

PLANNING AND ZONING COMMISSION
APRIL 10, 2013
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Carlos Lopez
Rene Flores
Marisela Marin
Abiel Flores
Diana Izaguirre

P&Z ABSENT

Mario Garza

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Irasema Dimas

GUEST PRESENT

Angel Herrera
Antonio Ybarra
Pablo Ybarra
Isauro Garcia Sr.
Isauro Garcia Jr.
Jaime Sanchez
Juan Rodriguez
Manuel Suchil
Fred L. Kurth, P.E.
Ruben Canales
Jorge Pascual
Edward De La Tejera
Nicholas Pascual

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

A citizen from the audience asked what it meant to change from Residential zone to Public zone.

Chairman Rene Flores stated that since the item was on the agenda, they would explain what it means during the item.

APPROVAL OF MINUTES FOR MARCH 27, 2013

Chairman Rene Flores asked if there were any corrections to the minutes for March 27, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:26 p.m.

ITEM # 1.1

Request by Juan R. Rodriguez to have the City Abandon 0.07 acre tract of land being an irregular shaped portion of existing road right-of-way out of Schuerbach Road and a 40' dedication road lying immediately

south of and adjacent to border Pacific Railroad Company right-of-way and also lying north and west of Lot 1, Mrs. E.V. Flores Subdivision

Mr. Bobby Salinas went over the write up stating that staff received a written request to consider abandoning portions of ROWs that are still **'on the books'** but are not used for street purposes. After assessing the request, the following comments are a final analysis:

- For decades and up until the mid-90's, Schuerbach Road went northward & crossed the Railroad intersecting Business Highway 83 at a direct 90-degree angle. However, as Schuerbach continued north from Business HWY 93, it did so at a jog.
- This awkward street jog was later reconciled by LJISD swerving Schuerbach's pavement to properly meet centerline to centerline with Schuerbach on the north side of Business HWY 93 as it currently exists. (NOTE: LJISD **straightened** the intersection in their efforts to maximize traffic safety and maneuverability when they built Escandon Elementary School).
- With the **swerving** of Schuerbach years ago, this left the **old ROW alignment** still intact...it just wasn't paved anymore; it remains then as it does now, i.e., a dormant pie-shaped piece of property.
- On 4-13-11, received a letter from Mr. J.R. Rodriguez asking for the City to abandon the old alignment of Schuerbach Road in an effort to acquire the property to install some landscaping and to maintain/clean the irregular pie-shaped property.
- On 10-10-11, City Council abandoned the east half of the old alignment of Schuerbach Road and a portion of Leonor Street, since it was within the City Limits of Mission. They also stated that the County would need to be the ones to authorize the abandonment of the west half of the old Schuerbach Road alignment since that portion of the ROW was within the County's jurisdiction
- On 1-14-13, the City of Mission annexed several properties into the City Limits, one property being the west half of Schuerbach Road, thus becoming the City of Mission's jurisdiction.
- On 3-8-13, Staff received a new letter from Mr. J.R. Rodriguez where he is now asking for the City to consider abandoning the west half of the old Schuerbach Road alignment, since it is now within the City Limits of Mission and the City's responsibility.
- Staff prepared an exhibit that reflects existing utilities within the ROW. Any consideration to abandon must reserve it as **'utility easement'**.
- In visiting the site, it continues to be un-sightly with the illegal dumping bags of trash, clothes, tires, boxes, etc.
- This portion of ROW will not be used for street purposes any longer, since Schuerbach has been correctly aligned to the north.

The abandonment of the ROW will not be detrimental to the area, nor to adjoining properties; this will be a step forward to re-injecting it back into the private (taxable) sector (with voiced landscaping to be added onto by the subject applicant thus being a more aesthetic feature at this juncture); it will be a step forward in having the surface use maintained by private resources instead of public taxpayers; the utilities will be protected by reserving a utility easement over the entire property.

Staff recommended approval to abandon the 0.07 acre tract of Schuerbach ROW subject to reserving a utility easement where utilities currently exist.

Chairman Rene Flores asked if Mr. Rodriguez had the right to ask for the abandonment; even though he owns the property across Schuerbach Road or does he own the adjacent property.

Mr. Bobby Salinas replied that he does not own the property adjacent to the right-of-way.

Chairman Rene Flores stated that then what gives him the authority to ask for the abandonment.

Mr. Daniel Tijerina apologized for being late. He stated that on the agenda packet, there's a history of the times that has gone through partial abandonments and even Mr. Rodriguez requested abandonment of this portion through the County, but being that now is within City Limits it needs to be abandoned by the City. He also stated that this strip was not part of Lot 1.

Mr. Ned Sheats stated that what Chairman Rene Flores was asking was if any citizen could ask the city for right-of-way abandonment.

Mr. Daniel Tijerina replied 'Yes, absolutely'.

Chairman Rene Flores stated that if the city could initiate the process.

Mr. Daniel Tijerina replied that they could.

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

Mr. Angel Herrera stated that he owns the land in question that is supposed to be abandoned. He stated that the property has always been his and it has never been abandoned.

Chairman Rene Flores stated that that was the reason why he wanted to make sure that it was city owned property and not private.

Mr. Daniel Tijerina stated that in this case, he's been in contact with Mr. Herrera. He presented a copy of an email that was sent from Mr. Herrera's attorney to City Attorney David Guerra, wherein the information submitted by Mr. Herrera was checked and this property that is being presented is city right-of-way; and is not part of Mr. Herrera's property. He stated that it was already confirmed by the City Attorney and Mr. Herrera's attorneys and therefore, that is the reason why staff was presenting this public hearing.

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

Mr. Angel Herrera stated that he owns Lots 1, 2, 3, 4, & 5, out of Block 1, of Del Monte Subdivision. He stated that what he was trying to point out to the board members, was that his northeast boundary has always been the center of Schuerbach and that he's been paying taxes on it all this time. He stated that he was concerned with the word abandonment and to his knowledge that land has never been abandoned and has always been part of his land. Mr. Herrera also mentioned that his understanding is that the board is only an advisory board and the City Council would be the one approving or disapproving relinquishing of the right-of-way and the city at no point has a say so, on who the owner of the right-of-way would be.

Chairman Rene Flores stated that this meeting is not to determine if Mr. Herrera has any right to the right-of-way or not.

Mr. Bobby Salinas stated that the city is giving up their right to the piece of land.

Mr. Angel Herrera mentioned that if the city was relinquishing the city's right to the property then he was not in opposition.

Mr. Abiel Flores mentioned to Mr. Angel Herrera that once the city relinquishes its rights to the property, then the city would stop maintaining the property and it would have to be done by the future property owners.

Mr. Angel Herrera replied that's all he needed to know in order to install a fence of no trespassing and a "No Dumping" sign.

Mr. Daniel Tijerina stated that in this case, the city does not have any liens on the property since it was recently annexed to the city limits.

Mr. Abiel Flores stated that once the City Council approves the abandonment then Mr. Herrera would be liable for the cleaning of the property.

Mr. Daniel Tijerina replied that he would need to file for a deed.

Chairman Rene Flores asked Mr. Herrera if he had spoken with his son prior to the meeting and if he has given him the same information as staff is giving him.

Mr. Herrera replied that he hadn't talk to his son.

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

Mr. Jaime Sanchez and Mr. Juan Rodriguez stated that they are the owners of the convenience store on the east side of Schuerbach Road. He mentioned that ever since they open the store back in 2006; they started having problems with the trash, litter, and people going in to the brush area which he believes belong to Mr. Angel Herrera. He mentioned that they had being talking to staff for a while asking them what they need to do in order to start getting control of the land, and ever since then they started maintaining the area clean, and calling the city on vendors that have been setting up their sales there. He mentioned that they started the process with the county, but then the City started their annexation process and they stopped and waited until it was part of the city. He stated that the piece of land was an eye sore, not just to the store, but to anyone using Schuerbach Road. This area could be seen even from Business 83. He stated that there's nothing illegal that they initiated back in 2006 or 2007. He finished by saying that this problem has been and still is impacting their business and also the subdivision that they developed in the area.

Chairman Rene Flores stated that this board cannot determine who the owner of the property would be.

Mr. Jaime Sanchez replied that he understood that, but he wanted to give them a little briefing on how this request came about.

Chairman Rene Flores stated that this does not trigger or resolve the problem of illegal dumping.

Mr. Jaime Sanchez stated that with all due respect to Mr. Herrera his understanding is that now being that this is on the table he wants to claim ownership of the property. Mr. Sanchez stated that they did a title report on the right of way, stating that tract 1 and tract 2 was owned by the city; and that is why they approached the city and at no point, did it state that the land belonged to Mr. Herrera.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the abandonment as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:26 p.m.

Ended: 5:39 p.m.

ITEM # 1.2

Rezoning:

A .817 acre tract of land being all of Lots 5 & 6, Block 258, all of Block 259, a portion of abandoned Dunlap Ave., and a portion of abandoned Canal ROW, all being out of the Original Townsite of Mission; and A tract of land containing 5.316 acres comprised of: 1) Block "A", and "B", Northwest Addition; 2) Lots 1-10, Lots 15-22, Block 12, and Lots A & B, Block 14, out of Northwest Addition; 3) A part of Ewing Street ROW Adjacent to the south lines of said Blocks 12 & 14 dedicated by Northwest Addition to Mission Subd., Not open), and a part of Lots 23-5 & 23-6, West Addition to Sharyland; 4) A 2.77 acre tract out of Lots 23-6 & 22-6, West Addition to Sharyland; And 5) the ROW of Ewing St. (partially open as Kika De La Garza Loop), adjacent to the east line of Block "A", the ROW of Cummings Ave. between Blocks "A" & 12, The Row of Perkins Ave., (not open) Between Blocks 12 & 14, and the alleys ROW across Blocks 12 & 14, all dedicated By Northwest Addition (AKA Mission High School site including the Leo Najo Baseball Field, the Tom Landry Stadium And the Mission Boys and Girls Club)

R-1 to P

Mission C.I.S.D.

Mr. Bobby Salinas went over the write up stating that the subject site is located along the south side of 18th Street between Holland Avenue and Conway Blvd. (Mission High School site).

Surrounding Zones:

N:	R-1	Single Family Residential,
	R-3	Multi-Family Residential,
	C-1	Office Building,
	C-3	General Business,
E:	C-3	General Business
W:	R-1	Single Family Residential

S: AO-I Agricultural Open Interim

The surrounding land uses consist of single family homes and commercial uses to the north, residential uses to the west, and south, and commercial uses to the east. The subject site is Mission High School, the Leo Najo Baseball Field, the Tom Landry Stadium and the Mission Boys and Girls Club. The Future Land Use Map reflects a Public (P) designation.

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 is proposing to build a new field house for the Mission High School, thus the change of zone from R-1 to P is required.

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

Chairman Rene Flores stated that all the city is doing is trying to do is reconcile all the schools into the new Public Zone.

Mr. Bobby Salinas replied that that was correct and what the public zone does is that if the school site has a stadium and wants to do parking for it, they could just apply for the permit without an approval by the P&Z Board for a site plan.

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

Mrs. Diana Rodriguez from 712 W. 18th Street stated that they don't have access streets, they only have Holland and 18th Street because Cummings is closed and there is no access to FM 495 or anywhere else. She knows that once they approve the change of zone, they are going to start building the new high school and the new field house and the neighbors are questioning about streets since there's hardly any street that they could utilize in order to get out of their neighborhood. She mentioned all the existing problems with traffic and they don't have a solution for traffic.

Chairman Rene Flores stated that this is just a change of zone.

Mrs. Diana Rodriguez replied that she was aware of that but she also knows that soon MCISD would start new construction.

Mr. Bobby Salinas replied that it was correct.

Mrs. Diana Rodriguez stated that whenever there is a problem with the high school, the police don't know where they can go. She mentioned that she understood that it had to be done, but what about the people that have been living there for 40 or 50 years, where would they go.

Mr. Daniel Tijerina stated that as far as the item being presented was just a rezoning and the concerns being expressed would be part of the City Council packet and at the same point he would talk to the City Manager on this; and it would be seen very closely.

Mr. Ned Sheats mentioned that once the property is change to a public zone it gives a free hand to the owner to do what they please with it, for example if they have an empty piece of land right next to a residential neighborhood and if they want to do a bus barn would they be able to do so.

Mr. Daniel Tijerina replied that it's true, but at the same token there is an internal process that staff follows in order to review these types of permits.

Mr. Ned Sheats asked Mr. Tijerina if they could get with the Interim City Manager and try to define what they could do.

Mr. Daniel Tijerina replied that typically a school or church facility are there to serve their patrons, in this case what they are proposing is to serve their current students, there wouldn't be any additional traffic being proposed.

After a brief description of the streets that are closed at night, Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

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

Started: 5:39 p.m.

Ended: 5:43 p.m.

ITEM # 1.3

Rezoning:

**W. ½ of Lot 3,
Mission Acres Subdivision
C-3 to P
Iglesia De Cristo**

Mr. Bobby Salinas went over the write up stating that the subject site is located approximately 300' east of Adams St. along the north side of Business 83. The site measures 75' x 276.67' (approx. 21,026').

Surrounding Zones/ Existing Land Uses	N:	R-1	-Single Family Residential; Single Family Home
	E:	C-3	-General Business District; Retail Bldg.
	W	C-3	-General Business District; Storage Units
	S:	R-4	-Mobile & Modular Home; Los Ebanos MH Park
	Site:	C-3	-General Business; Church

The Future Land Use map reflects a General Commercial (GC) designation.

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. There is an existing church on the site. The church is currently in the process of doing some interior remodeling, which triggered the rezoning process. Notices were sent to property owners within 200' of the site. Staff has not received comments for or against this proposal.

The existing site is currently being used as a church and is directly consistent to what the P zone is intended to regulate. Staff recommended approval.

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 was present.

Mr. Manuel Suchil was present to answer any questions from the board.

Chairman Rene Flores stated that he would like to see some plants in order to make it more aesthetically pleasant to the area.

Daniel Tijerina mentioned that the Board could not implement conditions on a rezoning, but they could visit with the applicant.

Mr. Bobby Salinas stated that the picture was taken in the middle of the property and that there were some trees installed on the back of it.

There being no further discussion, 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: 5:43 p.m.

Ended: 5:46 p.m.

ITEM # 1.4

**Rezoning: The N. 92.50' of the W. 200' out of 4.66
Acre tract out of Lot 30-7,
West Addition to Sharyland
R-1 to C-3
Emerardo Longoria**

Mr. Daniel Tijerina went over the write-up stating that the site is located on the SE corner of Turista & Conway Avenue.

Surrounding Zones;	N:	R-1	-Single Family Residential; SF Home
Existing Land Uses:	E:	R-1	-Single Family Residential; SF Home
	W:	AO-I	-Agricultural Open Interim: Retail Business
	S:	C-3	-General Business; Retail Business
	Site:	R-1	-Single Family Residential; SF Home

The Future Land Use Map reflects a broad General Commercial (GC) designation along the Conway frontage.

The subject property should be changed to C-3 due to FLUM compliance, Conway (SH 107) frontage, and property abuts an existing commercial business and C-3 zone to the south. Staff recommended approval to the C-3 zone request.

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 was present.

There was no response.

Mrs. Marisela Marin asked where the property had access to Conway Ave. or Turista.

Mr. Bobby Salinas replied that they do have access to both Streets.

Mrs. Marisela Marin stated that she was worried that once this property goes commercial, its traffic would be utilizing the minor street and deteriorates it more than it already is.

Mr. Daniel Tijerina replied that once they apply for a construction permit, staff would look closely at the access to the site.

There being no further discussion, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as recommended by staff. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:46 p.m.

Ended: 5:51 p.m.

ITEM # 1.5

**Rezoning: 2.122 acre tract of land
Out of Lot 22-1,
West Addition to Sharyland Subd.
R-5 to R-4
David Reyna**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 300' east of Inspiration Road along the north side of Barnes Street. The site has 143.55' of frontage along Barnes Street and measures 645.33' in depth.

Surrounding Zones;	N:	AO-I -Agricultural Open Interim;
Existing Land Uses:		Nell Tolle Park
	E:	R-5 -High Density Mfctd. Housing; MH Subd.
	W:	AO-I -Agricultural Open Interim;
		Single Family Homes
		R-2 -Duplex-Fourplex; Apartments
	S:	R-4 -Mobile & Modular Home
	Site:	R-5 -High Density Mftcd. Housing;
		Open Acreage

The Future Land Use Map reflects a Moderate Density (MD) designation for the area, which is consistent with townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, and R-4 (mobile homes).

On 3/31/97, the City Council adopted Ord. No. 2189 which repealed the High Density Manufactured Housing District (R-5) district. The Council determined that removing the R-5 zone was in the best interest of the City for regulating the orderly growth and development of its properties. Since the R-5 zone no longer exists, the next available zone that would permit mobile homes is the Mobile and Modular Home (R-4) district, thus the applicant's request to re-zone to R-4.

Since there are existing R-4 zones and mobile homes in the area, and the FLUM reflects an MD designation for the subject site, Staff believes an R-4 zone would be an appropriate zone for the subject site.

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

There was no response.

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

Mr. Ruben Canales from Melden & Hunt stated that they were representing Mr. David Reyna and what Mr. Reyna was proposing was a mobile home subdivision.

Mrs. Marisela Marin asked staff that if the City got rid of the R-5, if it was by default or if they are considered grandfathered in.

Mr. Bobby Salinas replied that staff had checked with the City Attorney David Guerra and he had informed staff that no property owner's rights were violated and being that this was the only R-5 parcel that was remaining open, it would be best to rezone it to R-4.

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

Started: 5:51 p.m.

Ended: 5:56 p.m.

ITEM # 1.6

Conditional Use Permit:

**Manufacturing and Packaging of
Ice Cream and Chicharrones in a
C-3 zone**

204 W. Tom Landry

Lots 3-6, Block 175,

Mission Original Townsite

C-3

Jorge Pascual

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NE corner of Perkins and Tom Landry. The applicant is proposing to manufacture, process, package, and store ice cream and chicharrones within his existing C-3 ice cream business.

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

The applicant is proposing the use of 1 frying machine for the chicharrones and 1 machine for making the ice cream. Once the products are packaged, the chicharrones will be stored within the same building, while the ice cream will be stored in their existing freezer building.

- **Days/Hours of Operation:** Monday – Saturday from 8 a.m. to 4 p.m.
- **Staff:** There will be 4 employees operating the business.
- **Parking:** The applicant is currently in the process of remodeling/adding to and improving the existing ice cream business. With the new remodeling there will be 24 proposed parking spaces to accommodate customers and their delivery trucks.
- Must comply with all Building, Fire, and Health Codes.
- Must acquire a business license.

Staff feels that this new business venture will be a great improvement to the current business site and P&Z has reviewed and approved two other similar requests for the manufacturing and processing of food products. Staff has not received any comments for or against this proposal.

Staff recommended approval subject to: **1)** 1 year re-evaluation, **2)** comply with all Building, Fire, and Health Codes, and **3)** acquire a business license and any health cards that may be required.

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 was present.

Mr. Nicholas Pascual, son of Mr. Jorge Pascual stated that he has been asking his father to upgrade the site and make it more aesthetically pleasing.

Chairman Rene Flores thanked him for investing in Mission and wanted to know how they came about with the idea of fabricating the chicharrones.

Mr. Nicholas Pascual stated that they have been importing the chicharrones from Mexico and since things are getting worse over there and the fees are going up, the idea is to create the product here and have Mission on the

packaging label. What they are also wanting to create is a local paleta or “ice cream” since the summer is approaching.

Chairman Rene Flores asked what the name of the business was.

Mr. Nicholas Pascual stated that right now it was Ice Cream Man Place and they were thinking about changing it to Ice Cream Depot or Factory and the chicharron is called Luisita, in memory of his grandmother. He also mentioned that they still need to come up with a name for the product and make sure that is not already taken, since there is a lot of ice cream production here in the valley.

After a brief discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as recommended by staff. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:56 p.m.

Ended: 6:03 p.m.

ITEM # 1.7

Conditional Use Permit:

**Drive-Thru Service Window
810 N. Schuerbach Road, Suite “D”
Lot 1, Sylvia Plaza Subdivision
C-2
Jose Bazaldua**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SE corner of Schuerbach Road and Business 83. There is an existing 24’ x 35’ (840 sq.ft.) snack shop with a drive-thru service window. Access to the site is provided off of Schuerbach Road with a 45’ driveway. The service window is located approximately 1.5’ from the corner of the building which would provide stacking for approximately two vehicles.

This CUP was previously approved on 8/22/12. However, since a new operator is evident, a new CUP must be considered once again.

- **Days/Hours of Operation:** Monday – Saturday from 12 p.m. to 10 p.m. Closed on Sundays
- **Staff:** 2 employees.
- **Parking:** The 840 sq.ft. site requires 5 spaces. It is noted that the parking area is held in common (35 existing parking spaces, inclusive of gas pumps stalls) and is shared with other businesses. Staff has calculated the entire site (the two buildings) to require 21 total parking spaces.
- A business license is required prior to occupancy for the new operator.

Staff has not received any complaints in regards to the drive-thru service window.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess the new business, and **2)** acquire a new business.

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 was present.

There was no response.

Chairman Rene Flores stated that based on the pictures there was some flag signs that were hanging on the roof of the building and a flag sign on the property and would like for staff to make sure that they were removed after the 30 days of this approval, and that this was his requirement.

Mr. Bobby Salinas stated that one of the signs seemed that it had been there longer than 30 days.

Mr. Ned Sheats asked if they could implement that.

Mr. Bobby Salinas replied that according to the sign ordinance they could have them for 30 days and then wait 6 months and then install them again.

Ms. Diana Izaguirre asked if lighting and the speed bump where already installed.

Mr. Bobby Salinas replied that there was sufficient lighting and on the speed bump he wasn't sure if there was one or not.

Ms. Irasema Dimas, Planning Administrative Assistant informed Mr. Bobby Salinas that there was no bump at the site.

After a brief discussion, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as recommended by staff and including the installation of a speed bump and removing the flag signs after 30 days. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:03 p.m.

Ended: 6:07 p.m.

ITEM # 1.8

Public Hearing

Preliminary &

Final Plat Approval:

**Lone Star Bank Subdivision, Ph. II ,
Lots 1A & 1B**

**Being a Re-Plat of Lot 1, Lone Star
Bank Subdivision, Ph. II**

C-3

Developer: J.A. Investments, L.L.C.

Engineer: Melden & Hunt, Inc.

Mr. Bobby Salinas went over the write-up stating that the proposed re-plat is located on the NE area of Glasscock Road and Griffin Parkway. State Code requires all re-plats to have a public hearing.

The subdivision consists of an existing commercial lot that will be divided into two lots. When Lone Star Bank Subdivision Phase II was first subdivided, it was split into 17 lots with 14 lots measuring 30' in width by 270' in length and 3 of the lots measuring twice the width of the other lots, Lot 1 being one of them. The developer is proposing to split Lot 1 into two lots creating a 33' and a 30' wide lot. There is an existing building on Lot 1 which has been split into two different suites. This subdivision proposal will legally split the lot into two individual properties.

Utilities: When Lone Star Bank, Ph. II was first built, there was an existing water and sewer service provided for Lot 1. The developer is proposing a new water and sewer service for the new lot. The capital sewer recovery fee of \$750/acre is required as per Ord. 3022 for the additional lot which equates to \$139.46.

Streets & Storm Drainage: This re-plat abuts Griffin Parkway, an existing 100' ROW minor arterial streets. The road is fully built and does not require additional ROW. Drainage is accomplished through an existing private system located within the front parking lot.

Other Comments: Since the Subd., is commercial, no park fees are required for the additional lot, Lone Star Bank, Phase II is already excluded from the water district, must comply with all other format findings, and street lighting already exists.

Staff recommended approval subject to: **1)** payment of Capital Sewer Recovery Fees, and **2)** must comply with all typical format findings.

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

There was no response.

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

Mr. Fred Kurth, from Melden & Hunt stated that basically what they were trying to do was install an imaginary line through the buildings.

Chairman Rene Flores asked if the buildings were already separated.

Mr. Fred Kurth replied that it was correct; he stated that each suite had its own individual door and they were separated by a fire wall.

Mrs. Marisela Marin asked if there was an association at one point.

Mr. Fred Kurth replied that there was an association for the maintenance of the landscaping.

After a brief discussion, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the Preliminary & Final Re-plat as recommended by staff. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:07 p.m.

Ended: 6:14 p.m.

ITEM: 2.0

Site Plan Approval:

**Construction of 10 Apartments
Lot 2, Siesta Palms Subdivision
614 San Antonio Street
R-3
Terra Homes**

Mr. Bobby Salinas went over the write up stating that the subject site is located approximately 1,000' south of U.S. HWY 83 along the east side of San Antonio Ave. The site measures 100' x 213' (21,300 sq.ft.)

To build 2- single story complexes containing a total of 10 two bedroom apartments in all with a total living area of 8,240 sq.ft. (824 sq.ft. per apartment). All apartments will be divided by 1 hr. fire rated walls.

The minimum required setbacks are based on the subdivision are: Front: 30', Rear: 15', Sides: 6'. All setbacks are being met.

The 10 units are calculated to require 20 parking spaces based on the 2:1 parking ratio. The applicant is providing 22, thus exceeding code.

Based on the new landscaping code 1 shade/ornamental tree is required for every two apartment units. The developer is currently providing 4 shade trees. There would be a need for 1 additional tree for a total of 5 shade trees to comply with code.

Other comments: Payment of Capital Sewer Recovery Fee in the amount of \$1,200.00 (10 two bedroom apartments x \$120.00/unit), and payment of Park Fees in the amount of \$3,000.00 (\$300.00/apartment).

Staff recommended approval subject to: **1)** pay capital sewer recovery fee and park fees, and **2)** provide a minimum of 5 (7' tall – 3" caliper) shade trees.

Chairman Rene Flores asked if the applicant or representative present.

Mr. Edward De La Tejera, the project contractor was present to answer any questions.

Mr. Ned Sheats mentioned that the buildings were not all the same size.

Mr. De La Tejera stated that his client purchased this area with existing buildings and all they are asking is to be able to build in the empty property.

There being no comments, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the site plan as recommended by staff. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion was unanimously approved.

On other business, Mr. Bobby Salinas stated that Mr. Daniel Tijerina had to leave and the agenda would be submitted on binders from now on, and as far as the packets he would like to know if they keep the packets or not. He also stated that it was his understanding that within the binders there was an attendance sheet was included.

Ms. Irasema Dimas replied that the attendance sheet was only placed in the Chairman's binder.

Mr. Ned Sheats replied that it was in his binder.

Ms. Dimas' apologized for that.

Mr. Ned Sheats stated that since there are new people on the board; he wanted to mention to them that one thing that the board needs is attendance and we would like for Mr. Tijerina to talk to the board and explain what's considered an excused absence and what's not.

Chairman Rene Flores stated that he agreed with Mr. Sheats; these meetings are important and each board member was appointed by the City Council; and to being part of the board is a privilege. He stated that he understands that they all have their own jobs and their busy schedules and would like for the board to take this seriously.

He thanked the board for giving him the opportunity to be the Chairman and would like to encourage the members to participate on the discussions.

ITEM # 5.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:16 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission