

**PLANNING AND ZONING COMMISSION
JUNE 10, 2015
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
Marisela Marin
Diana Izaguirre

P&Z ABSENT

Julio Cerda
John Guerra

STAFF PRESENT

Daniel Tijerina
Joe A. Garza
Susana De Luna

GUESTS PRESENT

Israel Longoria
Arturo Casanova
Arturo Enriquez
Dario Cerda
Florentino Balandrano
Marisol Garcia
Felipe Cruz

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 MAY 27, 2015

Chairman Sheats asked if there were any corrections to the minutes for May 27, 2015. Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:03 p.m.

ITEM #1.1

Rezoning:

**The East 130' of the South 105' of Lot 30-12,
West Addition to Sharyland Subdivision
AO-I to R-1A
Elizabeth B. Lopez**

Mr. Joe Garza went over the write-up stating that the subject site is located at the NW corner of N. Stewart Road and Blue Rock Road. The lot measures 171' x 254.98' which equals to 43,601.58 sq.ft.

SURROUNDING ZONES:

AO-I in all directions

EXISTING LAND USES:

N: Single Family Home
E: Single Family Home
W: Single Family Home
S: Single Family Home
Site: The site currently vacant land

FLUM: The FLUM shows a Lower Density Residential (LDA) designation.

REVIEW COMMENTS: The proposed zone complies with the City’s Future Land Use Map, and surrounding residential land uses

RECOMMENDATION: Staff recommends approval.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the rezoning as per staff’s recommendations. Mrs. Marin 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 0.89 acre tract of land out of Lot 29-4, West Addition to Sharyland Subdivision AO-I to R-1 Dario Cerda
------------------	--

Mr. Joe Garza went over the write-up stating that the subject site is located approximately ¾ mile north of Mile 2 along the west side of Trooper Road. The lot measures 274.38’ x 141.85’ which equals to 38,920.8 sq.ft.

SURROUNDING ZONES: AO-I in all directions

EXISTING LAND USES:	N: Open Acreage
	E: Single Family Home
	W: Open Acreage
	S: Single Family Home
	Site: The site currently vacant land

FLUM: The FLUM shows a Low Density Residential (LD) designation.

REVIEW COMMENTS: The proposed zone complies with the City’s Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Dario Cerda who resides at 806 W. Mile 2 Road was present to address any questions from the Board.

There being no discussion, Chairman Sheats entertained a motion. Mr. 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: 5:05 p.m.

Ended: 5:21 p.m.

ITEM #1.3

Rezoning:

**1.735 acre tract of land out of Lot 172,
John H. Shary Subdivision
R-1 to C-3
Florentino Balandrano**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 500' north of Expressway on West side of Glasscock Road. The lot measures 145.9' x 518' which equates to 75,576 sq. ft.

SURROUNDING ZONES:

- N: R-1, Single Family Residential District
- E: R-1, Single Family Residential District
- W: R-1/AO-P, Single Family Residential District & Agricultural Open Permanent
- S: R-1, Single Family Residential District

EXISTING LAND USES:

- N: Open Acreage
- E: Open Acreage
- W: Open Acreage
- S: Open Acreage
- Site: The site currently has a home and warehouse office, which was constructed without a permit.

FLUM: The Future Land Use Map currently reflects a General Commercial (GC) land use designation.

REVIEW COMMENTS: Although the FLUM reflects a General Commercial (GC) land use designation for the area, the surrounding land uses and zones are open acreage and single family homes. Therefore, the proposed C-3 zone is not consistent with the FLUM, surrounding zones, and existing land uses.

RECOMMENDATION: Staff recommends Denial.

Mrs. Diana Izaguirre walked in at 5:13 p.m.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Florentino Balandrano who resides at 404 S. Glasscock Road stated that he has been a Mission resident for over 18 years and in the trucking industry for over 25 years. Mr. Balandrano apologized to staff and the Board for doing construction without the proper permits he knows he was wrong. He mentioned that unfortunately due to the economic problems his business was not doing well. He added that he has an office in McAllen which he could no longer afford. Mr. Balandrano stated that on his defense he did ask the City to allow him more square footage which he was denied. Mr. Balandrano mentioned that now he was applying to rezone his property to C-3 General Business to construct his office in his property so he could let go of his office in McAllen and keep his business up to float.

Chairman Sheats asked Mr. Balandrano that he just mentioned that he had applied for more square footage and he was denied is that correct.

Mr. Balandrano stated that in the beginning he applied for his shop and his office but the City denied the square footage he wanted and they only allowed 1,050 sq. ft.

Chairman Sheats asked Mr. Balandrano when he applied for this permit.

Mr. Balandrano stated that it was in October 2014.

Chairman Sheats asked Mr. Balandrano if when he applied for the 1,050 sq. ft. did he informed the City what he was proposing to do.

Mr. Balandrano stated that actually he had applied for more square footage but only 1,050 sq. ft. were approved. Yes he did inform the City of what he was proposing to do. He mentioned that all of this was for his personal business his business.

Chairman Sheats asked Mr. Balandrano if he obtained a permit from the City for the additional square footage?

Mr. Tijerina stated that before Bobby Salinas left to the City of Alamo he had been talking to Mr. Balandrano about the code and basically he wanted a shop of his personal use which would be allowed by an ordinance that is in place. Mr. Tijerina stated that his ordinance states that they can have an accessory use or an addition to your home but no more than 40% of the size of the house so based on the calculations he could only add 1,050 sq. ft. max and that was it he agreed so that was the reason he was issued a building permit for a personal shop like a storage area.

Chairman Sheats stated that then he did not inform staff that he was going to be used as an office or a business on the property.

Mr. Tijerina replied, "No".

Mr. Balandrano stated that he tried to stay afloat with his office in McAllen but unfortunately his business has not been that great at this present time. He mentioned that he needed an office and didn't know what to do so he decided to do it in his home. He added that he was neglecting his neighbors or causing any problems to anybody because his home is still being considered residential.

Mr. Tijerina mentioned that the City is divided into 19 zoning districts and each district has its own permitted, prohibited, and conditional uses in it and currently Mr. Balandrano's property is zoned R-1 single family residential so what is permitted out there is his home and he already had those trucks for many years which would be considered a legal nonconforming use. Mr. Tijerina added that he got a permit to construct a personal shop for storage and thereafter staff passed by and noticed the construction going on so staff put a stop work order and talk to Mr. Balandrano who explained his situation. Mr. Tijerina mentioned that his options were to go through ZBA for a variance in regards to the square footage or apply for a rezoning. Now what Mr. Balandrano is trying to do based on the 19 zoning districts is to go from an R-1 to a C-3 this would make this property a legal nonconforming use. Mr. Tijerina stated that his house would be legal because it was already there and nonconforming because it is not a residential zone but would permit him to be able to have his office there.

Chairman Sheats stated that normally there is a limitation for commercial properties from a residential district.

Mr. Tijerina stated that it was about 400'.

Chairman Sheats stated that even if the FLUM was amended and typical depth was applied this area would still be outside the 400' depth.

Mr. Garza stated that he really didn't see a problem especially because he knows this area will be changing to commercial in the future. He added that Motel was very close to his property and so was the expressway.

Mrs. Marin stated that she didn't see a problem either especially if this would help him stay in business and in Mission.

Chairman Sheats suggested that the Future Land Use Map be cleaned up to avoid having a lot of confusion.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the rezoning. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:25 p.m.

ITEM #1.4

Conditional Use Permit:

**To keep an existing 14' x 20' Portable
Building for an Auto Sales Office
1612 W. Business Highway 83
The E. 75' of Lot 3, Mission Acres Subdivision
C-3
Contreras Auto Sales, LLC**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 400' east of Adams Street along the north side of Business 83. This site currently has a 14' x 20' portable building that was approved 11-19-14 by P&Z for an auto sales office under Luis Sanchez, since CUP nontransferable new applicate applying for CUP. The portable is setback approximately 98' from the property line and has an existing parking area for customer parking along the front of the lot. Access to the site is off of Business 83. The new applicant wishes to lease the site for a used car lot. He wishes to have the display of vehicles along the front of the lot, provide a new parking area for the customers, and have additional vehicle storage at the rear of the office.

- **Hours of Operation:** Monday – Saturday from 9a.m. to 6p.m., Closed Sundays.
- **Staff:** 2 employees will operate the business
- **Parking & Landscaping:** A business office of this size requires a minimum of 4 parking spaces. The applicant has existing 4 parking spaces adjacent to the portable building. Landscaping is in compliance with code.

REVIEW COMMENTS: It is not uncommon to have a portable sales office for this type of business. The portable being setback 98' from Business 83 and the proposed vehicle display area will help lessen the portable's visibility from Business 83.

RECOMMENDATION: Staff recommends approval for 1 year.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Marisol Garcia who resides at 516 N. Francisco was present to address any questions from the Board.

Chairman Sheats asked if they were just changing ownership.

Mrs. Garcia replied, "Yes".

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

Started: 5:25 p.m.

Ended: 5:28 p.m.

ITEM #1.5

Conditional Use Permit:

**To Expand the Restaurant Greens & Lemons
which includes the Sale & On-Site Consumption
of Alcoholic Beverages
2707 E. Griffin Parkway
Lots 11 & 12, Adams Crossing Subdivision
C-3
Nancy M. Benet**

Mr. Daniel Tijerina went over the write-up stating that the 1,065' sq. ft. restaurant site is located within a commercial plaza located in the NW area of Taylor Road and Griffin Parkway. The Planning and Zoning Commission issued a CUP for Sale and On-Site Consumption of Alcoholic Beverages on Lot 11, Adams Crossing Subdivision on April 8, 2015. Now Mrs. Benet will be combining Lots 11 & 12 for the use of her restaurant.

- **Hours of Operation:** Monday through Saturday 9 am to 10 pm closed on Sundays. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 11 employees
- **Parking:** Viewing the floor plan, there are 50 total seating spaces, which require 16 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It is noted that the parking area is held in common (101 existing parking spaces) and is shared with other businesses.
- **Alcoholic Beverages:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There are none of these land uses within the above radius.
- Planning asked PD for a report of incidents (see attached e-mail). P.D. has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

RECOMMENDATION: Staff recommends approval subject to a 1 year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Started: 5:28 p.m.

Ended: 5:32 p.m.

ITEM #1.6

**Conditional Use Permit: To Place a Hotdog Stand at Mini Max #5
Convenience Store
100 N. Mayberry Street
Lot 53, Mayberry Plaza #2 Subdivision
C-2
Moulay Omar Hadroune**

Mr. Daniel Tijerina went over the write-up stating the subject site is located at the NE corner of 1st and Mayberry Street with in the Mini Max #5. The applicant wishes to place a food cart for the sale of hot dogs on North side of the Mini Max #5. He is also the person operating the Mini Max #5. Access to the site is from an existing driveway along Mayberry Street and along 1st Street. There are existing restroom facilities located within the grocery store.

- **Hours of operation:** Thursday – Sunday from 6 PM to 11PM
- **Staff:** 1 employee
- **Parking:** There are approximately 9 spaces available for the grocery store which would be shared with the hot dog cart. There are also 4 gas pumps that can also be utilized for parking.
- Requires the approval of the Health and Fire Department
- A new business license is required prior to occupancy

RECOMMENDATION: Staff recommends approval:

1. 1 year approval to assess this new operation, parking, etc.;
2. Re-stripe the entire parking lot;
3. Add some landscaping to help improve the existing site;
4. Approval by the Health & Fire Department; and
5. Acquisition of a business license.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Arturo Enriguez stated that he was present to represent Mr. Omar Hadroune from Mini Max #5.

Chairman Sheats stated that he didn't see a handicap parking space.

Mr. Tijerina stated that staff will make sure he designates one space for handicap parking.

Chairman Sheats stated that he might consider re-stripping the parking lot once his adding the handicap parking space.

Ms. Izaguirre stated that they should also include some arrows so that the people should know how to go in and out of the drive-thru.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as per staff's recommendations including compliance with ADA requirements, re-stripping and directional arrows. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:36 p.m.

ITEM #1.7

**Conditional Use Permit Renewal: To Place Don Felipe's Mobile Food Unit
2120 E. Business Highway 83
Lot 51, Sharyland Orchards Subdivision
C-4
Mario Calera**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at SE corner of Ragland & Business Highway 83. The applicant's company is the owner of the restaurant at this location (Inolvidable Bohemia). The employees may use the restroom facilities within the restaurant. As per the menu only breakfast tacos will be served during the day.

- **Hours of operation:** Every day from 6:00 a.m. to 2:00 p.m.
- **Staff:** 2 employees.
- **Parking:** Staff does not anticipate any issues with parking. In regards to landscaping, there are existing green areas and landscape islands within the parking lot along Business 83 and multiple trees.
- A business license is required prior to occupancy
- Must meet the City's Sign Ordinance
- Requires the approval of the Health Department

RECOMMENDATION: Approval subject to: 1) 1 year re-evaluation; 2) Must meet the City's sign ordinance; 3) Approval by the Health and Fire Department, and 4) Acquisition of a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats stated that his only concern was the location he was proposing for the mobile food unit because it appears to be too close to the passing of both businesses.

Ms. Izaguirre stated that she has pass through there a different times of the day and there is hardly any traffic.

Mr. Tijerina stated that they could ask the applicant to move the mobile food unit to the west side of the parking lot.

There being no discussion, Chairman Sheats entertained a motion. Ms. Izaguirre moved to approve the conditional use permit as per staff's recommendations including moving the mobile food unit to the west side of the parking lot. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:40 p.m.

ITEM #1.8

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Alcoholic
Beverages – Inolvidable Bohemia Cocina Bar
2120 E. Business 83
Lot 51, Sharyland Orchards Subdivision
C-4
Mario Calera**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the SE corner of Ragland Road and Business 83. On 4-23-14, the Planning & Zoning Commission last approved a CUP for the sale of alcohol for Inolvidable Bohemia Cocina Bar for a period of 1 year. The site has an existing building that contains a restaurant site and a closed mechanic shop. Access to the site is off of Ragland Road and Business 83. The restaurant also has a 32' x 18' pergola located on the west side of the site. This area would be utilized only during good weather as with the previous CUP.

- **Hours of operation:** Sunday – Thursday from 11a.m. to 12a.m., Friday & Saturday from 11a.m. to 2a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 28
- **Parking & Landscaping:** In viewing the floor plan, there are 108 total seating spaces for the restaurant, which require 36 parking spaces (108 total seating spaces/3 = 36 parking spaces). It is noted that the parking area is held in common (41 existing parking spaces) and is shared with a closed auto mechanic shop. Staff does not anticipate any issues with parking. In regards to landscaping, there are existing green areas and landscape islands within the parking lot along Business 83 and multiple trees.
- **Noise Code:** In speaking to the applicant, they may have a single guitar musician or a pianist providing music for the customers.

- **Sale of Alcohol** – The applicant is proposing to have a full bar available for the restaurant. Section 1.56(3a) states that bars must be at least 300' from the nearest residence. There is an existing mobile home subdivision that is located along the south side of the site. Staff notes that during the previous CUP approvals, this separation requirement was waived by P&Z and the City Council.
- Must comply with Fire & Health Depts. and must obtain a Business License.

RECOMMENDATION: Staff recommends approval for 1 year subject to waiver of the 300' separation requirement.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Mr. Garza asked if they had received any incident reports from the Police Department.

Mr. Tijerina replied, "No".

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as per staff's recommendations. Ms. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:43 p.m.

ITEM #1.9

**Conditional Use Permit Renewal: Daycare in a Residential Zone
2012 N. Inspiration Road
Being a 1 acre tract of land out of
Lot 24-1, West Addition to Sharyland
R-1
Arturo Casanova**

Mr. Joe Garza went over the write-up stating that the subject site is located approximately ¼ mile south of Griffin Parkway along the east side of Inspiration Road. This 2,500 sq.ft. daycare has been in operation since June 2001. It was originally a CUP for a home occupation and was most recently approved by P&Z on 10-26-11 for a period of 3 years. Since the applicant does not reside at the home, Section 1.56-1g (see code below) of the Zoning Code requires the owner to obtain 90% signatures of approval from the surrounding property owners within a 200' radius. The owner was able to obtain signatures of approval for 90% of the surrounding property owners within the 200' radius, thus compliant to code.

- **Hours of Operation:** Monday – Friday from 6:30a.m. to 7:30p.m. and Saturday from 8a.m. to 5p.m.

- **Staff:** 10
- **Parking:** The 2,500 sq.ft. building requires a minimum of 9 parking spaces. There are a total of 10 existing parking spaces, thus compliant to code.
- All DHS and City Requirements have been complied with.

RECOMMENDATION: Since the applicant has obtained 90% of the signatures and has complied with all requirements. Staff recommends approval subject to a 3 yr. re-evaluation and continued compliance to DHS and City requirements.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Arturo Casanova stated that he has been in business for about 9 years and he resides at 2105 Salinas Drive which is behind the daycare.

Chairman Sheats asked if he lived in the daycare.

Mr. Casanova replied, "No". He added that he was at walking distance from the daycare. He mentioned that the only change he had made when his wife passed away was the name from Eaglets Learning Daycare to Eaglets Development Center.

Chairman Sheats stated that he really didn't see any problem with the name change.

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

Started: 5:43 p.m.

Ended: 5:47 p.m.

ITEM #2.0

Conditional Use Permit Renewal: **Felipe's Hotdog Mobile Food Unit**
 3300 N. Inspiration Road
 Lot 1, Gomez Estates Subdivision
 C-2
 Felipe Cruz

Mr. Joe Garza went over the write-up stating that the subject site is located on the NE corner of Inspiration Road and Mile 2. The subject site has an existing drive-thru convenience store. Primary access into the drive-thru business is from 2 Mile Rd. leading into the building's east side, then exiting out through the building's west side. The CUP for a hot dog stand at this location was last approved by P&Z on 2-12-14 for a period of 1 year. Mr. Cruz wishes to obtain a renewal of the CUP in order to continue placing his Mobile Food Unit next to the drive-thru convenience store.

- **Hours of operation:** Monday through Sunday from 6:00 p.m. to 11:00 p.m.
- **Staff:** Only Mr. Cruz runs the stand.
- **Parking:** The drive thru business measures 2,310 sq.ft. which requires 9 parking spaces, the Mobile Food Unit requires a minimum of 4 spaces and the existing water mill also requires 4 spaces for a total of 17 spaces. There are 14 parking spaces on the site along with 3 spaces within the drive-thru equating to 17. There are also unmarked spaces used by water mill customers.
- Must continue to comply with the City Health & Fire Department requirements.

REVIEW COMMENTS: This stand has been in operation since October, 2011 with no reported incidents. Notices were sent to the surrounding neighbors where Staff did not receive any comments for or against this particular CUP request.

RECOMMENDATION: Staff recommends approval for 3 year subject to continued compliance with the Health & Fire Department's requirements.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Felipe Cruz who resides at 3309 Tulipan was present to address any questions from the Board.

Chairman Sheats asked if he would be willing to move the mobile food unit out of the parking space.

Mr. Cruz stated that he actually has his mobile food unit along the wall of the building.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as per staff's recommendations subject to relocating the mobile food unit. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:51 p.m.

ITEM #2.1

Conditional Use Permit Renewal:

To keep a Portable Building for

Jackie's Sno-Cone

1511 N. Conway Avenue

Lots 9 & 10, Block 243, M.O.T. Subdivision

C-3

Israel Longoria

Mr. Joe Garza went over the write-up stating that the subject site is located near the SW corner of Kika De La Garza Loop and Conway Avenue. This CUP was last approved 8-10-

11 with the following conditions: **1)** obtain a business license, **2)** no separate sign, except within the existing tenant sign, **3)** the hours of operation must coincide with Mi Rey Music Store for restroom purposes (The applicant owns and operates “Mi Rey Music” which has restroom facilities available for customers or employees if needed.), and **4)** 3yr. re-evaluations. The applicant has complied with all requirements and proposes to continue his operation from the existing 8’ x 6’ portable building. The first CUP was approved in June of 2008.

- **Hours of operation:** Everyday from 9:00 a.m. to 7:30 p.m.
- **Parking:** There are 12 parking spaces serving the site, which are sufficient to accommodate all 3 businesses.

RECOMMENDATION: Approval subject to continued 3 yr. re-evaluations.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Israel Longoria whose business address is 1511 N. Conway Avenue was present to address any questions from the Board.

Chairman Sheats asked Mr. Longoria how long has he been in business.

Mr. Longoria replied, “9 years”.

Mrs. Marin asked what were the cables outside the building for.

Mr. Longoria stated that they were cables for the TV.

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

Started: 5:51 p.m.

Ended: 5:56 p.m.

ITEM #3.0

Homestead Exemption Variance:

**The East 130’ of the South 105’ of Lot 30-12,
West Addition to Sharyland Subdivision
AO-I (R-1A proposed)
Elizabeth B. Lopez**

Mr. Joe Garza went over the write-up stating that this tract is located at the NW corner of Stewart Road and Blue Rock Road. The proposed lot measures 171’ x 254.98’ which equals to 43,601.58 sq.ft. 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 water CCN belongs to Mission Water. The developer is proposing to connect to an existing 4" line located along the west side of Stewart Rd. to provide water service to the lot.

SEWER – The developer is proposing to connect to an existing 6" sanitary sewer line on the North side of Blue Rock Rd. to provide sewer service to the lot. The capital sewer recovery fee is waived via the HVE.

STREETS & STORM DRAINAGE - The subdivision abuts Stewart Road, which is a future 80' ROW, 57' B/B paved street as required by the MPO. A minimum of 40' of ROW shall be dedicated by this plat along Stewart Rd. The HEV waives the escrow requirement for the widening of N. Stewart Rd.

OTHER COMMENTS

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The HEV waives the need for 5' sidewalks along Stewart Rd.
- The street light requirement is also waived via the HEV.
- The park fees are also waived

RECOMMENDATION: Staff recommends approval subject to dedication of the ROW along Stewart Rd. and compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairman Sheats asked if there was any input from the Board.

Chairman Sheats asked if the home was going to be facing Blue Rock or Stewart.

Mr. Tijerina replied, "Stewart Road".

Chairman Sheats stated that Stewart Road was going to be widened to what in the future.

Mr. Joe Garza stated that it would be 80' right-of-way and it be would 57' back to back and 40' from the center which would be dedicated.

Mrs. Marin asked staff how much was the applicant saving.

Mr. Joe Garza stated it was about \$9,000.

There being no discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the homestead exemption variance as per staff's recommendation. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:56 p.m.

Ended: 5:59 p.m.

ITEM #3.1

**Homestead Exemption Variance: A 0.89 acre tract of land out of Lot 29-4,
West Addition to Sharyland Subdivision
AO-I (R-1 proposed)
Dario Cerda**

Mr. Joe Garza went over the write-up stating that this tract is located approximately $\frac{3}{4}$ mile north of Mile 2 along the west side of Trospen Road. The proposed lot measures 274.38' x 141.85' which equals to 38,920.8 sq. ft. 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 water CCN belongs to Mission Water. The developer is proposing to connect to an existing 4" line located along the west side of Trospen Road to provide water service to the lot.

SEWER – The developer is proposing to connect to existing 8" sanitary sewer line on the east side of Trospen Road. The capital sewer recovery fee is waived via the HVE.

STREETS & STORM DRAINAGE - The subdivision abuts Trospen Road, which is a future 80' ROW, 57' B/B paved street as required by the MPO. A minimum of 40' of ROW shall be dedicated by this plat along Trospen Road. The HEV waives the escrow requirement for the widening of Trospen Road.

OTHER COMMENTS:

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The HEV waives the need for 5' sidewalks along Trospen Road.
- The street light requirement is also waived via the HEV.
- The park fees are also waived

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

Chairman Sheats asked if there was any input from the Board.

Mrs. Marin asked staff how much was the applicant saving.

Mr. Joe Garza stated it was about \$15,000.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the homestead exemption variance as per staff's recommendation. Ms. Izaguirre 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. Garza moved to adjourn the meeting. Mr. Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:00 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission