

**PLANNING AND ZONING COMMISSION  
MAY 11, 2016  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Mario Garza  
Carlos Lopez  
Diana Izaguirre  
Julio Cerda

**P&Z ABSENT**

Marisela Marin

**STAFF PRESENT**

Daniel Tijerina  
Jaime Acevedo  
Susana De Luna  
Jesus Gonzalez

**GUESTS PRESENT**

Ismena & Adiel Garcia  
Aurora & Ruben Casiano  
Perri Ann Huntley  
Tim Gorny  
Javier Flores  
Kay Wolf  
Don Neva  
Patricia West  
Carrie Ochoa

Monica Whiteley  
Lulu Garrett  
Barbara Burke  
Rick & Tish Wright  
Ariel P. King  
Elaine L. Clinton  
Joe Entman  
Cuauhtemo F. Roldan

Abigail Garcia  
Daphne Stewart  
Kathleen & Michael Manuel  
Carl & Connie Swan  
Maureen Adams  
Jennie Putlick  
Ron Fowls  
Loris Bauza

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR ARPIL 27, 2016**

Chairman Sheats asked if there were any corrections to the minutes for April 27, 2016. Mr. Mario Garza moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:37 p.m.**

**Item #1.1**

**Rezoning:**

**0.250 acres, being a part or portion of the Golf Course and Lake Reserve out of Meadow Creek Country Phase I-A**

**AO-I to R-2  
Ismena Garcia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the NE corner River Bend and Oasis Drive. The lot measures 156' x 70' or 10,920 sq. ft. This item was last seen by the Planning & Zoning Commission on March 23, 2016. However, the City Council remanded the item back to P&Z after strong opposition from the neighborhood and claims that the subject site is within the Meadow Creek HOA. Since the action of the City Council staff has learned that the HOA had issued a written notice confirming, to the closing company that handled the sale of this property, that the subject site is outside the HOA. He added that he had also talked to the President of the HOA who happens to be out of town since he is a winter Texan who also confirmed that if a property is not within a block or lot number then it is essentially outside the HOA.

**SURROUNDING ZONES:** N: AO-I – Agricultural Open Interim  
E: AO-I – Agricultural Open Interim  
W: PUD – Planned Unit Development  
S: PUD – Planned Unit Development

**EXISTING LAND USES:** N: Townhome Residential  
E: Golf Course  
W: Single Family Residential  
S: Vacant  
Site: Vacant

**FLUM:** Planned Unit Development (PUD)

**REVIEW COMMENTS:** Overall, the R-2 proposes to merge the multi-family land uses already existing in this area. The lot measures 156' wide by 70' deep and can easily accommodate a four-plex with onsite parking thereon. However, a variance request on the lots depth will be required on the one lot plat. As of the time of this writing, we did receive one person within the 200' radius come in and voiced his opposition of this request.

**RECOMMENDATION:** Approval.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ismena Garcia who resides at 1908 Seagull Lane passed out a copy of the email Mr. Acevedo was referring to plus a survey, and a site plan of the proposed apartments and added that in the last meeting there was a confusion as to whether this property was part of the HOA or not and just to clarify it is not part of the HOA.

Chairman Sheats stated that the information provided by Mrs. Garcia was more for development of the land rather than the rezoning. He added that the only item being considered at this time was the rezoning.

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

Mrs. Barbara Burke thanked the Board for giving her the opportunity to express herself and recognized their efforts. She added that she would be speaking in regards to both the rezoning and the development. Mrs. Burke stated that as a homeowner they were opposed to this rezoning because they believe the lot does not meet the standards that the City has set down as minimum nor does it meet the standards of Meadow Creek residential community. Mrs. Burke stated that she would like to highlight 3 main issues: Inadequate lot size, the lot is large but it's only 70' deep and what they have is a 30% reduction in the amount of space front to back for any unit that is built. Certainly this Board has the right to give a variance, and that is not questionable, however they also have to consider what is reasonable. She mentioned that the lots measure about 96' compared to 70' was almost a 30% reduction which to her that was unreasonable.

Impact of Undersized Lot - Mrs. Burke added that the reduction could be seen on the pictures provided. She mentioned that the existing apartments and condos on Oasis are 100' lots and they have absolutely no front yard it goes from the house to the sidewalk and this can be seen in the pictures she provided it shows the need for at least a full-sized lot. She added that they have absolutely no front yard Picture #1 is the backyard of a 2 BR, 2BA apartment of less than 900 sq. ft. The lot the apartment sits on is 100' sq. ft. front to rear and the grassy yard measures 10' from building to fence, which has no yard for a play area. Mrs. Burke stated that the kids have either a choice of playing in the street which is dangerous or play in the golf course which was private property and all of this was on 100' lots. She mentioned that they believe it was unreasonable to build especially a multiple-unit structure on this size of lot.

Community Standards- Mrs. Burke stated that during the discussion it was stated that since there are condo units immediately north of the proposed project it seems to do no harm. She added that there are some significant differences between the existing condos and this proposal. She mentioned that the existing condos are owner occupied and they have their own HOA. They are all in lots that at their narrowest are at least 100' deep and were kept in very good order and attention to detail because of the HOA. Mrs. Burke stated that this would be one impact and one community standard that they have in place even though it was not covered by the HOA that her husband represents but it was covered by a HOA.

Mrs. Burke also mentioned that during the discussion they talked about rental properties. She mentioned that on the east side of the Meadow Creek residential area they are 109 apartment and condo units and north of the club house they are an additional 15. She added that on the east side they are single family homes that are rentals as well as other 15 that were condos so they do have their share of rental properties and they were not oppose to them either. Mrs. Burke stated that they were not opposed to this development because it was a rental. She finalized by stating that in 2007, Mr. John Gresham who was then owner of the golf course brought to P&Z and the City Council a proposal to develop this land along with 7 other plots that were deemed to be common areas and his request was denied. She added this idea to rezone and develop this land was bad in 2007 and it its bad today so they asked that they reject this proposal.

Mr. John Guerra asked if in 2007 they were other properties that had been brought before the Planning and Zoning and City Council and they denied that request.

Mrs. Burke replied, "That's correct." She added that it was this particular property plus 7 others.

Mrs. Eliane Clinton who resides at 1908 River Bend Drive stated that she had a copy of the letter as well but that did not make it correct. She added that the areas that were being talked about now were the same areas that were seen in 2007. She stated that those areas were considered green areas and belong to the golf course. Mrs. Clinton stated that she did not know how they got sold or separated because they were not intended to be sold separately when all of this was designed.

Chairman Sheats asked Mr. Acevedo if this lot or possibly two lots were on the plat.

Mr. Acevedo stated that they were on the plat but not identified as a lot.

Chairman Sheats stated that then it was safe to say that they were legally not platted.

Mr. Acevedo stated that he was correct and they were legally sold whether they were intended to be sold or not they were sold.

Chairman Sheats stated that unfortunately no matter what the intentions were 30 years ago somehow using appropriate methods having the titles checked these lots just didn't belong to the HOA they were part of the golf course.

Mrs. Clinton stated that the letter and the information obtain from the President of the HOA was based on the information they had before.

Chairman Sheats stated that this property was legally sold, title was transferred, money was paid the lady owns the land the only question that his Board has is can that lot be built upon and according to the City it can be built on.

Mrs. Clinton stated that they would still be encroaching on the golf course.

Chairman Sheats replied, "No". He added that it was sold off of the golf course. He stated that they need to understand that this Board was very limited as to what they can and cannot do that was the reason this item would be forwarded to the City Council for their consideration.

Mrs. Clinton stated that she understood that but everybody was putting a lot of weight on this letter and this letter was based on information where this property was not intended to ever be sold. She mentioned that if they are considering the property they also have to consider where the HOA comes in.

Chairman Sheats stated that they he disagreed because the City was notorious for giving every possible break to HOA's but they don't have too. He added that what they have to look at is whether it qualifies under the ordinances of the City of Mission.

Mrs. Clinton stated that it didn't because it was 30' short.

Mr. Sheats stated that they could put an R-2 building on the property if a variance requested and granted after the City Council decides whether the zoning is going to change.

Mrs. Ismena Garcia stated that she would like to clarify several things. She added that it would be beneficial to families that need a home. Mrs. Garcia stated that she had two tenants present that have rented from her for many years that could say what kind of landlords they are and how they treat their renters.

Chairman Sheats asked Mrs. Garcia what was the total square foot of her lot.

Mr. Abiel Garcia replied, "10,800 sq. ft."

Chairman Sheats asked Mr. Acevedo what is the total square footage for R-2 lots.

Mr. Acevedo stated that it was 7,800 sq. ft. for R-2 lots. He added that if they wanted to go with percentages they have over 30% more than what is being required.

Chairman Sheats stated that they have 2,200 sq. ft. more where they could add the green area and additional parking they were asking for.

Mrs. Garcia stated that they were proposing to have a garage and a backyard and had 20' for access for the golf carts to go through.

Mr. John Guerra asked Mrs. Garcia if she had purchased all the lots.

Mrs. Garcia stated that she had only purchased this particular lot.

Mrs. Clinton asked Mr. Garcia if the garage she was proposing small for golf carts.

Mrs. Garcia stated that a vehicle would be able to park in the garage.

Mrs. Loris Bauza stated that her husband had bought Meadow Creek and her only request was that they install a fence to avoid people from going into the golf course.

Chairman Sheats suggested that she talked to the applicant about the fence and she might be able to accommodate her.

Mr. Mike Dennis stated that when he moved to this development two years ago he would pick up brush and branches from the golf course and now what he picks up most is diapers. He

added the applicant bought this small lot and intends to cram up a group of homes to have more people and more children. What are we missing here?

Chairman Sheats stated that what we are missing is 12 people, now are 12 people going to completely inundate the streets and sidewalks with diapers I really don't think so although he understood his concern. He added that he understood because they are a lot of other properties here that can be developed and built the same way. He mentioned that now was the time for his side of the fence the Homeowners Association if they are concerned about the other properties that could go in this direction to buy them.

Mr. Dennis stated that he was not in the Homeowners Association he just lives in the golf course area. He was just making reference to the comment made at the Council Meeting from Mrs. Garcia about wanting to make clean affordable housing. Mr. Dennis stated that as far as being clean excuse him but this looks like a pig pen and adding more apartments would only create more trash.

Chairman Sheats stated that he didn't understand his point because no matter how many homes they put in it would create more trash.

Mrs. Clinton stated that they don't take care of their own trash or stuff.

Chairman Sheats stated that he understood his concern regarding trash and stuff like that, however this could not be something applicable to this lady for this rezoning. He closed the public hearing.

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

**Started: 5:37 p.m.**

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

**Item #1.2**

**Rezoning: Lot 5, Block 243, Mission Original Townsite Subdivision  
C-3 to R-2  
Javier Flores**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the NE corner of Dunlap and W. 15<sup>th</sup> Street.

**SURROUNDING ZONES:** N: C-3 – General Commercial  
E: C-3 – General Commercial  
W: R-1 – Single Family Residential  
S: C-3 – General Commercial

**EXISTING LAND USES:** N: Multi Family Residential  
E: Commercial

W: Single Family Residential  
S: Multi Family Residential  
Site: Single Family Residential

**FLUM:** General Commercial (GC)

**REVIEW COMMENTS:** When viewing the site's existing C-3 zone, R-2 can generally be seen as a better use to the surrounding residential community than C-3. 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 comments.

**RECOMMENDATION:** Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Javier Flores who resides at 508 Miller was present to address any questions from the Board.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:46 p.m.**

**Item #1.3**

**Conditional Use Permit:            Bed & Breakfast and an Event Center  
   1113 E. Mile 2 Road  
   A 1.01 acre tract of land out of Lot 29-10,  
   West Addition to Sharyland Subdivision  
   AO-I  
   Ariel P. King**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NW corner of Bryan Rd. and 2 Mile Road.

On November 15, 2015 the Planning & Zoning Commission approved a CUP at this location for the use of a bed and breakfast. However, the event center was denied due to the lack of parking. On March 23, 2016 the item was heard with additional off-street parking at which time the P&Z granted a 1 year CUP for event center with off-street parking. Before that item could be taken to City Council, the applicant revised her request to consist of on-site parking only and would like the P&Z to approve her CUP prior to presenting to City Council. The

events center will host smaller scale outdoor special events such as weddings, quinceneras, anniversaries, etc. The property will also be available for rental as a bed and breakfast.

- **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 1 year to assess this new operation.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ariel King stated that this was the fourth option she brought before P&Z because she did want to give up on this since it's such a good opportunity for the City. She added that even all her neighbors were working with her to make this request work.

Chairman Sheats asked Mrs. King if the walking trail on the north side was for the people to go from the parking area to the event center.

Mrs. King replied, "Yes".

Chairman Sheats mentioned that there would be no increased traffic for this area.

Mrs. King replied, "That's correct".

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

There was no response.

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

**Started: 5:46 p.m.**

**Ended: 5:49 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**Single Family Dwelling within Property Zoned  
Mobile Home & Modular District  
2124 Pleasant Lane  
Being Lot 7 S. & Lot 7, Kings Mobile Home Park  
(aka The S. ½ of a tract out of a canal right-of-way  
Adjacent to Lot 31, Sharyland Orchards)  
R-4**



**Kathy Thibodeaux**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located within King's Mobile Subdivision along the south side of Pleasant Lane. The lot's dimensions are 35' 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. Structures must meet the requirements of the R-1 district."

**VARIANCE:** Being that the lot has 35' of frontage, the subject site does not meet the R-1 requirements. A variance from the P&Z will be required should this CUP be approved.

**HISTORY:** Mrs. Thibodeaux has been approved by the City of Mission's Community Development Block Grant (CDBG) program for a new dwelling. However, being that this property has an R-4 zoning a CUP is required prior to Construction. A site visit revealed that several single family residences have been constructed at this location. Most recently, a similar request was approved at two lots by the PNZ on July 25, 2012 at 2111 Pleasant Lane and at 2116 Pleasant Lane.

**RECOMMENDATION:** Since the lot will be meeting all setbacks and would be more beneficial to the neighborhood, staff recommends approval of the CUP and variance subject to transferability to others.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

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

**Started: 5:49 p.m.**

**Ended: 5:50 p.m.**

**Item #2.0**

**Tabled**

**Preliminary & Final Plat Approval:**

**Los Encinos at Bentsen Palm Subdivision  
A 12.025 acre tract of land out of Lot 335,  
and the South 5.0 acres of Lot 337,  
Bentsen Groves Subdivision**

**ETJ**

**Developer: I & F Land Developers, LLC**

**Engineer: Quintanilla, Headley & Associates, Inc.**

Mr. Jaime Acevedo asked that this item remain on the table since nothing had changed from the last meeting. No action taken on this item.

**ITEM #3.0  
OTHER BUSINESS**

**ITEM #4.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Julio Cerda seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:50 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission