

**PLANNING AND ZONING COMMISSION  
MARCH 26, 2014  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

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

**STAFF PRESENT**

Daniel Tijerina  
Alex Hernandez  
Susana De Luna

**GUEST PRESENT**

Margarita Niño  
Mike Friedrichs  
Stewart Skloss  
Eleazar & Maria Zavala  
Maricela Roque  
Lucy Gonzalez  
Andrew Gaytan

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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

There was no response.

**APPROVAL OF MINUTES FOR MARCH 12, 2014**

Chairman Rene A. Flores asked if there were any corrections to the minutes for March 12, 2014. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Diana Izaguirre walked in at 5:01 p.m.

**Started: 5:01 p.m.**

**Ended: 5:04 p.m.**

**ITEM #1.1**

**Rezoning:**

**Lot 1, Mission CISD Castro Elementary Subdivision  
R-1 to P  
Mission CISD**

Mr. Daniel Tijerina went over the write-up stating that the site is located 340' north of Expressway 83 along the west side of Mayberry Road. This area is the Castro Elementary School.

**SURROUNDING ZONES:** The current zones are C-3 to the south and R-1 in all other directions.

**LAND USES:** The surrounding land uses consist of single family homes to the west, north and east, and commercial uses to the south, and west. The subject site is the location for Castro Elementary School and consists of other accessory facilities.

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

**REVIEW COMMENTS:** On August 13, 2012, City Council created a new Zone which requires all public facilities such as City, County, Federal buildings; Churches; and Schools to fall within this zone. MCISD wishes to comply with this new zoning requirement.

The P zone proposal and the existing use is directly consistent to the City’s Future Land Use designation of Public (P). The existing school use and any future construction/use is exactly what the P zone is intended to regulate.

**RECOMMENDATION:** Approval.

Chairman Rene A. Flores asked if there was any public opposition to the request.

Mrs. Lucille Gonzalez who resides at 161 S. Mayberry stated that all her neighbors and her wanted to know if the taxes were going to increase with the rezoning.

Chairman Rene A. Flores replied, “No”.

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

There was no response.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Abiel Flores moved to approve the rezoning as per staff’s recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:04 p.m.**

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

**ITEM #1.2**

**Rezoning:**

**A 2.36 acre tract of land being the Southmost 335.31’ x 308.79’ out of Lot A, B.L. Millers Resubdivision AO-I to C-3 Erlin Madrigal**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NE corner of Moorefield Road and Griffin Parkway. The site measures 335.31’ x 308.79’ which equates to 103,540 sq.ft. (2.36 acres).

**SURROUNDING ZONES:** N: AO-I - Agricultural Open Interim  
E: C-3 - General Business District

W: AO-I - Agricultural Open Interim  
S: N/A - Outside of the City Limits

**LAND USES:** The surrounding land uses consist of a doctor's office (Shalom Pediatrics) to the east, a gas station (Shamrock) to the south, a church (Freedom Life Church) to the west, and open acreage to the north. The site is currently open acreage.

**FLUM:** The Future Land Use Map reflects a General Commercial (GC) designation for this portion of Lot "A", adjacent to Griffin Parkway.

**REVIEW COMMENTS:** The proposed C-3 request is directly consistent with the Future Land Use Map and existing land uses; the subject property adjoins Griffin Parkway, a principal arterial (mandates a minimum 120' ROW). The inherent traffic using this major street is more conducive for non-residential uses.

**RECOMMENDATION:** Approval.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

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

There was no response.

Chairman Rene A. Flores asked if staff knew what type of business was being proposed.

Mr. Tijerina replied, "No". He added that the applicant just wanted to rezone the property for commercial.

