

**PLANNING AND ZONING COMMISSION
APRIL 12, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Joel Chapa

GUESTS PRESENT

Claudia Bartolomeo
Marco A. Hinojosa, Sr.
Victor Garcia, P.E.
Mario Salinas, P.E.

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:00 p.m. and handled the meeting and gavel to Vice-Chair Dr. John Guerra.

CITIZENS PARTICIPATION

Vice-Chair Guerra asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR APRIL 12, 2017

Vice-Chairman Guerra asked if there were any corrections to the minutes for April 12, 2017. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:03 p.m.

Item #1.1

Discussion and Action to Amend the Mission Code of Ordinances Appendix A – Zoning, Article X, Sections 1.56(2) Mobile Homes or Portable Buildings, by Adding Subsection G

Mr. Jaime Acevedo went over the write-up stating that the item was to amend the Mission Code of Ordinances Appendix A – Zoning, Article X, Sections 1.56(2) Mobile Homes or Portable Buildings, by Adding Subsection G to read as follows: The Sale of food, beverages, or snacks from a portable building is prohibited. Mr. Acevedo mentioned that the City recently amended the ordinance to not allow any more portable buildings but we weren't specific enough. He added that this ordinance would add a little more clarification to the recent change that was done to the code of ordinances.

Staff recommended approval.

Vice-Chairman Guerra asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Vice-Chairman Guerra entertained a motion. Ms. Diana Izaguirre moved to approve the amendment as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:05 p.m.

Item #1.2

Rezoning:

**A tract of land containing 1.783 acres of land – being a part or portion of a 2.19 acre tract of land being the North 71.41’ of the South 142.82’ of the North 8 acres out of Lot 172, John H. Shary Subdivision, and a portion of an abandoned canal right-of-way lying west of and adjacent to Lot 172, John H. Shary Subdivision
AO-P to R-1T
Mario A. Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road.

SURROUNDING ZONES: N: R1-T – Townhome Residential
E: R-1 – Single Family Residential
W: R1-T – Townhome Residential
S: AO-P – Agricultural Open Permanent

EXISTING LAND USES: N: Vacant
E: Vacant
W: Residential
S: Vacant
Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use. Although the FLUM shows a General Commercial (GC) designation, staff notes the FLUM can be amended to reflect the R1-T use. Staff mailed notices to property owners within a 200’ radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on this proposal.

RECOMMENDATION: Approval.

Vice-Chairman Guerra asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Vice-Chairman Guerra entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:07 p.m.

Item #1.3

Rezoning: **A tract of land containing 0.377 acres of land - being a part or portion of a 2.19 acre tract of land being the North 71.41' of the South 142.82' of the North 8 acres out of Lot 172, John H. Shary Subdivision, and a portion of an abandoned canal right-of-way lying west of and adjacent to Lot 172, John H. Shary Subdivision
R-1 to R-1T
Mario A. Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road.

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

EXISTING LAND USES: N: Vacant
E: Vacant
W: Vacant
S: Vacant
Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use. Although the FLUM shows a General Commercial (GC) designation, staff notes the FLUM can be amended to reflect the R1-T use. Staff mailed notices to property owners within a 200' radius of

the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on this proposal.

RECOMMENDATION: Approval.

Vice-Chairman Guerra asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Vice-Chairman Guerra entertained a motion. Mr. Ned Sheats moved to approve the rezoning as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:11 p.m.

Item #1.4

Conditional Use Permit:

Drive-Thru Service Window
- 100% Antojitos Mexicanos
301 W. Griffin Parkway, Suite 1
Lot 1-D, Mission Park Plaza Subdivision
C-3
100% Antojitos Mexicanos

Mr. Jaime Acevedo went over the write-up stating that the 1,402' sq. ft. restaurant site is located within a commercial plaza approximately 800' west of Conway Ave. along the south side of Griffin Parkway. This CUP was most recently approved on 5-12-14 for the sale and on-site consumption of alcohol and an existing drive-thru window for a period of 3 years.

- **Hours of Operation:** Monday - Thursday from 10:30a.m. to 10p.m., and Friday & Saturday from 10:30 a.m. to 11 p.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 10 employees
- **Parking and Landscaping:** Viewing the floor plan, the 1,402' sq. ft. restaurant requires 19 parking spaces (1,402'/75 sq. ft.= 18.7 parking spaces). It is noted that the parking area is held in common (78 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to existing, interlocking parking lots. Landscaping is in compliance with the landscaping code.
- Planning has asked PD for a report of incidents. Staff should have this information by the date of the meeting.

REVIEW COMMENTS: Staff has not received any comments for or against this item since the restaurant has been in operation. Staff does not object to an extended approval period for this item.

RECOMMENDATION: Staff recommended approval for life of use on drive-thru window subject to CUP not being transferable to others.

Vice-Chairman Guerra asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Vice-Chairman Guerra entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:15 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Window & Sale
& On-Site Consumption of Alcoholic Beverages
- 100% Antojitos Mexicanos
2306 E. Expressway 83, Suites 1 & 2
Lot 1, Cimarron Crossing Phase I Subdivision
C-3
100% Antojitos Mexicanos**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the SE corner of J.R. Dr. and Expressway 83 on along the Frontage Road. There is an existing plaza with several suites. The restaurant is located at the east end of the plaza with the drive-thru. This CUP was most recently approved May 12, 2014, for the sale and on-site consumption of alcohol and for the drive-thru for a period of 3 years.

- **Hours of Operation:** Monday - Thursday from 10:30a.m. to 10p.m., and Friday & Saturday from 10:30 a.m. – 11p.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 8 - 10 employees (in shifts)
- **Parking & Landscaping:** There are 122 total seating spaces, which require 41 parking spaces (122 seats/1 space for every 3 seats = 40.6 parking spaces). It is noted that the parking area is held in common (105 existing parking spaces) and is shared with other businesses. Landscaping is currently exceeding City requirements and is maintained.
- Must continue to comply with all Building, Fire, and Health codes.
- Planning asked PD for a report of incidents. Staff should have this information by the date of the meeting.

RECOMMENDATION: If there are no reported incidents, and with PD's support, Staff recommends approval for life of use on drive-thru window subject to CUP not being transferable to others and approval of CUP for alcohol for a period of now until October

7, 2018, at which time the applicant will have to renew their TABC License and conditional use permit.

Vice-Chairman Guerra asked if there were any comments in favor or against the request.

There were no comments.

There being no further discussion, Vice-Chairman Guerra entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit as presented. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:18 p.m.

Item #1.6

**Conditional Use Permit: Auto Mechanic Shop in an AO-I Zone
1603 Adams Street
Being a .85 acre tract of land out of Lot 23-1,
West Addition to Sharyland Subdivision
AO-I
Marco A. Hinojosa, Sr.**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 105' north of W. 18th Street along the west side of Adams Street. The lot measures 100' x 368.5' (36,850 sq.ft.). The site currently has an existing masonry building with four bays for auto mechanic work. This CUP was last approved by the PNZ on May14, 2014 for a period of 3 years. Access to the site is from Adams Street.

- **Days / Hours of Operation:** Monday – Saturday from 8a.m. to 6:00p.m.
- **Staff:** 2 employees will run the shop
- **Parking:** There is a large asphalt area available for customer parking. There is enough room for 10+ to be parked on site.
- Must continue to comply with Fire and Building Codes.

REVIEW COMMENTS: This mechanic shop is in the midst of a residential neighborhood and has been for several years. Staff sent notices to property owners within 200' of the site and has not received any complaints in regards to the shop.

RECOMMENDATION: Staff recommends approval for another 3 years subject to continuing to comply with all Fire & Building codes.

Vice-Chairman Guerra asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Vice-Chairman Guerra entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:24 p.m.

Item #2.0

Pre-Final Plat Approval:

**Replat of Lots 3 and 4,
Stewart Plaza Subdivision
Being 3.057 acres of land, and all of
Lots 3 & 4, Stewart Plaza Subdivision
C-3
Developer: Canteras Enterprises
Engineer: Vanguard Engineering**

Mr. Jaime Acevedo went over the write-up stating that the proposed re-plat is located on the SW area of Stewart Road and Expressway 83 Frontage Road.

The subdivision consists of 2 existing commercial lots that will be divided into 17 lots – see re-plat. There is a common access easement that runs west to east along the north and south portion of the subdivision. The developer has created a written Declaration of Restrictions and Reciprocal Easements to address questions that came up at 3-22-17 PNZ meeting. The restrictions address maintenance, access, parking, signage, and other issues that were of concern last time this item was seen by PNZ.

UTILITIES: When Stewart Plaza Subdivision was first subdivided, there were water and sewer services provided for each lot. A field visit revealed that each lot has its own water, sewer, and electrical connection. There is a 8” sewer line along the rear of the suites providing services to each of the existing suites. Also, each suite has its own water and electrical meter.

STREETS & STORM DRAINAGE: This is simple a re-plat, any additional ROW required along the Express Frontage Road and Stewart Road has already been dedicated. Drainage is accomplished through an existing private system located within the parking lot.

OTHER COMMENTS:

- Since the subdivision is commercial, no park fees are required.
- Stewart Plaza Subdivision is already excluded from the water district.
- Must comply with all other format findings.
- Street lighting already exists.

RECOMMENDATION: Staff recommends approval subject to complying with all typical format findings and recording of Restrictions.

Vice-Chairman Guerra asked if there were any comments.

There were no comments.

There being no discussion, Vice-Chairman Guerra entertained a motion. Mrs. Diana Izaguirre moved to approve the subdivision plat as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:43 p.m.

Item #3.0

Pre-Final Plat Approval:

Taikin Subdivision (Private)

**A 6.66 Gross Acre tract of land, more or less
Being a part or portion out of Lot 16-2,
West Addition to Sharyland Subdivision
R-1T**

Developer: Taikin Group, LLC

Engineer: MAS Engineering, LLC

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located along the south side of 1 Mile South Road between Los Ebanos Road and Scenic Way. The developer is proposing 69 Town Home Residential lots all exceeding area requirements and 1 Common Area lot for a swimming pool and other recreational amenities.

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

WATER: The developer is proposing to relocate a 12” water line along 1 Mile South and route it along the interior of the subdivision to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal’s direction.

SEWER: In regards to sewer, the developer is proposing to connect a 12” sanitary sewer line to a 12” sewer line along the east side of Los Ebanos Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 69 lots X \$200.00/Lot = \$13,800.00.

STREETS & STORM DRAINAGE: The subdivision has access to 1 Mile South, a future 100’ ROW, 62’ B/B Street. The developer will be dedicating an additional 20’ of ROW along 1 Mile South to equate to the minimum 50’ from centerline. This section of 1 Mile South will be paved by the developer during the subdivision process. The developer will also dedicate an additional 60’ of ROW for the future expansion of Los Ebanos Road via this development. The subdivision consists of a single private street with a 50’ ROW and a 32’ B/B paved streets. Storm drainage is accomplished through

24" storm lines which will connect into an existing storm drain system currently located on 1 Mile South Road.

OTHER COMMENTS:

- Park Fees - \$300.00/Lot = \$20,700.00
- Install 5' sidewalks along 1 Mile South Road
- Water District Exclusion
- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Must Comply with all other format findings

RECOMMENDATION: Staff recommends approval subject to:

1. No objection to Variance, subject to meeting private street policy;
2. Payment of Park and Capital Sewer Recovery Fees;
3. Installation of 5' sidewalk and street widening along 1 Mile South Rd;
4. Provide Water District Exclusion;
5. Must meet the Model Subdivision Rules.

Vice-Chairman Guerra asked if there were any comments.

Mr. Sheats suggested some type of netting to prevent golf balls from going in to the homes.

Mr. Acevedo stated that it would be up to the developer whether he wants to or not put netting because it was not a requirement by code.

Mr. Cerda asked if there were any issues with the school.

Mr. Salinas stated that all issues with the school had already been addressed.

Mr. Cerda asked if the idea was to keep a subdivision and lots within that private lot.

Mr. Salinas replied, "Yes".

Mr. Cerda asked what was going to happen with the streets.

Mr. Acevedo stated that the streets were private and they would have to be maintained the homeowners association.

Mr. Salinas mentioned that streets and drainage would be private. He added that the only utilities that would be public would be the water and the sanitary sewer.

Mr. Cerda asked where they were proposing to connect the storm drainage.

Mr. Salinas stated it would be connected on the north side of one mile south.

Mr. Acevedo stated that they revised the drainage report because the City was in the process of doing some drainage improvements along Los Ebanos Road so if it's a shorter run for him to connect to Los Ebanos Road without having to cross one mile south they would be asking him to do that. He added that the drainage report might change due to the proposed improvements by the City.

Mr. Cerda stated that he didn't feel comfortable with the proposing drainage report and asked if the City Engineer had looked at it.

Mr. Acevedo stated that what happened here was the City asked for more right-of-way along Los Ebanos Road normally they dedicate 40' to the centerline in this case they dedicated the entire 80' and in exchange the City Engineer allowed him not to do the onsite detention and hookup directly into the drainage district.

Mrs. Izaguirre asked that regardless of that happening where is the water going. What the drainage report indicates is that the City is okay in not requiring a drainage detention.

Mr. Acevedo stated that our City Engineer was preparing a letter to the Drainage District to accompany the drainage report.

Mr. Cerda suggested that they get with the City Engineer and consider another alternative to provide onsite drainage detention.

There being no further discussion, Vice-Chairman Guerra entertained a motion. Mrs. Diana Izaguirre moved to table the subdivision plat. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0
OTHER BUSINESS**

**ITEM #5.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Julio Cerda seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:43 p.m.

Dr. John Guerra, Vice-Chairman
Planning and Zoning Commission