

**PLANNING AND ZONING COMMISSION
MAY 10, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
J.P Terrazas
Annette Zavala
Joel Chapa

GUESTS PRESENT

Olagueer Bauza
Pablo Rodriguez
Kandy Reed
Estrella Del Angel
Miguel Del Angel
Marcus A. Barbosa
Ariel P. King
Lupita Ramon
Lowell Hudsonpillar
Russon Holbrook
Mario Salinas, P.E.

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:04 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR APRIL 26, 2017

Chairman Sheats asked if there were any corrections to the minutes for April 26, 2017. Mr. Carlos Lopez moved to approve the minutes as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:10 p.m.

Item #1.1

Discussion and Action to Amend the Mission Code of Ordinances Appendix A – Zoning, Article X, Sections 1.54, by Adding Subsections 5 (Revocation by City Manager)

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 1.54, by Adding Subsection 5 to read as follows: “Section 1.54- Development, revocation and/or automatic cancellation of permit. 5. In lieu of a hearing before the Planning and Zoning Commission and City Council, the City Council may, at the time of issuance of a conditional use permit, delegate to the City Manager or designee, the authority to revoke the permit for non-compliance. The City Manager, or designee, may not revoke any permit prior to the expiration of the time period given to the permit holder within which to comply. A revocation pursuant to this section does not prohibit a permit holder from re-applying for a subsequent permit.”

Mr. Acevedo mentioned that basically this amended would give the City Manager the authority to revoke any conditional use permit without having to go through the formal process of bringing it to P&Z first and then City Council. Mr. Acevedo added that this would only apply to conditional use permit issued after the amendment was adopted by the City Council and it wouldn't apply to any permits issued prior to the amendment.

Staff recommended approval.

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

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to approve the amendment as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:10 p.m.

Ended: 5:15 p.m.

Item #1.2

Rezoning:

**A 1.258 acre tract of land, more or less,
Out of the South 10 acres of the North 20
Acres of Lot 254, John H. Shary Subdivision
C-1 to C-2
Villa Kapital, LLC**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SW corner of Shary Road and Fox Run Drive.

SURROUNDING ZONES: N: C-1 – Office Building
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Office Building
E: Residential
W: Residential
S: Agricultural
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, too; thus, C-2 is directly consistent to the GC designation.

RECOMMENDATION: Approval.

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

Mr. Mario Salinas from MAS Engineering whose address is 3911 N. 10th Street in McAllen, Texas stated that they were proposing to do a commercial plaza with entrances on Shary Road and Fox Run.

Chairman Sheats suggested tabling the item so that he could talk to the residents and show them what was being proposed in this property that way they could come to an agreement before any action is taken on the item.

There being no discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats entertained a motion to remove the item from the Table. Mrs. Marisela Marin moved to remove the item from the table. Mr. Julio Cerda seconded that motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo stated that he would like to go over the permitted uses that are allowed in each zone so that the audience could get a better idea of what type of businesses they could expect to see if the rezone was approved. He mentioned that in a C-1 zone it's more of an office use they could have executive, medical, accounting, legal, and real estate offices. In a C-2 zone it's more for personal services like repair shops, dry cleaners, beauty salons, photo studios, small gymnasium, and a daycare. He added that there are other uses that are permitted in a C-2 zone such as a restaurant but would need a conditional use permit and notices would need to be mailed out.

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

Mr. Mario Salinas stated that they were requesting a C-2 zone so that the developer has an opportunity to be able to rent the spaces later on in the future for other uses than just an office space.

Chairman Sheats stated that at this point they don't know exactly what they want to build in that area.

Mr. Salinas replied, "That's correct". He added that in talking to the neighbors they don't agree with the C-2 because they don't believe they have the space and they didn't want the entrance or exit to Fox Run. He mentioned that the sketch was just a drawing for them to see but they would get with staff to make sure they comply with all of staff's requirements. He added that they were open to the suggestions made by the residents to keep the C-1 zone and later in the future request a C-2 once they know what type of business they want.

Mrs. Marin stated that they currently had a C-1 zone so no action would need to be taken.

Mr. Salinas stated that he would still like the Board to consider the C-2 request.

Mr. Acevedo stated that any use in a C-2 zone would be allowed under a C-1 but they would need to apply for a conditional use permit and I believe that is what the developer is trying to avoid. He mentioned that there was really not so much difference between a C-1 and C-2 with the exemption of the option of a conditional use permit for a restaurant. Mr. Acevedo stated that it sounds like the opposition is more on the design and the curb cut to Fox Run than the permitted use.

Mr. Lowell Hudsonpillar who resides at 2308 Fox Run stated that they wanted to be good neighbors and their suggestion was to keep it as is and they could come back later in the future with 5 different options with a conditional use permits for that area and they would be willing to approve it as a consolidated thing. He mentioned that their concerns were in regards to parking, having traffic onto Fox Run, and having a buffer to divide the commercial from the residential properties.

Mr. Julio Cerda advised Mr. Salinas that he needs to consider all this concerns very seriously and try to make a layout that would work out for everybody to avoid having any conflicts in the future.

No action was taken on the item since the applicant will not make any changes to the existing C-1 zoning.

Started: 5:15 p.m.

Ended: 5:21 p.m.

Item #1.3

Conditional Use Permit:

**A Single Family Dwelling within property
Zoned (R-4) Mobile Home & Modular District
2116 Pleasant Lane
Being a tract of land out of the North 206.28'
of Lot 31, Sharyland Orchards Subdivision
(aka Lot 5, King Mobile Home Park U/R)
R-4
Bertha M. & Gabriel Montiel**

Mr. Jaime Acevedo went over the write-up stating that the site is located within King's Mobile Subdivision along the south side of Pleasant Lane. The lot's dimensions are 60' x 103.14'.

ZONING CODE: Section 1.40(3f) of the Mission Zoning Code under Conditional Uses allows for: "One single-family dwelling per lot. Structure must meet the requirements of the R-1 district." The subject site meets R-1 area requirements.

HISTORY: The Escobedo lot was previously considered for R-1A rezoning but was not sustained at the Council level. After meeting with Staff & a member of the City Council in separate meetings, the CUP option was deemed the best option for the applicant and the neighborhood.

Mr. Montiel's previous CUP for a home was approved in May 1999, but since no construction occurred within the 1 year (via code), the CUP naturally expired. The CUP was later presented and approved in May 2011 and again no construction ever took place within 1 year and the CUP expired.

RECOMMENDATION: Since the lot is R-1 compliant, will be meeting all setbacks, and would be more beneficial to the neighborhood, staff recommends approval subject to transferability to others.

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

There were no comments.

Chairman Sheats suggested that this subdivision be rezoned to R-1 since most of the lots already have home on them.

Mr. Acevedo stated that he would like to approve this request and initiate the rezoning for the remainder of the properties to R-1 that way we would not hold the applicant back and if he doesn't start construction soon the property will already be zoned to R-1.

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

Started: 5:21 p.m.

Ended: 5:27 p.m.

Item #1.4

Conditional Use Permit:

**Home Occupation – Notary Services &
Preparation of Income Tax Forms**

2606 N. Shary Road

**Being a 5.02 acre tract of land out of the
North 190' of the South 290' of the West**

1150' out of Lot 265, John H. Shary Subdivision

R-1

Guadalupe Ramon

Mr. Jaime Acevedo went over the write-up stating that the subject site is located ¼ mile North of Griffin Parkway (F.M. 495) along the east side of Shary Road. Mrs. Ramon has a CUP permitting a home occupation for a notary service and income tax preparation service from her home. Mrs. Ramon has a large estate size lot fronting 190' along Shary Road, with a depth of 1110' (210,000 sq. ft. or 5 Acres) and has her residence thereon. Mrs. Ramon has a 1200' sq. ft. personal office that is being used for this home occupation (formerly a 3 car garage). This CUP was renewed by P&Z on 2-26-14 for a period of 3 years with the condition to continue to comply with section 1.56-1 of the Zoning Ordinance. Ms. Ramon wishes to obtain a renewal of the CUP for the home occupation.

Hours of Operation: Monday through Saturday from 6p.m.-9p.m.

Staff: Mrs. Ramon is the only employee running this home occupation.

Parking: There is an existing paved driveway area which accommodates up to 8 cars for customer parking. Mrs. Ramon has alerted staff that traffic is minimal, and strictly by appointment only.

REVIEW COMMENTS: The income tax preparation is only done from January through April and the notary services are done year around. Since this CUP was awarded staff has not received any comments for or against this home occupation.

RECOMMENDATION: Staff recommends approval for another 3 year term subject to continue to comply with the home occupation regulations.

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

There were no comments.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit for life of use. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously for life of use.

Mr. Cerda stepped out of the meeting since the applicant for the next item where his clients.

Started: 5:27 p.m.

Ended: 5:31 p.m.

Item #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages at the Lounge & ProShop
1300 Circle Drive
Being 5.17 acres out of Block C1,
Meadow Creek Country Club Ph. IA Subdivision
PUD
Circle Inspiration, LLC**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 500' east of Inspiration Road just off J.C. Parkway and Circle Drive. The applicant has purchased the golf course at Meadow Creek and is proposing the sale and on-site consumption of alcoholic beverages at The Lounge and Pro Shop, both located within the Club House at the Meadow Creek Country Club. This CUP was previously awarded, to current owner, by the PNZ on April 25, 2017 for a period of 1 year. Since its the initial year in operation there have not been any reported issues at this location.

- **Parking:** There are various parking lots and parking spaces that are held in common for the golf course, club house, swimming pool, events center, and Meadow Creek offices.

- **Hours of Operation:** Hours of operation for the Lounge will be Monday thru Sunday from 3:00 p.m. to 12:00 a.m. and from 6:30 a.m. to 7:00 p.m. for the Pro Shop.
- **Landscaping:** There are various green areas with trees and plants throughout this development.

Additionally, notices were sent to property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION:

Staff recommends approval of this CUP for a period of now until April 24, 2018, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

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

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Julio Cerda stepped in the meeting room to continue with the meeting.

Started: 5:31 p.m.

Ended: 5:36 p.m.

Item #1.6

Conditional Use Permit:

Bed & Breakfast and an Event Center

1113 E. Mile 2 Road

**Being a 1.01 acre tract of land out of Lot 29-10,
West Addition to Sharyland Subdivision**

AO-I

Ariel King

Mr. Jaime Acevedo went over the write-up stating that the subject site is located in the NW corner of Bryan Road and 2 Mile Road. On May 11, 2016 the Planning & Zoning Commission approved this CUP for a period of 1 year at this location for an event center and a bed and breakfast. Mrs. Ariel King has been in operation for 1 year now and need a CUP to continue with her events. The events center hosts smaller scale outdoor special events such as weddings, quinceneras, anniversaries, etc. Mrs. King also offers tours of the property which is available for rental as a bed and breakfast. When this CUP was initially approved there was a concern on parking. However, because of the size of events at this location, parking has not been an issue. Staff will continue to monitor parking and should a parking issue arrive in the future, Mrs. King will be asked to revise her CUP.

- **Hours of operation:** will vary depending on when the property is rented but is available every day of the week.
- **Staff:** The applicant will be the only employee managing this location.
- **Parking:** There are a total of 19 on-site parking spaces through the site that will accommodate parking for a maximum of 57 guests. Code requires 1 parking space for every 3 guests thus 3 x 19 parking spaces = 57 total guests maximum capacity.
- **Landscaping:** Exceeds code.

RECOMMENDATION: Staff recommends approval for 3 years to continue to assess this operation.

Chairman Sheats asked if there were any comments.

There were no comments.

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

Started: 5:36 p.m.

Ended: 5:39 p.m.

Item #2.0

**Homestead Exemption Variance: A 4.026 acre tract of land out of Lot 31-2,
West Addition to Sharyland Subdivision
AO-I
Ernesto Estrada**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located ½ mile north of West 2 Mile Road along the west side of Los Ebanos Road. The irregular lot has 111.50' along Los Ebanos Road with a lot depth of 1,280'. The lot exceeds the square footage size requirements for an R-1 b lot. The applicant desires to construct his single family residence thereon. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

WATER: The applicant is proposing to connect to an existing 4" water line located along the west side of Los Ebanos Road to provide water service to the lot.

SEWER: The applicant is proposing to connect to existing 15" sanitary sewer line along the east side of Los Ebanos Road to provide sewer service to the lot. The capital sewer recovery fee is waived via the HEV.

STREETS & STORM DRAINAGE: The subject site has frontage to Los Ebanos Road, which has an 80' ROW with a future 57' B/B paved street. An addition 20' of ROW will need to be dedicated. Drainage will be onside.

OTHER COMMENTS:

- Must comply with Model Subdivision Rules.
- Must dedicate water rights.
- The street light requirement is also waived via the HEV.
- The park fees are also waived.

RECOMMENDATION: Staff recommends approval subject to dedication of 20' of additional ROW along Los Ebanos Road and compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairman Sheats asked if there were any comments.

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to approve the homestead exemption variance as per staff's recommendations. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:39 p.m.

Ended: 5:46 p.m.

Item #3.0

Tabled 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

Chairman Sheats entertained a motion to remove item from the table. Dr. John Guerra moved to remove item from the table. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

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—see vicinity map. 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.

Chairman Sheats asked if there were any comments.

Mr. Mario Salinas whose address is 3911 N. 10th Street was present to address any questions from the Board.

City Engineer, J.P.Terrazas apologized for not being able to attend the previous meeting he understands there were a lot of concerns regarding the drainage in this area. He stated that the Los Ebanos Road on the thoroughfare plan asks for 80' of right-of-way all the way to Military Road. He added that Los Ebanos Road was going to serve as one of the main arteries for the Madero International Bridge. Mr. Terrazas stated that currently they have existing 20' of right-of-way and out of those 20' of right-of-way 15' were encroaching into the houses and fences, which means that they can't do anything with them. Mr. Terrazas mentioned that currently they were working with the developer and engineer so that they could dedicate the 80' of right-of-way and in

lieu of that the City will allow them not to have a detention pond because they would be losing from two – three lots. He stated that the City is currently working on a drainage project and they are going to place a 42” line on Erma Street that will run all the way to the south to the ditch and they could connect into that line. Mr. Terrazas stated that my connecting to that line that would take care of the drainage for this particular subdivision. He added that AGUA was working on a lift station that would also help with the water detention. Mr. Terrazas stated that he had met with Raul Sesin the Director of the Hidalgo County Drainage District and he was aware and in favor of the proposed decisions for this subdivision.

Chairman Sheats mentioned that if they connect to the 42” line on Erma Street that would take care of all the water that might come from this subdivision.

Mr. Terrazas stated that currently there is an existing 36” line that runs just east of Erma Street that takes care of all the other little streets in that area and runs all the way crossing the school going north towards the drain ditch behind the apartments. He added that with the new system that is being proposed that will take care of the existing streets plus the new subdivision.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the subdivision plat as per staff’s recommendation. Mrs. Marisela Marin 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. Jaime Gutierrez moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:09 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission