a commercial building.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's

recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 5:57 p.m.

ITEM # 1.6

**Conditional Use Permit Renewal: Drive-Thru Service Window for Bakery
4009 N. Inspiration Road
Lot 9, Block 5, Taurus Estates No. 9, Ph. I
C-2
Norma Leal**

Mr. Bobby Salinas went over the write-up stating that the 3,728 sq. ft. bakery is located on the NW corner of Inspiration Road and Azalea Street. The CUP was originally approved on 7/28/10 with a 1 year re-evaluation to assess the operation's drive thru service window. The site has a 30' access point off of Inspiration and a 24' access to an alley off of Azalea. Drive-thru customers primarily use the Azalea alley access in order to utilize the drive-thru service window. The location of the window allows for enough stacking for at least 3 vehicles.

- Days/Hours of Operation: Everyday from 7 a.m. to 9 p.m.
- Staff: 4 employees
- A speed bump is provided at a potential conflict point.
- Upon a re-inspection of the site, staff noticed two deteriorated temporary banner signs which need to be removed.

Given that staff has not received any complaints since the drive-thru business has been in operation, and there does not appear to be any issues regarding traffic, staff does not object to renewing the CUP for a 3 year period.

Mr. Salinas stated that the issue of deteriorated signage is being addressed via typical Code Enforcement methods.

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. Norma Leal was present to address any questions that the Board might have.

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

Started: 5:57 p.m.

Ended: 6:04 p.m.

ITEM # 1.7

**Conditional Use Permit Renewal: Drive-Thru Service Convenience Store
1710 W. Business 83
1 ac. Tract out of Lot 20-1,
West Addition to Sharyland Subdivision
C-3
Hema Gordham**

Mr. Bobby Salinas went over the write-up stating that the 1,200 sq. ft. drive-thru convenience store is located approximately 130' west of Adams along the north side of Business 83. This CUP was originally approved on 11/17/10 with a 1 year re-evaluation. A 30' drive provides access off of Business 83 which leads to a 12' drive thru lane. The lane allows stacking for approximately 3 vehicles.

- Days/Hours of Operation: Everyday from 12:00 p.m. to 12:00 a.m.
- Staff: 5 employees
- Parking: 4 parking spaces are required for a building this size. The applicant is providing 4, thus compliant to code. It is also noted that a min. 24' E-W ingress/egress lane is provided to allow for future connectivity by other non-residential uses.
- Upon a re-inspection of the site, staff noticed two temporary banners signs. Such signs do not require a permit, but can only be located on the property for 30 days.

Given that staff has not received any complaints since the drive-thru business has been in operation, and there does not appear to be any issues regarding traffic, Staff recommends approval subject to a 3 year re-evaluation.

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. Bharat Gordhan stated that the address should be 1710 W. Business 83 and not 1786 also he had paid the city to have the sidewalk and fire hydrant be installed does staff knows when will that be done.

Mr. Zavala stated that staff had assessed that with Public Works and they were still not ready to do that work yet but since he escrowed the money, that will be done in the future when the new configuration of the alignment of Inspiration Road is complete.

Mr. Mario Garza asked Mr. Zavala what was the timeline for this.

Mr. Zavala stated that they would need to talk to Public Works.

Chairman Rene Flores advised Mr. Gordhan that he would need to remove the banners because they were not in compliance to code.

Mr. Salinas stated that the banners were only good for 30 days after that they needed to be removed.

Mr. Gordhan stated that he would remove them within 30 days.

Mr. Salinas stated that these type of signs were only good for 30 days then he could reinstall them back in 6 months.

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

Started: 6:04 p.m.

Ended: 6:06 p.m.

ITEM # 1.8

**Conditional Use Permit Renewal: Home Occupation – Registered Home
Day Care
2811 Oblate Avenue
Lot 54, Pueblo Del Norte Phase II Subd.
R-1
Imelda H. Sanchez**

Mr. Bobby Salinas went over the write-up stating that the subject site is along the west side of Oblate Avenue at the Oblate/29th Street intersection. The applicant has her single family residence thereon with paved driveway access off of Oblate Avenue. This CUP was originally approved on 7/10/00 for 'life of use', and then on 2/18/09, Ms. Sanchez applied for the CUP hours of operation to be from 6 a.m. to 9 p.m. Since 2009, Staff has required 1 year re-evaluations due to the late closing hour. Ms. Salinas now wishes to close at 6:00 p.m.

There is a 24' wide driveway leading to a 20' x 24' building which at one time was a garage. The driveway is used to safely drop-off and pick-up children, and provides off-street parking for staff and customers as well. The 20' x 24' building has a covered walkway that attaches this structure to the main two-story residence. A 6' wooden fence buffer surrounds the entire backyard of the residence.

- Staff: Herself and 1 other adult not residing in the home.
- Any signage would have to be no more than 1' x 1'.

- Must continue to comply with Sec. 1.56-1, Zoning Code (home occupation regulations)
- Must continue compliance with DHS.

Since this registered home has been in operation since 2000 without any incidents; and the applicant is now closing at 6 p.m., staff recommends approval subject to a 3 year re-evaluation.

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. Imelda H. Sanchez was present to address any questions that the Board might have.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:06 p.m.

Ended: 6:13 p.m.

ITEM # 1.9

**Conditional Use Permit Renewal: To Keep a Hot Dog Cart at
Los Primos Auto Sales
(Next to Halliburton)
801 N. Inspiration Road
A .69 acre tract of land known
as Fernandez Strip, out of Porcion 52
I-2
Jose L. Lopez**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SW corner of Inspiration Road and Business Hwy. 83 within Oscar's Auto Sales business. This CUP was originally approved on 9/14/11 for a period of 6 months. The cart is located under the existing covered area of Los Primos Auto Sales. Access to the site is from an existing driveway along Inspiration Road. There are existing restroom facilities located west of the cart which are available for public use.

- Hours of Operation: Everyday from 1 p.m. to 12 a.m.
- Staff: The applicant and his wife run the stand.
- Parking: The owner of the property has agreed to clear out the front area (along Inspiration) to allow the stand the use of the parking area in front.

Also, the car lot closes at 6:00 p.m. which allows the hot dog cart to run on its own without traffic from the car lot. Staff has not received any complaints regarding parking; however staff will continue to monitor that there are not cars parking along the Inspiration Road frontage.

- Must continue to meet sign code.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess the operation, and 2) must continue to meet the sign code (no flags, etc.)

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. Jose L. Lopez was present to address any questions that the Board might have.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit subject to recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:08 p.m.

Ended: 6:13 p.m.

ITEM # 2.0

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – “Twist Lounge”
AKA La Mansion Ballroom
507 N. Conway
Lot 8, Block 92, Mission OTS Subdivision
C-3
Norma Cruz**

Mr. Bobby Salinas went over the write-up stating that the subject site is located just off the NW corner of Conway and 5th Street. The site has been remodeled and opened as a Banquet and Conference Center for such activities as weddings, reunions, birthday parties, seminars, etc. This CUP was renewed on 2-9-11. The banquet hall is 3,700 sq. ft. of which 450 sq. ft. will be used as a dance area and 169 sq. ft. for the band or D.J. The second floor is composed of approximately 900 sq. ft. equating to a total of 4,600 sq. ft. The maximum occupancy is 500 people (as per Fire Marshal).

- Parking: Typically, parking reflects a need of 46 parking spaces (1 space per 100 sq. ft.). The property is in Mission’s Central Business District (CBD); thus, exempt from parking requirements for existing structures.

- Hours of Operation: For the most part, these events typically take place during evening hours from about 7:00 p.m. till 2:00 a.m.
- Sale of Alcohol: Such uses need to be 300' from residential and Institutional (church) areas. Area residences are within the radius but since 2002, staff has never received any complaints; also the Our Lady of Guadalupe Church is over 500' (measured along front lot lines via code).
- Planning asked Mission PD for a report of incidents. Mission PD has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

Since there have not been any incidents since its last approval and we have not had any issues since 2002, staff recommends approval subject to a 3 year re-evaluation.

Mr. Salinas stated that previous CUP approvals granted for the sale & consumption of alcohol at this location: 1) May 2002; 2) May 2004; 3) August 2005; 4) November 2005; 5) January 2007; 6) June 2008; 7) February 2010; and 8) February 2011.

Chairman Rene Flores asked staff how it was that they met the parking requirements.

Mr. Zavala stated that the reason this happens was that our parking code exempts the downtown area from parking if the buildings are existing certainly they can be remodeled but they were exempt from the parking codes, thus it makes it easier for them to move forward to remodel and re-activate. He added that there was public parking on the SE corner of Rafael Ramirez and Conway. He mentioned that it wasn't a large venue and it seems to be working out for them.

Chairman Rene Flores asked if they were operating as a lounge.

Mr. Zavala stated that the reason they came before this board was for the sale and on-site consumption of alcoholic beverages to have a ballroom, which is a permitted use under a C-3.

Mr. Ned Sheats asked where the copy of the e-mail from the Mission PD was.

Mr. Zavala stated that it was inadvertently not provided but Interim Police Chief Martin Garza indicated was there had been no incidents during this review period.

Mr. Ned Sheats stated that he had no reason to put strikes on anybody's but it's just that with all of the issues that we had in the past, if we have something from the police concerning anything with a bar we need it in our packet.

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 further comments, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit subject to staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:13 p.m.

Ended: 6:16 p.m.

ITEM # 2.1

**Conditional Use Permit Renewal: Sale & On-Site Consumption of
Alcoholic Beverages – Restaurant Vallarta
2707 E. Griffin Parkway
Lot 11, Adam's Crossing Subdivision
C-3
Elizabeth Perez**

Mr. Bobby Salinas went over the write-up stating that the 1,605' sq. ft. restaurant site is located within a commercial plaza located in the NW area of Taylor Road and Griffin Parkway. The CUP was originally approved on 9/22/10 within a 1 year re-evaluation.

- Hours of Operation: Everyday from 10 a.m. to 10 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- Staff: 6 employees
- Parking: In reviewing the floor plan, there are 46 total seating spaces, which require 15 parking spaces (46 seats/1 space for every 3 seats = 15.3 parking spaces). It is noted that the parking area is held in common (132 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.
- Signage: Upon an on-site inspection, staff noticed a banner sign located on the property. Such sign does not require a permit, but can only be located on the property for 30 days.
- Planning asked Mission PD for a report of incidents. PD has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

Since there have not been any incidents since its last approval, Staff recommends approval subject to a 3 year re-evaluation.

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. Elizabeth Perez was present to address any questions that the Board might have.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:16 p.m.

Ended: 6:24 p.m.

ITEM # 2.2

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Kave Bar
2306 E. Expressway 83, Ste. 8 & 9
Lot 1, Cimarron Crossing Ph. I Subd.
C-3
Javier Gonzalo Fernandez**

Mr. Bobby Salinas went over the write-up stating that the Mission City Council conveyed a 6 month re-evaluation period on September 26, 2011 to assess whether there'd be incidents or not related to the sale/consumption of alcohol.

The subject site is located near the SE corner of J.R. Drive and Expressway 83 on along the Frontage Road. The CUP was originally applied for a bar and grill, however the kitchen has been removed and is exclusively a bar.

- Hours of Operation: Wednesday – Saturday from 9:00 p.m. to 2:00 a.m.; Sunday – Tuesday will be closed. Alcoholic beverages have only been served during allowable State selling hours.
- Staff: 15 employees
- Parking & Landscaping: There are 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 (100 existing parking spaces) and is shared with other businesses. Kave has been in operation since '07 and there have been no issues in regard to off-street parking. Landscaping is currently meeting City code as long as it is maintained.
- According to the Mission PD, there have been **zero incidents reported** within the past 6 months.

Staff recommended approval subject to a 13 month re-evaluation period.

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.

Ms. Carmen Maldonado who resides at 1217 West stated that she worked as a secretary at Kave.

Mrs. Marisela Marin asked Ms. Maldonado if the kitchen was removed.

Ms. Maldonado replied, "Yes". She added that now it was just a bar.

Mrs. Marisela Marin asked if they had any type of food to serve with the beverages.

Ms. Maldonado replied, "No". She added that only when they have events people are allowed to take their own food.

Mrs. Marisela Marin stated that her concern was that there was liquor being consumed and there was no food to go with it. She asked Mrs. Maldonado when the kitchen was removed.

Mrs. Maldonado mentioned that the business has been open since September and she started working for Kave in October and the kitchen was already removed but she wouldn't know when it was removed.

Mrs. Marisela Marin stated that she was not against the renewal it was just an observation.

Chairman Rene Flores asked Mr. Zavala if there was something the Board needed to reconsider giving the fact that there was no bar, food, etc.

Mr. Zavala stated that staff has seen something similar and actually much more in severe proximity to single family homes. The Board may recall Juancho's on Inspiration and FM 495 where you had single family homes separated by a 20' alley. He mentioned that they started typically with a restaurant use and then they took the kitchen out. He added that this particular site was in a good location because it was along the Expressway and not backed up to apartments or single family residences. Mr. Zavala stated that he did not have any concerns in that regard and besides on a bar, in general, staff will not be giving any life of use approvals depending on the circumstances. Staff will be conferring with the Police Department and thankfully in the past 6 months there have been no incidents. Mr. Zavala stated in regards to the 13 months rule usually it will be a year in years past however in conferring with the City Attorney, he feels more comfortable going a

little over 1 year to make him feel more comfortable with his interpretation of the zoning code so that the Council is mandated to review it; that is the reason staff is recommending 13 months.

Mr. Ned Sheats stated that the Chairman asked if there was no difference in the way we would treat a ballroom with liquor, a restaurant with liquor, and a bar with food? Would they all be the same?

Mr. Zavala stated that they were not all same take Pizza Hut for example. It is a restaurant and they serve beer, but it's a family oriented restaurant as well and if there were homes 20' away, staff would probably support it anyway because Pizza Hut has a history of being a good neighbor. Staff would recommend approval for 1 or 2 years as opposed to this bar/lounge it is not designed for a restaurant and staff would not want this type of venue near homes.

Chairman Rene Flores stated that renewals should be seen on a case by case basis because every case is different and as the years go by they learn to be good neighbors.

Mr. Zavala stated that it was in their best interest that they behave themselves in the midst of the adjoiners because if things get out of hand the first thing that's going to happen is that they will violate their lease and we will probably revoke their conditional use permit.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit subject to staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:25 p.m.

Ended: 6:28 p.m.

ITEM # 2.3

**Conditional Use Permit Renewal: Drive-Thru Service Window & the Sale & On-Site Consumption of Alcoholic Beverages – Taco Palenque
2420 E. Expressway 83
5-C, Sharyland Place Subdivision
C-3
Eduardo Casteñada**

Mr. Bobby Salinas went over the write-up stating that Taco Palenque is located ¼ mile east of Shary Road along the south side of Expressway 83, north of Kohl's. The 5,939 sq. ft. restaurant has an existing *drive-thru service window* with access to the site through an existing off-site entrance located 42' from the site. The (12') drive-thru lane runs along the south and east side of the building which allows stacking for 5+ vehicles. Taco Palenque also has a CUP for the *sale & on-site*

consumption of alcohol with meals. There are no churches or schools within 300' of the subject site. Both CUPs were approved on 9-8-10 for 1 year. The applicant is seeking renewal of both CUPs.

- Days/Hours of Operation: Open 24 hours – Everyday. Alcoholic beverages will only be served during allowable State selling hours.
- Staff: 50 employees
- Parking: The building requires 79 spaces. The applicant is providing 55 spaces on-site and is leasing an additional 24 for a total of 79 spaces, thus compliant to code. It is noted that the parking area is held in common (657 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to Wal-Mart's existing, interlocking parking lots. Staff has not received any complaints in regards to parking.
- Sale of Alcohol: 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 Mission PD for a report of incidents. Mission PD has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

Since there have not been any incidents since its last approval, staff recommends approval subject to a 3 year re-evaluation.

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. Eduardo Castaneda was present to address any questions that the Board might have.

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

Started: 6:28 p.m.

Ended: 6:33 p.m.

ITEM # 3.0

Pre-Final Plat Approval:

**La Homa Crossing Subdivision, Ph. I
12.53 acre tract of land out of Lots 76, 77,
78, 79, Block 2, and Lot 77, Block 3,
La Homa Ranch Citrus Groves Unit No. 1
Rural ETJ**

Developer: Red Rock Real Estate
Engineer: Quintanilla, Headley & Assoc.

Mr. Bobby Salinas went over the write-up stating that the subdivision is located approximately in the SE area of La Homa and Mile 7. The subdivision consists of 13 lots for commercial use. The developer also owns the adjoining acreage to the south and has provided a master layout for future development. The lots range from 30,861 sq. ft. to 62,007 sq. ft.

Water: The water CCN belongs to Sharyland Water Supply. The developer is providing water service by connecting to an existing 6" water line located along the north side of Mile 7 Road and the west side of La Homa. The developer will also be extending an 8" line through the property, leaving a stub to the south for future development. There are no fire hydrants required for this Rural ETJ subdivision.

Sewer: Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (Note: Mission sewer is 2.62 miles away).

Streets & Storm Drainage: The plat dedicates an additional 20' on the perimeter of La Homa Road to equate to 60' ROW; thus in compliance to MPO requisites. There is also a dedication of 41.60' along Mile 7 that will comply with the State's new alignment of ROW. (Notice that Mile 7 curves to the north, taking more ROW along the north side of the road.) There is a proposed street to the south off of Mile 7 that will lead to the remaining undeveloped acreage; a temporary cul-de-sac will be placed at the stubbed end until such future development occurs. Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines.

Other Comments include: complying with Street Naming alignment policy; and other minor format findings.

Staff recommended approval subject to meeting the Model Subdivision Rules and complying with other format findings; inclusive of connectivity of Lot 11 to the approved parking lot of Hutton Subdivision #1 during the building permit process.

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

There was no response.

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

There was no response.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the plat subject to staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:33 p.m.

Ended: 6:36 p.m.

ITEM # 4.0

Pre-Final Plat Approval:

Verona Subdivision

A 2.47 ac. tract of land out of Lot 165,

John H. Shary Subdivision

R-3

Developer: Everardo Sustaita Piceno

Engineer: M. Garcia Engineering LLC

Mr. Sergio Zavala went over the write-up stating that staff desires the P&Z's sanctioning on one component (the N-S maneuvering lane) of this plat conditionally approved at the last P&Z meeting.

At the last P&Z Meeting, this subdivision was approved with their paved driveway to the perimeter west to be stubbed directly northward. In consulting with Management, the project engineer, and the City's engineers on this item, another viable alternative was discovered.

The Holiday Inn Express to the west already has an aproned driveway to the future N-S driveway and will interface this lane to result in maneuverability. Also, the Holiday Inn Express has a paved area to its northern perimeter already abutting Wal-Mart's property.

Having a zig-zagged maneuvering lane will certainly slow down the traffic, provide the N-S maneuverability lane desired, and have the apartment developer's concerns all allayed. All other areas of the plat had been previously approved as seen in the minutes in the front of this packet. Staff approved the plat as proposed with the intent of having the N-S maneuvering lane through the current Holiday Inn Express lanes.

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

Mr. Sheats asked what seemed to be wrong with the straight through approach.

Mr. Zavala stated that there was nothing wrong with it was just a matter that the N-S maneuvering lane would work better than a straight shot because of the traffic. He added that as long as there connectivity to the Wal-Mart alley, he would approve of it.

Chairman Rene Flores stated that the developer expressed some diminished value to his property.

Mr. Zavala stated that yes the developer alleged that even though he didn't agree with him but if it made him happy that was fine with him.

Mr. Sheats stated that if Holiday Inn didn't have a problem neither would him.

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

Mr. Garcia was present to address any questions that the Board might have.

There being no further comments, Chairman Rene Flores entertained a motion. Ms. Izaguirre moved to approve the plat subject to staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:29 p.m.

ITEM # 5.0

Tabled Conditional Use Permit:

**To retain a Frame Home for
Servant's Quarters
2807 N. Bryan Road
9.41 Acres, Lot 27-10,
West Addition to Sharyland
R-1A
Mario Trevino**

Vice-Chair Marisela Marin 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. Sergio Zavala went over the write-up stating that at the last P&Z meeting, staff stated that the owner had, with no permits whatsoever, moved-in a 25' x 18' wood frame home for the caretaker that maintains the acreage. The owner's relative also confessed that he had 'installed a septic tank' for the servant's quarters. Please be advised that Sec. 114-21 says the following: "Any improvements located on the property within 80' of a sanitary sewer line, by way of a public ROW, public or private easement, must connect any discharge lines to such sanitary line within 45 days of when the improvement first became within such distance of the sanitary line. No one may have a discharge line connected to a septic tank whenever any discharge line is required to be connected to a sanitary sewer line." By code, connection to the sewer line is required, and the septic tanks must be dis-abled regardless of the CUP's outcome.

The Public Hearing component had been held and was 'closed' thus no new public notices were mailed for this re-deliberation by P&Z, on the matter of whether the

wood frame home was connected to the sewer system. The Building Inspector visited the site and confirmed that the small structure was connected to the septic tank system. The only person to reside in the 25' x 18' structure is one male person.

Staff recommended approval subject to: 1) 6-month approval with renewal possibility IF fully compliant; staff will site inspect the structure to assure that there is non-permanent residency, i.e., a legitimate servants quarters to exist, sewer connection, 2) no separate utility connections, 3) could be transferable to future owners imposing the same conditions imposed to the applicant, and 4) not to be used for rental purposes.

Note 1: Insofar as the animals that are still evident on the property, this will depend on the final outcome of their AO-I rezoning application, i.e., if the Council denies AO-I, then the city will pursue filing charges in Municipal Court to compel the owner to comply with city ordinances governing no such animals in a R-1A zoned property...on the other hand, if AO-I is approved, then they can keep their animals subject to the separation requirements from area residences (usually 300' from adjoining homes).

Note 2: The detached garage has been illegally converted into a 'guest home' for the owner's mother or grandkids who come to visit occasionally; the Building Inspector visited the home on 3/9/12 but was not allowed to take pictures – he viewed that there were no clothes in the closets and looks like a legitimate 'guest home'. The violation will likely be resolved by them filing for another CUP for a 'guest home' and, if approved, then charged double-permit fees with affidavits being recorded that staff was not allowed to make typical inspections.

Mr. Sergio Zavala stated that the public hearing for this item was closed and the Board may deliberate amongst themselves or take action.

Mr. Ned Sheats asked Mr. Zavala if the recommendation is that they must not be permanent residents.

Mr. Sergio Zavala stated that they assume it has not been confirmed, that it's a 18' x 25' structure for 1 male. Certainly he could live there permanently if he could, but staff assumes that he has family elsewhere so he would be going back and forth to his family. He added that this would only be for his work. Mr. Zavala stated that if approved and even if not approved tomorrow staff would be generating a letter advising the property owner that the primary home and the servants quarters need to be connected to sanitary sewer lines and staff would give him time, about 30 to 45 days, to comply otherwise staff would take them to municipal court.

Vice-Chair Marisela Marin asked if P&Z should re-table the item until the sanitary sewer connection issue is resolved and should that have been addressed before considering the conditional use permit for 6 months.

Mr. Sergio Zavala stated not necessarily because the septic tank would work for the next 45 days while they transition from septic to the sanitary sewer line.

Vice-Chair Marisela Marin stated that her concern was that there were at least 3 items within this site that never came to Planning for permits like the pool, guest house, house, etc. with all that many items on there she would just like to have a clean say of what they will be doing with no exceptions to the exception.

Mr. Sergio Zavala stated that they would not be doing any exceptions, they were making them conditions. He added that actually each item was being handled one at a time. Mr. Zavala stated that there are several issues but they are all very manageable and actually with the 6 month tenure, staff would alert P&Z of the status and if not compliant, then staff would file in municipal court.

Mr. Beltran asked to be recognized.

Vice-Chair Marisela Marin asked if she could have public input.

Mr. Sergio Zavala stated that the public hearing component had been held it would be up to her but it was not required. He added that Mr. Beltran was present but if she decided to recognize him she would have to recognize the applicant as well.

Vice-Chair Marisela Marin stated that she would open the item for a public hearing and allow Mr. Beltran to voice his concerns and would also let Mr. Guerrero address his concerns.

Mr. Beltran stated that he didn't want to be a bad neighbor and had a suggestion on how to quickly fix the sewer connection to their property. He stated that he lives on lot 21 and there was a manhole right in the driveway. The extension from Bryan Road to their site would be too costly. He added that he had an easement in which they could bore and serve their house. He reiterated that he didn't wanted to be a bad neighbor, but again in regards to the odor and if you were to live there it really, really, smells bad but for the connection to the sewer he would allow them to tie to the sewer line through his lot.

Mr. Rodrigo Guerrero stated that he appreciated his suggestion and would alert the owner.

Mr. Rene Flores walked in at 5:28 p.m.

There being no further comments, Vice-Chair Marisela Marin entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

At this time Vice-Chair Marisela Marin handed the gavel to Chairman Rene Flores.

ITEM # 3.0
ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza 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.

Rene Flores, Chairman
Planning and Zoning Commission