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

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

**Ended: 5:16 p.m.**

**ITEM #1.3**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Mis Anotojos Restaurant  
1505 N. Conway  
Lots 7 & 8, Block 243,  
Mission Original Townsite Subdivision  
C-3  
Margarita Nino**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NW corner of Conway and W. 15<sup>th</sup> Street. There is an existing residential home located on the site which the applicant is proposing to remodel into a new Mexican restaurant. The applicant is also proposing to offer the sale and on-site consumption of alcohol with meals. There will be no 'bar' component in the restaurant. There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4. Access to the site is proposed from a 29.8' driveway off of W. 15<sup>th</sup> Street that will lead into a new parking area.

- **Hours of Operation:** Tuesday – Friday from 8a.m. to 10p.m., Saturdays from 8a.m. to 11p.m., Sunday from 8a.m. to 9p.m., and Closed on Monday  
Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 5 employees
- **Parking & Landscaping:** In viewing the floor plan there are 46 seats which require 15 parking spaces (46 seats/ 3 = 15.3 spaces). The applicant is proposing to pave a new parking lot that will include 21 parking spaces, exceeding code by 6. The property has existing landscaping and is compliant with code.
- Must comply with sign codes.
- Must comply with all Building, Fire, and Health codes for the remodeling of the home.
- Must acquire a business license prior to occupancy.

**REVIEW COMMENTS:** This new restaurant will be offering alcoholic beverages along with meals where alcohol will not be the primary item of purchase.

### **RECOMMENDATION**

Staff recommends approval for 1 year after business license issuance subject to:

1. Wet zone the property;
2. Must comply with typical sign codes;
3. Must comply with Building, Fire, and Health codes;
4. Must acquire a business license.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

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

The applicant, Mrs. Margarita Niño who resides in Mission was present to address any questions from the Board.

Chairman Rene A. Flores stated that this was probably the nicest home on Conway and in his opinion it would be such a waste of a beautiful home to convert it into a Restaurant. He mentioned that when he saw it on the market he envisioned a Real Estate Office or a Professional Law Office for this location especially because you don't find this kind of houses in Mission and it would be a big concern for him to see it turned into a restaurant. Mr. Flores stated that he would like to hear more from the applicant.

Mrs. Niño stated that they would not be changing the house itself not even in color they want to keep it the essential. She mentioned that she would not call it a Mexican Restaurant because it would be an International cuisine which is basically more European food. She mentioned that main purpose was to keep it European Style.

Mr. Ned Sheats congratulated Mrs. Niño on her proposal because he believes she has a great idea and in his opinion Conway needs more business like this one and especially because she intends to keep the home as is a very nice looking structure.

Mr. Abiel Flores asked if P&Z could recommend that the home be kept as is especially because such a beautiful home.

Mr. Tijerina stated other than her word that the home would remain as is he didn't think they could restrict her to it but would find out.

Mr. Abiel Flores asked if this was a historical land mark.

Mr. Tijerina stated that the home did not have a historical land marker.

Mrs. Niño stated that it was not a historical marker because she had read all the information. She added that they could visit her home all her furniture was antique and she had no problem in keeping it that way especially because she loved antiques.

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

**Started: 5:16 p.m.**

**Ended: 5:41 p.m.**

**ITEM #1.4**

**Conditional Use Permit:**

**To Place a Portable Building  
For the Sale of Food – Zarah Investments  
808 S. Shary Road  
Lot 5A, Cimarron Crossing Subdivision, Ph. II  
C-3  
Zarah Investments**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 500' south of Expressway 83 along the west side of Shary Road. There is an existing commercial plaza with 7 suites, one of which is being leased by Zarah's Meat Market. Zarah's is asking for a CUP for the daily installation of an 8' X 16' portable food trailer within two parking spaces located in front of the plaza. Access to this site is from an existing driveway off of Shary Rd.

- **Hours of Operation:** Monday – Sunday from 6a.m. to 10a.m. & Sunday – Wednesday from 7p.m. to 12a.m. & Thursday – Saturday from 7p.m. to 3a.m. Based on a review of the

other suites' hours of operation, there are conflicts with the hours of the food trailer and the other businesses which may have a negative impact on the permanent businesses.

- **Staff:** 6 employees
- **Parking:** The total number of parking spaces required for the 7 suites and the proposed food trailer are 56 spaces. There are a total of 56 shared along the front of the building, plus an additional 8 spaces along the rear of the building for a total of 64 parking spaces, which exceeds code by 8 spaces. The applicant is proposing to take up two of the front 56 spaces.
- Must comply with building, fire, and health codes.
- Must acquire a business license

**REVIEW COMMENTS:** The portable food trailer is more appealing than others within the City, however the parking spaces being removed from the front and the late hours of operation make it a difficult CUP to fully support. As of this write-up, Staff has not received any comments for or against this CUP.

**RECOMMENDATION:** Staff recommends a 1 year approval subject to:

1. Require Zarah's employees to park in the rear of the plaza;
2. Limit the hours of operation from 6 pm to 11 am Monday through Sunday;
3. Must comply with the Building, Fire, and Health Codes;
4. Must acquire a new Business License.

Chairman Rene A. Flores asked if there was any public opposition to the request.

Mr. Andrew Gaytan who resides at 724 N. Taylor stated that he was not opposed to the request but had a question. He asked how staff was proposing to enforce that the employees actually park in the back of the building. He mentioned that in the existing plaza where he is at they have almost 35 employees and most of them park in front which hurts the businesses because there is not enough parking spaces.

Chairman Rene A. Flores mentioned that he had similar concerns because he was familiar with that plaza and there was a lot of traffic already especially when they only have one way in and out. Chairman Flores asked Mr. Tijerina how staff was proposing to enforce this.

Mr. Tijerina stated that he agreed that this was a very compact and congested plaza already but as far as parking it would be up to the applicant to enforce this. However, this is a conditional use permit and therefore subject to the conditions in which when he spoke to the applicant she was receptive to complying with any condition that P&Z might have.

Chairman Rene A. Flores asked if staff knew that this area was already congested with the existing business why then come to P&Z with a favorable recommendation.

Mr. Tijerina stated that if the applicant meets with all the criteria then staff has to make a favorable recommendation but with some conditions like limiting the hours of operation which should help with the situation. He added that staff has to make a recommendation but P&Z doesn't have to agree with them.

Mr. Ned Sheats read from Exhibit "A".

Chairman Rene A. Flores stated that he understood but he just didn't think this food truck would be in the best interest of the City. He added that he wished the City of Mission had something similar to Austin where they have a specific place for this type of businesses. He asked if the applicant or representative were present.

Representing Zarah Investments, Mrs. Maricela Roque was present to address any questions from the Board.

Chairman Rene A. Flores asked if she had understood the Boards concerns.

Mrs. Roque stated that she totally agreed with the concerns and after submitting the application and in talking with all the tenants they agreed that most of their customers come after 9 p.m. and they would be willing to open after 9 p.m. when all the other business from that plaza have already closed. She added that the employees would park in the back some would already be there at Zarah's Meat Market and the 2 employees that would bring the trailer would also park in the back of the building. She mentioned that the trailer would be moved every day in and out it would not stay overnight it would be moved to their other location at 3 mile line and Ware Road.

Chairman Rene A. Flores asked Mrs. Roque if she was proposing to have some tables like at her business on 3 mile line.

Mrs. Roque stated that she would have 1 or 2 tables if allowed. She added that on their Ware Road location they also offered alcoholic beverages because Zarah's Meat Market has the permit for that and in that location business has been very peaceful with no complaints or police reports.

Chairman Rene A. Flores asked what was her response to Mr. Sheats concern regarding it being unfair for the businesses that are established and pay taxes.

Mrs. Roque stated that they do pay taxes for Zarah Investments & Zarah's Meat Market.

Chairman Rene A. Flores stated that they probably pay taxes for the Meat Market & for Zarah Investment but not for the portable trailer or any rent either.

Mrs. Roque stated that she had submitted their landlord's lease where it states that they would be paying rent for the portable trailer. She mentioned that the trailer was self-contained and most of the food would be cooked at the Ware Road location.

Mrs. Marisela Marin asked if Zarah's Meat Market would be open all this time while the trailer is operating.

Mrs. Roque stated that Zarah's would not be open for business but would be open for anything that the trailer might need including the restrooms.

Mr. Ned Sheats stated that by the pictures of the trailer it looks to be a great investment just not a good location for it.

Mr. Abiel Flores stated that P&Z has always tried to help out the people make a leaving even with this type of businesses and he was familiar with the Ware Road location which was much bigger and had the room for the portable trailer and the tables but unfortunately the only problem was the location.

Mrs. Roque asked if the Board could consider approving the request at least for 3 months to see how it works instead of the 1 year that staff was proposing. She said they would be willing to make any necessary changes to comply with the City.

Mrs. Marisela Marin mentioned that she believed there was no room for her in addition to the parking and another restaurant in that location.

Mrs. Roque stated that that was the reason she was willing to open at 9 p.m. when all of the other business were already closed so that there wouldn't be a more traffic other than the customers for the trailer.

Mr. Ned Sheats mentioned that once again she was asking them to do something that a brick and mortar restaurant business cannot do and they can just try something and leave to see if it works they don't have that ability. He mentioned that they had to get people to come into the City of Mission just like the previous applicant she made an investment and bought a building and now she is going to improve it to convert into a restaurant unfortunately you are asking the Board to set up a different set of rules for this particular business that doesn't have to pay property taxes, doesn't need to have to have water sewer, doesn't have to pay sewer service.

Mrs. Roque stated that they just thought the City of Mission would do something similar to McAllen in which they have 12 permits for this type of business and since Mission didn't have anything set they thought they had a chance.

Chairman Rene A. Flores stated that the only problem he saw with her proposal was the location if she considers a different location she might have a chance.

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

**Started: 5:41 p.m.**

**Ended: 5:56 p.m.**

**ITEM #1.5**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Los Pescadores Restaurant  
601 E. 9<sup>th</sup> Street, Ste. A  
Lots 4-8, Block 165,**

**Mission Original Townsite Subdivision  
C-3  
Eleazar Zavala**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NE area of Business 83 and St. Marie. This CUP was originally approved on 9-9-09 and most recently approved on 12-8-10 for a period of 3 years.

- **Hours of Operation:** Everyday – 11:00a.m. to 10:00p.m.
- **Staff:** 5 full time employees
- **Parking:** Parking for this multi-unit complex includes 24 spaces that are held in common for two restaurants, a retail outlet, and a carwash. Staff has not received any complaints regarding this CUP or any comments regarding parking since this business has been in operation.
- Staff has requested a report from Mission PD in regards to any incidents involving the on-site consumption of alcohol. We will have the update by the date of the meeting.
- Must continue to comply with Fire and Health requirements.

**REVIEW COMMENTS:** This restaurant has been in operation since 2009 with no complaints filed with the Planning Department. If there are no incidents reported by Mission PD, Staff does not object to a longer approval term.

**RECOMMENDATION**

If Mission PD reports no incidents, Staff recommends approval for 5 years subject to continued compliance to the Health and Fire codes.

Chairman Rene A. Flores asked if there was any public opposition to the request.

Mr. Andrew Gaytan who resides at 724 N. Taylor stated that he was not opposed to the proposal but asked how long have they being selling alcohol.

Mr. Tijerina replied, "Since 2009".

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

Representing the applicant, Mrs. Maria Zavala was present to address any questions from the Board.

Chairman Rene A. Flores asked if they were in any violation as far as the sign code, etc.

Mr. Tijerina stated that the sign on the pole with the arrow was not allowed therefore needed to be removed.

Chairman Rene A. Flores asked if the signs on the buildings like the picture of the fish were in compliance.

Mr. Tijerina stated that he would like the opportunity to come back to P&Z with a report for this location.

Mr. Ned Sheats stated that being in the sign committee for years isn't it one sign per face on the building.

Mr. Tijerina replied, "That's correct".

Mr. Ned Sheats stated that they have other small signs on the building and he would hate to see the sail fish go and have one of the smaller signs stay because the sign of the marlin is the best looking part of the entire building.

Mrs. Marisela Marin stated that the marlin was not a sign it was a picture and could be considered as art.

Chairman Rene A. Flores that the signs needed to looked at because it is the front of the building as well as the re-stripping of the parking lot.

Mr. Ned Sheats stated that it looked too busy and now that they were going to re-stripe they needed to comply with the ADA requirements.

Mr. Tijerina suggested 'tabling' the item and coming back with a report or approving it subject to compliance with the sign code and the re-stripping of the parking lot.

Chairman Rene A. Flores stated that this area needs to be improved aesthetically so in the future all of these concerns are addressed.

Mr. Tijerina explained to Mrs. Zavala the concerns addressed by the Board.

Mrs. Zavala stated that she was willing to comply with all of staff's recommendations.

Mr. Tijerina stated that staff would follow-up in 2 weeks to make sure she has complied with staff's recommendations.

Mr. Ned Sheats asked if they were occupying the whole building or just part of it.

Mrs. Zavala stated that they are occupying the whole building.

Mr. Ned Sheats asked if the carwash was theirs as well.

Mrs. Zavala stated that there was nobody operating the carwash at this time.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to: 1) 2 year approval, 2) re-stripe

parking lot including the handicap parking space, and 3) comply with sign code. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:57 p.m.**

**Ended: 6:09 p.m.**

**ITEM #1.6**

**Conditional Use Permit Renewal:            Sale & On-Site Consumption of Alcoholic Beverages – Russo’s New York Pizzeria  
201 S. Shary Road, Suite 100  
Lot 6, Block A,  
Shary-Taylor Expressway Commercial Subd.  
C-4  
Russo’s New York Pizzeria**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located within an existing commercial plaza located near the NE corner of U.S. Expressway 83 and Shary Road. The most recent CUP approval for this site was approved by P&Z on 9-12-12 for 1 year after the business license issuance. The business license was acquired on 10-10-12. Primary access to the site is provided through an existing driveway cut along Shary Rd. however, there are various existing access points to the restaurant.

In talking to the applicant, he stated that they are a restaurant that only offers beer & wine, **there will be no liquor or mixed drinks served.** They mentioned that the bar area would be more similar to a diner, where one could sit and eat. Also, the latest they will be closing will be at 12a.m. on Friday and Saturday, which is early when compared to other “bar and grill” concepts.

- **Hours of Operation:** Monday – Thursday from 11a.m. to 10p.m., Friday and Saturday from 9a.m. to 12a.m. and Sundays from 9a.m. to 9p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 40 employees
- **Parking:** The applicant is proposing 131 total seating spaces, which require 44 parking spaces (131 seats/1 space for every 3 seats = 43.6 parking spaces). It is noted that a total of 129 parking spaces are held in common in this section of the development is shared with other businesses.
- **Sale of alcohol:** Since Russo’s has a ‘bar’ component we must use Sec. 1.56 (3a.) of the Zoning Code which states: *Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclub:* “the property line of the lot of any of the above mentioned businesses which have late hours (after 10:00p.m.) must be at least 300 feet from the nearest residence, church, school or publicly owned property...”. There are no such uses within 300 feet.
- Staff has requested an incident report from Mission PD in relation to the sale of alcohol. Staff should have the report by the date of the meeting.

**REVIEW COMMENTS:** Since the pizzeria is not open after 12a.m., and the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

**RECOMMENDATION:** If there are no incidents reported by Mission PD, Staff recommends approval of the CUP for 3 years.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

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

Mr. Andrew Gaytan General & Area Manager for Russo's New York Pizzeria who resides at 724 N. Taylor was present to address any questions from the Board.

Chairman Rene A. Flores asked Mr. Gaytan how was business.

Mr. Gaytan stated that business was pretty good but if staff could help control the parking issues with tenants it could make it a lot better.

Chairman Rene A. Flores asked what type of parking issues.

Mr. Gaytan stated that the main issue was employees parking on the front area.

Chairman Rene A. Flores stated that they had no control or restrictions that could enforce that.

Mr. Tijerina stated that those issued were handled by the owner of the plaza and the Police Department.

Chairman Rene A. Flores stated that he understood he might want all the parking spaces in front of his business but he needed to consider the rest of the tenants because the parking was held in common for all the businesses in that area.

Mr. Gaytan mentioned that the issue he had right now was that HEB was doing some remodeling to the store and put all their construction equipment fenced in the area designated as drainage which was a big chunk of parking spaces next to his business.

Mr. Tijerina stated that the construction was temporary.

Chairman Rene A. Flores asked what they were doing.

Mr. Tijerina stated that HEB was doing some remodeling and since they own the majority of that plaza.

Mr. Gaytan stated that they are going to take about 3 months to complete the remodeling.

Mr. Ned Sheats stated that most of the cities in which he has lived in have ordinances that prevent people who are not going to do business in a particular center from parking there. He

mentioned that he didn't know how many employees need to be moved around but the City is getting a lot of commercial buildings that the City did not have in the past and this type of conflict will be coming up and it is up to the City to do something about it.

Chairman Rene A. Flores stated that a similar conflict happens on Griffin Parkway where Mario's Ballroom and Palm Valley Church are that they don't have enough parking.

Mr. Ned Sheats stated that the Planning Department should work on something or consider revising the parking code.

Mr. Tijerina stated that there are a lot of changes that will be done but staff could certainly consider revisiting the parking code.

Mr. Gaytan stated that he appreciated the Board allowing him to express his concerns and hopefully something could be done about the parking.

Mr. Tijerina stated that in the parking ordinance there is something that states that tenants could get into an agreement in regards to parking which was recently done by Mr. Aaron Balli and the Palm Valley Church on the property located on Griffin Parkway.

Mr. Gaytan stated that during these two weeks his sales have dropped and he has already talked to Weingarten but since they have their permission there isn't anything that could be done.

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

**Started: 6:09 p.m.**

**Ended: 6:21 p.m.**

**ITEM #2.0**

**Preliminary & Final Plat Approval:**     **Hartfield Estates Subdivision**  
  **A 10.95 acre tract of land out of**  
  **Lot 261, John H. Shary Subdivision**  
  **R-1A**  
  **Developer: Hart Land & Cattle, L.L.C.**  
  **Engineer: SJS Engineering**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately ¼ mile north of Griffin Parkway along the east side of Stewart Road. The proposed subdivision consists of 30 single family residential lots. The lot areas range from 9,497.9 sq.ft. to 43, 850sq.ft. These lot sizes are consistent with the minimum R-1A area requirements. The project engineer is asking for a variance on behalf of the developer **to allow the subdivision to be private and gated**. The subdivision code states 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 detriment to the proposed subdivision or surrounding areas. Staff does not object to this variance request.

**Water:** The developer is proposing water service connecting into an existing 8" waterline located on the west side of Stewart Rd. and extending a new 8" line east through the subdivision and looping the line to an existing 8" line located along the east side of the subdivision. There are 3 fire hydrants located pursuant to the direction of the Fire Marshal's office.

**Sewer:** Sewer service is proposed by installing an 8" & 12" line within the subdivision and connecting to an existing 12" sewer line running along the east side of the subdivision. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$6,000 (\$200.00 X 30 Lots).

**Streets & Storm Drainage:** The subdivision has frontage to Stewart Road, which is a future 80' ROW, 57' B-B street. The developer will be dedicating an additional 20' of ROW as required by the Hidalgo MPO. The widening costs for Stewart Road will also be required in the amount of \$24,925.25 (\$55.90/L.F. X 445.89'). The developer is also proposing 2 internal private streets with a gate at the entrance of the subdivision. A building permit must be approved by the City of Mission prior to the installation of the gate. Storm drainage will be accomplished by installing new 24", 36", & 42" R.C.P. lines that will ultimately out fall into an existing drainage ditch located the east side of the subdivision. Streets Department is requiring the widening of their portion of the drainage ditch along east side of their property.

**Other Comments:**

- Park Fees - \$300.00/Lot = \$9,000.00
- 5' sidewalks shall be escrowed along Stewart Rd. in the amount of \$4,834.68 (\$12/L.F. X 402.89').
- Must provide reimbursement costs for utilities in the amount of \$14,334.50 via the Stewart Estates Subdivision reimbursement contract made payable to the City of Mission.
- Must submit a street light plan for review and approval by the City of Mission
- Must provide Water District Exclusion

**Recommendation:** Staff recommends approval subject to the following:

1. Must pay Park, Capital Sewer Recovery and reimbursement fees to the City of Mission;
2. Must provide the escrow for the Stewart St. widening and the 5' sidewalks.
3. Must widen their portion of the drainage ditch to the east;
4. Must provide proof of exclusion from the Water District;
5. Comply with all other format findings.

Chairman Rene A. Flores asked if the Board needed to consider the variance for the private subdivision.

Mr. Tijerina replied, "No". He mentioned that it does directly to City Council where they have approved others.

Ms. Diana Izaguirre asked if this subdivision was required to get a 30 year letter for the sewer. Mr. Tijerina stated that normally if it is requested then it will provide it.

Ms. Diana Izaguirre asked who requests this letter.

Mr. Tijerina stated that it was the applicant and in this case this subdivision was in our CCN and we do have the capacity the one case you might be talking about was in the County and it was pursuant to the Model Subdivision Rules in this case there is no need for that since the developer was paying for everything.

Ms. Diana Izaguirre stated that then any new subdivision within the City of Mission doesn't require a 30 year letter for sewer.

Mr. Tijerina stated that a 30 year sewer letter basically states that the CCN, whether it be AGUA or Mission or whichever other CCN, that has authority they will be able to provide sewer services and pay sewer tap fees or any fees associated with this and in this case the developer will be paying for all fees sewer tap fees and any other associated fees. Therefore they don't need that letter.

Mrs. Marisela Marin asked where the gate was going to start.

Mr. Tijerina stated that the gate was going to be in compliance with stacking requirements and the key pad entry or some sort of entry system that will require a knox box with the fire department.

Mrs. Marisela Marin asked if the streets get narrower because it starts with 60' and it narrows to 50' then it goes to the dead end cul-de-sac which is smaller.

Mr. Mario Garza replied, "That it was still 50' at the end of the cul-de-sac".

Mr. Tijerina stated that the cul-de-sac has to be 40' radius from the center of the cul-de-sac to equal to 80' in order for a fire truck to turn.

Ms. Izaguirre stated that from the middle it was a 50' ROW and the street itself was paved 32' back-to-back from face to face from the curb.

Mrs. Marisela Marin asked if there were to 2 spots designated for common areas.

Mr. Stewart Skloss stated that he was the Project Engineer for this subdivision and in response to the question there were actually 3 common areas only because it was considered a private subdivision and the street was considered a common area. He added that there will be 2 common areas landscaped one of them was located north of Lot 11 and the other would be between Lots 13 & 14 at the end of the cul-de-sac.

Chairman Rene A. Flores asked if they would be able to construct homes on Lots 1 & 30.

Mr. Skloss stated that Lots 1 & 30 currently have existing homes on them and because of their distance from Stewart Road they had to be larger lots.

Mrs. Marisela Marin asked if Lots 2 -10 didn't have an alley but the rest do have alleys.

Mr. Skloss stated that they do have an alley but they will not be using the alley because they will have a wall so they would only have access strictly through the front of the property.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the subdivision plat. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0**  
**ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Ned Sheats seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:21 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission